

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

**January 31, 2023
Approved February 3, 2026**

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1. **Approval of agenda** by Consent (Page 1).
2. **Approval of Proceedings from February 2, 2021** by Consent (Page 1).
3. **Move to approve status quo commercial and recreational Southern New England/Mid-Atlantic and Gulf of Maine winter flounder measures for the 2024-2025 fishing years.** (Page 9). Motion by Conor McManus; second by Justin Davis. Motion approved by unanimous consent (Page 9).
4. **Move to approve the Winter Flounder FMP Review for the 2021 fishing year, state compliance reports, and *de minimis* status for New Jersey commercial fisheries** (Page 10). Motion by Emerson Hasbrouck; second by Eric Reid. Motion approved by unanimous consent (Page 10).
5. **Move to approve Allan Butler of MA to the Winter Flounder Advisory Panel** (Page 10). Motion by Dan McKiernan; second by Justin Davis. Motion approved by unanimous consent (Page 10).
6. **Move to adjourn** by Consent (Page 10) .

ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	David Borden, RI (GA)
Steve Train, ME (GA)	Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Sen. Cameron Reny, ME, proxy for Rep. Hepler (LA)	Justin Davis, CT (AA)
Renee Zobel, NH, proxy for C. Patterson (AA)	William Hyatt, CT (GA)
Doug Grout, NH (GA)	Jesse Hornstein, NY, proxy for B. Seggos (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Emerson Hasbrouck, NY (GA)
Dan McKiernan, MA (AA)	Joe Cimino, NJ (AA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
Rep. Sarah Peake, MA (LA)	Peter Clarke, NJ, proxy for T. Fote (GA)
Conor McManus, RI, proxy for J. McNamee (AA)	Jay Hermsen, NMFS

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

Ex-Officio Members

Richard Balouskus, Technical Committee Chair	Keith Williams, Law Enforcement Representative
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Staff

Robert Beal	Kristen Anstead	Pat Campfield
Toni Kerns	Tina Berger	Emilie Franke
Madeline Musante	Kurt Blanchard	

Guests

Pat Augustine, Coram, NY	Melanie Griffin, MA DMF	David Sikorski, CCA MD
Alan Bianchi, NC DENR	Rep. Allison Hepler, ME (LA)	Ethan Simpson, VMRC
Colleen Bouffard, CT DEEP	Carol Hoffman	Renee St. Amand, CT DEEP
Michael Brown, ME DMR	Kiana Kekoa, Ofc. Sen. Reed	Amanda Small, MD DNR
Jeff Brust, NJ DEP	Kris Kuhn, PA F&B	Davud Stormer, DE DFW
Alan Butler	Jared Lamy, NH F&G	ElizaBeth Streifeneder, NYS DEC
Mike Celestino, NJ DEP	Mike Luisi, MD DNR	Kevin Sullivan, NH F&G
Matt Cieri, ME DMR	Jeff Mercer, RI DEM	Rachel Sysak, NYS DEC
Heather Corbett, NJ DFW	Steve Meyers	Michael Toole
Jamie Cournane, NEFMC	Paul Nitschke, NOAA	Beth Versak, MD DNR
Jessica Daher, NJ DEP	Will Poston, ASGA	Mike Waine, ASA
Tara Dolan, MA DMF	Cheri Patterson, NH (AA)	Ben Whalley
Peter Fallon, Maine Stripers	Nicole Pitts, NOAA	Steven Witthuhn
Glen Fernandes	Craig Pugh, Leipsic, DE	Anthony Wood, NOAA
Angela Forristall, NEFMC	Lenny Rudow	Chris Wright, NOAA
Robin Frede, NEFMC	Tara Scott, NOAA	Erik Zlokovitz, MD DNR
Lewis Gillingham, VMRC	Jason Seman	
Willy Goldsmith	Phillip Sheffield	

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, via hybrid meeting, in-person and webinar; Tuesday, January 31, 2023, and was called to order at 1:45 p.m. by Chair Bill Hyatt.

CALL TO ORDER

CHAIR BILL HYATT: Good afternoon, folks. This meeting of the Winter Flounder Management Board is called to order. My name is Bill Hyatt; I'm the Governor's appointee from Connecticut, and the current Chair of this Board.

APPROVAL OF AGENDA AND APPROVAL OF PROCEEDINGS

CHAIR HYATT: The first two items of business are Approval of the Agenda and Approval of the Proceedings from February, 2021.

Does anybody have any edits to either of those items? Seeing none; both the agenda and the proceedings from February, 2021 are approved by consent.

PUBLIC COMMENT

CHAIR HYATT: Next item on the agenda is Public Comment. Is there anybody in the room who would like to make a comment on something that is not on the Winter Flounder agenda for today? Seeing no hands; is there anybody online? Allan Butler, go ahead.

MR. ALLAN BUTLER: No, I'm good.

REVIEW OF THE 2022 MANAGEMENT TRACK ASSESSMENT FOR GULF OF MAINE AND SOUTHERN NEW ENGLAND/MID-ATLANTIC STOCKS OF WINTER FLOUNDER

CHAIR HYATT: The next item on the agenda is Review of the 2022 Management track Assessment for Gulf of Maine and Southern New England/Mid-Atlantic Stocks of Winter Flounder. We'll have a presentation that is by

Paul Nitschke and a presentation by Tony Wood. Paul, I believe you're first, going ahead with the Gulf of Maine.

GULF OF MAINE

MR. PAUL NITSCHKE: Good afternoon. I'll be giving a quick summary of the Gulf of Maine Winter Flounder Management Track Assessment, which was reviewed this last September. This was a Level 2 assessment. Keep in mind this is an empirical approach now for Gulf of Maine, based on 30 plus centimeter Survey Area-Swept estimates, so it's a fairly simple approach.

Quick overview here. As I said, it's a Level 2 assessment. Stock status is unknown for overfished, because this method doesn't really have a way of evaluating that. Overfishing is not occurring. The stock is not in the rebuilding plan, since this stock was never declared overfished.

In terms of uncertainties, there are uncertainties with the missing 2020 surveys, due to COVID. This is a bigger uncertainty here, because this assessment now is 100 percent based on the surveys. This uncertainty around the survey Qs. The Qs here are basically the efficiency estimates for the surveys for the Area-Swept calculations. There is more uncertainty around the state surveys, since we don't really have any experiments on efficiency for state survey gear. There is uncertainty around the rejected analytical model, which based from the past just basically says that we don't really understand a lot of the population dynamics for this stock, due to the failure of that model.

This continues somewhat into the empirical approach as we build up this time series. It still doesn't seem to be responding as we would expect it, so there are no big questions around the population dynamics. In terms of review of comments, the reviewers suggested that you use the 75 percent of the exploitation rate, at 40 percent for catch advice, using the average of the

2021 fall 21, 2021 spring and 2022 spring surveys. That's basically where the catch advice came from.

In terms of changes, there was a revision done to the survey Q, based on updated information from Miller et al. He re-estimated the Qs and some updated modeling. The Qs efficiency estimate was revised up from 0.71 to 0.81 in the fall survey, and from 0.62 to 0.7 in the spring. Keep in mind the efficiency increases, that means the biomass estimate will decline.

The Gulf of Maine stock was historically the smallest of the three-winter flounder stock. I'm not sure if that is no longer the case, things have changed a bit since early on in the time series. The Gulf of Maine stock is mostly located in Area 514 off Massachusetts; Cape Cod Bay, Mass Bay, Stellwagen Bank are important fisheries.

Over 95 percent of the stock is in this small area. This is a longstanding slide, just showing some of the history here. Just to remind everyone, analytical models failed in GARM III, also at SARC 52, due to the retrospective pattern. There is a large conflict, basically between the large reduction in the catch over time, with little change in the survey indices and little change in the size of the age structures.

We don't really understand the dynamics of what is going on with this stock. That seems to have continued with a simple approach as we build up this time series. Here are the survey trends, the raw survey trends. On top is the Northeast Fishery Science Center Bottom Trawl Survey. In the middle is the Mass DMF Survey, and on the bottom is the Maine/New Hampshire Survey. You can see that the indices are relatively flat in all over the longer time series.

They did bounce around quite a bit, but overall, there is not much real change over the decades. Perhaps more recently, there is a little bit of a hint of an increase. This is a positive sign. Hopefully that trend continues, but we're

probably too early to make a strong judgment on that. Here are the trends in catch over time. You can see there has been a very large reduction in catch. The recreational fishery was a major component of the removals in the 1980s.

That declined very quickly into the 1990s. The commercial catch was more of a gradual decline, and more recently over the last three years were down near record lows, in terms of catch. Catch is very low. This assessment is now just simply based on the 30 plus Area-Swept to calculate biomass. We have to use three different surveys, because we don't have a single survey that covers the entire stock. We basically use three surveys with nonoverlapping strata. The new survey covers the offshore strata in parts of Massachusetts inshore, and Maine/New Hampshire covers the inshore area for the north, and the Mass DMF covers the shallow square that the Bigelow can't sample off the coast of Massachusetts. The exploitable biomass is now defined as the 30 plus centimeter biomass index per tow, multiplied by this expansion factor, which is simply the total survey area divided by the total footprint times Q.

Q here you can think of as efficiency of the gear. Exploitable biomass is sensitive to this assumption, so it's an important assumption to make. But exploitation rate then is simply the catch over that 30 plus centimeter biomass estimate. The biological reference points are based on the yield per recruit analysis, some at elect ratio recruit bio or F40. (NOTE FROM TRANSCRIBER: Audio unclear.)

Here is some work that Tim Miller updated, in terms of the efficiency experiment. This was based on the twin trawl study comparing the relative catches of the Bigelow versus a more efficient flat net, done on a vessel that can tow both nets at the same time. We can get some idea of that relative efficiency of the Bigelow gear. Tim updated the calculations of Q, of the efficiency taking into account the day/night differences, and also length effects. You can see the day/night effects are pretty different. Then during the day, you can see there was a length effect.

Here are the estimates from the spring on top and the fall on the bottom. Different colors represent the proportion in each survey. In the spring you can see there is a greater proportion of the stock in the inshore areas in the state surveys, since more of the stock is inshore spawning during that time.

Originally, we had more confidence in the fall estimates, because there were some concerns that fish could be inside the estuaries, and you could be missing those fish in the spring. Also, we have better information on the Bigelow efficiency. There was a little more confidence in the fall. However, regardless about those facts, both estimates are very similar between the spring and fall.

Here basically, the lines here are the total estimates from the bar graph. You can see that the spring/fall estimates are very similar. More recently there is an increase, those last three points at the end here in the biomass estimates, and we are basically using the average of those three points for the catch advice.

There are some signs of hope here, and hopefully this continues into the future, and perhaps there is a response to the low catches at this point. Here are the Area-Swept estimates over time on the left. This is from the fall survey. You can see that it doesn't really correspond to the exploitations on the right. The exploitation rates have been far below the overfishing definition, which is that dotted line on the top, for the entire time series. It doesn't seem to be responding overall to what we think as low exploitation rates.

But, perhaps here at the end of the time series there is the beginning of a response. Hopefully that continues and it's just not a year effect going forward. Here is another way of looking at that response. You can see how the response has been going in the wrong direction under low exploitation rates from the beginning of the time series. More recently, things have turned around and it seems like biomass is

increasing. But perhaps that is due to where the catches are and where the exploitation rates are at the end of the time series. This is the time series for the catch advice coming out of this, mostly this in empirical approach, you can see how the catch advice does bounce around when assessments come in. However, all the catch advice has been relatively high compared to the catches.

You can see the catch trend over time has been declining, and is far below the catch advice. It doesn't appear that quotas are very constraining for the stock, as the catches continue to decline, even though the quotas have been higher. I don't know if you want me to answer questions now.

CHAIR HYATT: Thank you, Carl, thank you for that presentation. Yes, we would take a few questions now before we roll into the Southern New England/Mid-Atlantic presentation. Any questions for Paul? I've got one, Emerson.

MR. EMERSON C. HASBROUCK: Thank you, Paul, for your presentation. I had a question on the Q estimates. Each of those three different gear types, I'm guessing, has a different catchability, right? Were they averaged together? When I say the three different gear types I mean the three different surveys.

I guess it's a two-part question. One is, for those three surveys, each of those trawl gears have their own catchability, and if it is different from the others, then the Q that you presented, is that an average of the three, or how did you compute that Q, the catchability?

MR. NITSCHKE: I mean that is one of the major sources of uncertainty. We only have efficiency estimates on the Bigelow gear type from the experiment. We don't have any information on what the equivalency is for Mass DMF survey gear and the Maine/New Hampshire survey gear.

With the lack of that information, we're basically assuming the same Qs from the Bigelow on those surveys. Even though those survey gears are different. That's one of the reasons why I have a

little more confidence in the fall estimates, when a greater proportion of the population is in the Offshore NMFS Survey. Does that answer your question?

MR. HASBROUCK: Thank you.

SOUTHERN NEW ENGLAND/MID-ATLANTIC

CHAIR HYATT: Okay, we have no other questions in the room and none online, so at this point we'll move on to the Southern New England/Mid-Atlantic Stock Management Track Assessment. Tony Wood.

MR. ANTHONY WOOD: Thanks very much. I just want to confirm that people can hear me still okay.

MR. ANTHONY WOOD: Great. This is a review of the Southern New England Winter Flounder Assessment from last year. This stock went through the spring management track schedule, so it was reviewed in June, a little earlier than Gulf of Maine. Just a little history. The last assessment for this stock was the 2020 management track updates, the multispecies groundfish updates. The current model at that time was the statistical catch at age, Ages 1 through 7 plus, and years through 2019. The reference points at that time, the one I would like to point out here and just note. The biomass reference point of about 12,000 metric tons. That is going to come back a little later. The stock status at the time, it was overfished, but overfishing was not occurring.

For data that goes into the assessment there, the data structure, model structure, model type, nothing in that regard changed for this update. It was a very straightforward update. The major changes for this management track, and what caused it to be a Level 3 assessment, were changes to how the reference points were calculated, but again, I will get to that later.

But everything else was consistent with how the operational assessments have been run for the

past decade or so. Commercial landings for this assessment. From 1981 to 2019 came from our AA tables, and from 2020 to 2021 from our new catch accounting and monitoring system. These are stratified by market category quarter, or half year.

Commercial discards are based on our standardized bycatch reporting methodology, and the recreational information that goes into this assessment comes from MRIP. Again, the 2020 and 2021 commercial landings are from our new catch accounting and monitoring system, and the rest comes from our old AA table algorithm, 2020 landings were 120 metric tons, and 2021 landings were 87 metric tons.

These are the lowest in the time series, and are down around the levels of when there was a bit of a moratorium for the species in 2009 to 2012. The time series average for commercial landings is 2,800 metric tons. A lot of these plots are similar to what you've seen in the Gulf of Maine. Things seem to have fallen off the cliff.

Commercial discards are mainly from trawl and scallop drudge fisheries, 2021 commercial discards were 122 metric tons, with a time series average of about 400 metric tons. For recreational information, the recreational component for this stock used to be pretty important. Now it's almost nonexistent.

Two thousand Twenty-One recreational landings were 5.1 metric tons, they were well below the time series average. But these two recreational plots I have the old MRIP information, so the uncalibrated information prior to the MRIP calibration proposed in 2017-ish, and the blue is the new information.

The blue is the information that is currently going into the assessment. For recreational discards, 2021 recreational discards were 1.1 metric tons, again, very much lower than they used to be, and much lower than the time series average. For total catch the 2021 total catch was 216 metric tons. The total catch components here are mostly made up of commercial landings and commercial discards

now, with the two recreational components much reduced from historical levels. For survey information going into this assessment, we have the Northeast Fishery Science Center Surveys, winter, spring and fall. The NEAMAP spring, Mass DMF spring, Rhode Island and Connecticut spring surveys, New Jersey Ocean and River Trawl Survey, URI Graduate School of Oceanography Trawl Survey, and then two Age 0 recruitment surveys from Massachusetts and Connecticut. These are the regional surveys. The Science Center Surveys and the NEAMAP Surveys, scaled to their means, showing fairly similar trends in decline from the late nineties, early 2000s to now. This one is kind of a jumble, but again, they all show generally the same trend, but the catch has shown drastic declines from historical levels.

These are all of the local state trawl surveys that are in the assessment. Then for the two Age 0 survey indices, they're both pretty flat, except for the Connecticut, which has really dropped off in the past decade or so. The biological information is consistent with what came out of the last benchmark in 2011 for this stock.

Natural mortality is set at 0.3. Maturity information comes from Massachusetts DMF spring survey maturity data. And again, it's carryover from the last benchmark. These input values were retained for this, and previous operational assessments. For a final model configuration, we have a single fleet going into the model, with commercial and recreational landings and discards.

There are three selectivity blocks, with a fourth flat top selectivity on the selectivity block. Twelve survey indices, and then a single penalty on the numbers in the first year. Two thousand Twenty-One biomass estimates, 4,600 metric tons for total biomass, and about 3,300 metric tons for spawning stock biomass.

Two thousand twenty-one F, 0.061, almost the lowest in the time series. Recruitment has been

pretty low, and much lower than historical levels for the past decade and a half, 2021 recruitment was at 4.4 million fish. For retrospective patterns, the retrospective bias has actually decreased a little bit since the previous operational assessment, and it's considered a minor retrospective, so there is no retro adjustment going into stock status determination for this stock.

Reference points, our SPR 40 percent, but F 40 percent is 0.265, based on yield per recruit SPR analyses. This is where the major change was for this go around. The current biomass reference point methodology uses recruitment from the entire time series, or prior to this assessment it did. Based on comments from the Commission, the Councils, SSCs et cetera, and just realizing that current productivity of this stock is probably not able to match historical productivity levels.

We decided to move to a more recent stanza for recruitment that is more reflective of the current stock productivity. You can see looking at the median values for different subsets of the time series, previously being fed into the projections, to determine that biomass reference point, the median from the entire time series is 15,000 metric tons. If we switch to some more recent stanza, a 20 year and a 10 year, we drastically lower that median of the recruitment values that are being used in the projections.

Trying to find some support for making this decision, we looked at research that Rich Bell and I have done, looking at estuarine winter water temperatures, and how the mean of the index that we came up with has moved above a 5-degree level, which is a level that has been shown in the literature to be detrimental to recruitment events in a given year, if an estuary has a temperature at or above this level. In the past 10 years the index that we came up with has traveled above this level 4 times. In the past 20 years it's traveled above this level about 6 times. But you can just see the general trend of warming from this temperature index over time, and how it's potentially effecting the productivity in this stock. The final thing that we looked at, which I didn't show here, it gets

pretty technical. But a quantitative analysis using a recursive partition regression tree did end up splitting our productivity time series and our recruitment time series at about the 20-year mark.

The temperature index has crossed over the 5-degree level 6 times in the past 20 years, 4 times in the past 10. It is possible if we see some stable or cooler winter temperatures, we could achieve some of those middle levels of recruitment from the early 2000s. For this assessment we proposed and did use the last 20 years of recruitment for the biomass reference point projection.

For updated reference points, the fishing mortality in 2021 was 0.61, and the SSB in 2021 was 3,300 metric tons. Our new fishing mortality reference point at 40 percent is 0.265, and our SSB and MSY reference point is 3,300 metric tons, down from what I pointed out earlier at about 12,000 metric tons.

Half of that is our threshold, and then MSY is currently sitting at about 1,000 metric tons. We're currently at 101 percent of the target biomass, realizing that we have not changed our perception of the stock, we've just moved the goalpost. Our status has changed. The stock is now not overfished and overfishing is not occurring. There is no retrospective adjustment necessary. I think that's it. Are there any questions?

CHAIR HYATT: Thank you, Tony. Any questions for Tony specific to the Southern New England/Mid-Atlantic stock of winter flounder? There are no hands in the room, is there anybody online? Nobody online, so great, we'll move on to the next item on the agenda. Paul, Tony, thank you for those excellent presentations, excellent although not exactly encouraging, but thank you very much.

SET SPECIFICATIONS FOR 2024-2025

CHAIR HYATT: Next item on the agenda is to set the 2024/'25 specifications. Tracey is going to provide an overview, then we'll go into review the Technical Committee recommendations, review the Advisory Panel Report, then we'll have some opportunity for questions. Then there is a motion that's been prepared by staff that will be put up for your consideration. Tracey, why don't you take it away.

MS. TRACEY BAUER: Good afternoon, everyone. I will be reviewing a couple of items under this agenda item. First, I will be taking you through an overview or summary of the New England Fishery Management Council Winter Flounder Specifications for Fishing Year 2023 through 2025. Then I will be moving into a little brief summary of the Addendum III specifications process. Then I will hand over the presentation to Rich, the TC Chair, who will give a summary of the TC recommendations.

Then I will provide the AP report summary, and lastly, we'll move into Board action. After the two management track stock assessments that Tony and Paul just reviewed were accepted for management use, the Council met this past December to set specs for federal waters for fishing years 2023 through 2025, through the approval of Framework 65. There is a tentative date of May 1st for implementation for this Framework 65. I have a table here which displays the total ACL and the groundfish set ACL for this past year, 2022, and the upcoming ACL for fishing years 2023 through 2025 as set in Framework 65, so you can compare the two. The total ACL increased by 60 percent for the Gulf of Maine stock, and 37 percent for the Southern New England/Mid-Atlantic stock compared to the previous year.

They were adjusted up as a reflection of the results of the 2022 management track stock assessments. Moving into the state subcomponents, this table displays the state subcomponents for each of the stocks that can be found in Framework 65. The

state subcomponent is comprised of both the recreational and commercial catch.

The commercial portion of the state subcomponent is caught by vessels that do not hold federal northeast multispecies permits, and the recreational portion is based off of MRIP estimates of recreational catch. The state subcomponent is an estimate of catch that was accepted in the upcoming years from state waters, and is determined by the average catch from the most few recent years.

The state subcomponent is not an allocation, and so there is no accountability measures associated with the state waters subcomponent, meaning there is no pound for pound payback if the state water subcomponent is exceeded. Looking at the table, you can see that the 2023 through 2025 Gulf of Maine and Southern New England/Mid-Atlantic state subcomponents were revised downwards from the 2022 value, to reflect recent fisheries trends.

In both cases the five-year average of catch was used to determine what the state subcomponent would be. They used the five-year average as opposed to two-year average, just to better account for the variability in landings in recent years, as at least the past couple years, as you saw from the previous presentation, they've been very low.

Moving into a little summary, or a reminder about the Addendum III step process. It's been a couple of years since you guys have looked at this. I think it was back in 2021. As a reminder, Addendum III, which was approved in 2013, to revise the state specs setting process, so that recreational and commercial measures may be set for up to 3 years. This was to better align with the federal waters step process. The Commission measures that are subject to change.

As you can see up on the screen are trip limits, trigger trip limits, size limits, season, area

closures. Then the rec measures, size limit, bag limits and seasons. I'll have slides of these later if you want to see it again, but this is a table showing the commercial winter flounder regulations as they are today, and they have not been changed since 2014. You can see the differing regulations between the Gulf of Maine winter flounder and the Southern New England/Mid-Atlantic winter flounder through the stock unit column.

Here we have the current recreational winter flounder regulations listed by state for both the Gulf of Maine stock and the Southern New England/Mid-Atlantic stocks, with their differing creel limits of 8 for Gulf of Maine and 2 for Southern New England/Mid-Atlantic, a net size limit across the board of 12 inches. Then you can see in a lot of the Southern New England/Mid-Atlantic they have seasonal closures. I think we're going to move past this here, is that correct, Mr. Chair. Yes, so we're going to jump right into the Technical Committee meeting summary, if Rich is available.

TECHNICAL COMMITTEE REPORT

MR. RICHARD BALOUSKUS: I'm Rich Balouskus; I'm a biologist for the state of Rhode Island. I work on winter flounder, and I've taken over the Chair this year for the TC from Paul Nitschke, who has been running this for quite some time. But as he has ten other stocks to work on, we thought we would give him a break on this.

The TC met last week, or a couple weeks ago on the 11th, and we started off the conversation by acknowledging this increase in federal catch advice through the New England Fishery Management Council, as well as that change in stock status for the Southern New England/Mid-Atlantic stock from overfished to not overfishing.

Honestly, you know we started the conversation thinking that at least there was a possibility that we may be discussing potential increases in the mix as we go on. That said, it was equally noted that for the change in stock status, first up in New England, that despite those changes, as Tony said, we really

have no change in our perception of how that stock looks overall.

You know on that note, these surveys across the board for both stocks have seen either declines, or are really remaining honestly near detection levels. You know we have those couple slight increases most recently in the Gulf of Maine stock, but certainly not enough data to suggest a trend of any sort to recovery.

As was noted, even with the extraordinarily low rates of fishing mortality that we've had for quite some time, we've not really seen a measurable rebound in either of the stocks. It's pretty well understood that climate and natural mortality might be hindering that recovery. We chatted on this topic for quite some time, and worked our way to unanimous agreement for status quo for both stocks moving forward, for both commercial and recreational limits as they stand now.

There was some discussion moving forward about how we'll go about potentially figuring out decreases moving forward. But as of now, status quo felt like the right move. Then finally, the group as a whole was thinking about this, as well as in consultation with Tony and Paul that status quo is probably our best technical advice moving forward, as a bridge to the 2026 research track stock assessment, where we plan to incorporate a significant amount more of climate data into modeling.

That is very hopefully going to give us some more insights into the trends for both Gulf of Maine and Southern New England stock moving forward. The summary, it was a very productive meeting, a lot of back and forth, but as noted the TC is recommending status quo for both stocks, commercial and recreational.

ADVISORY PANEL REPORT

MS. BAUER: Thanks, Rich. I will be taking over the AP meeting summary. Bud Brown was not able to make it today due to a work obligation.

I'll be covering that for him. Four AP members met on January 12, a day after the TC met to discuss some of the same things. They looked at the specifications from the New England Fishery Management Council, current fishery management issues, and provided some research recommendations. I will start off with the recommendations related to the specs, and then management measures specifically. One advisor recommended a moratorium in the Gulf of Maine and Southern New England/Mid-Atlantic stocks. One advisor recommended allowing at least some catch for the following benefits that he listed on where it minimizes dead discards, and allows for biological data to continue to be collected on catch, which is something we wouldn't really have if there was a moratorium.

Then another advisor saw merits to both recommendations. One advisor commented that the winter flounder fishing season in the Southern New England/Mid-Atlantic region should be limited again. The Southern New England/Mid-Atlantic region's recreational season was expanded by Board action in 2014. It used to be a 60-day recreational open season before that.

In addition, these two advisors said there should be some, well two advisors expressed support for all states in the Southern New England/Mid-Atlantic and Gulf of Maine region to adopt a commercial and recreational spawning season closure. They had also recommended that this closure be consistent among states, in terms of dates, and that all states adopt this.

Moving into some more general concerns and recommendations that they discussed. There were some general concerns, of course, about the continued low abundance of winter flounder in the Southern New England/Mid-Atlantic and Gulf of Maine regions. One advisory commented on that the low rates of reproduction may not be able to overcome the high rate of natural mortality that winter flounder is currently experiencing.

The AP also had a few research recommendations. Two advisors were concerned that the way stock

assessments are currently conducted aren't capturing the potential differences between localized sub stocks, and recommended further research into the genetic structure of winter flounder. Another AP member expressed concern that discards from observer data are being misreported, and recommended that discard and discard mortality in state waters should be further investigated.

Winter flounder discards in state waters are currently calculated for only federal observer data, and so these data are more uncertain than federal discard numbers. This advisor had recommended that states should not only rely on the federal observer program to calculate the discards, but instead invest in other systems that calculate discard and discard mortality. With that I think we can take any questions.

CHAIR HYATT: Thank you, are there any questions, any questions on the overview, any questions on the Technical Committee recommendations or the Advisory Panel report? No hands in the room, any hands online? We have no questions, and at this point in time I believe we've got a prepared motion that we can put up that reflects the Technical Committee's recommendation.

We'll put that up for consideration and see if anybody is willing or interested in making that motion. Okay, so here is a motion prepared by staff. Is there anybody on the Board who is willing to make that motion? Conor, do we have a second? Justin. Okay, Conor, would you like to speak to the motion, please?

DR. CONOR McMANUS: Yes, I think the rationale the Technical Committee has put forth is pretty sound that our perception on the stock has not quite changed, even with the changes in the reference points, and how the projections have been done. I think the status quo approach is warranted for the time being. Thanks.

CHAIR HYATT: Justin, do you have anything to add? All set, so we've got a motion. Move to approve status quo commercial and recreational Southern New England/Mid-Atlantic and Gulf of Maine winter flounder measures for the 2024 – 2025 fishing years. Motion by Dr. McManus, second by Dr. Davis. Is there any discussion? Emerson.

MR. HASBROUCK: I will support this motion. I mean all we did really was we changed the reference points, and therefore we have instant underfishing, even though spawning stock biomass has not really changed. For that reason, I would support this motion.

CHAIR HYATT: Thank you, Emerson, is there any other comments? **Anything online or anything from the public? Seeing none; is there any objection to this motion? Any abstentions? The motion passes by unanimous consent.**

CONSIDER THE FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR THE 2021 FISHING YEAR

CHAIR HYATT: Next item on the agenda is to Consider the Fishery Management Plan Review and State Compliance for the 2021 Fishing Year. Tracey.

MS. BAUER: I will be presenting on the Winter Flounder FMP Review for the 2021 fishing year. Fishery performance and the assessment for all the information were already touched on by Paul and Tony, so I'm not going to rehash any information. I'm going to keep this short and sweet. This is the abbreviated presentation of the recommendations of the PRT.

Generally waiting for things to the plan requirements under Amendment 1. Under Amendment 1 the states of Massachusetts, Rhode Island and New York are required to conduct annual surveys of juvenile recruitment, to develop an annual juvenile abundance index for winter flounder. In addition, the states of Massachusetts, Rhode Island and Connecticut and New Jersey are

required to conduct annual trawl surveys, to develop an index of spawning stock biomass.

All states except for New Jersey have resumed normal operation of their sampling programs by 2021. New Jersey did not conduct their ocean trawl program sampling in 2021, due to COVID protocols, but normal operations resumed in 2022. Overall, survey indices, as you saw, with the previous presentations, remain below average in those Southern New England/Mid-Atlantic area.

For state compliance, no inconsistencies were found among the states, with regard to the FMP requirements. The PRT recommends approval of state compliance reports and *de minimis* status for New Jersey's commercial fishery, which they requested this year. Any research recommendations can be found in the FMP review document, or in the stock assessment reports. Like I said, short and sweet. Are there any questions?

CHAIR HYATT: Any questions for Tracey? Seeing none in the room, any online? None online, and so once again we do have a motion that's been prepared by staff, a motion to approve the fishery management plan review, if we can have that up there and see if anybody on the Board is interested in making the motion. Emerson.

MR. HASBROUCK: Yes, I'll make the motion, do you want me to read it into the record?

CHAIR HYATT: Yes, please.

MR. HASBROUCK: **Move to approve the Winter Flounder Fishery Management Plan Review for the 2021 fishing year, state compliance reports, and *de minimis* status for New Jersey commercial fisheries.**

CHAIR HYATT: Do we have a second? Eric Reid. We've got a motion by Mr. Hasbrouck, a second by Mr. Reid. Move to approve the Winter Flounder Fishery Management Plan Review for

the 2021 fishing year, state compliance reports, and *de minimis* status for New Jersey commercial fisheries. Is there any discussion? Nothing online.

Is there any objection to this motion, any abstentions? Motion passes by unanimous consent.

REVIEW AND POPULATE THE ADVISORY PANEL

CHAIR HYATT: item that we have on the agenda is Review and Populate the Advisory Panel. We have a nomination from Tina.

MS. TINA L. BERGER: Thank you, Mr. Chairman. I present for your consideration and approval the nomination of Allan Butler from Massachusetts. He's a recreational angler to the Winter Flounder Advisory Panel.

CHAIR HYATT: **We have a motion made by Dan McKiernan, second by Justin Davis** Thank you, do we have a second? Any discussion. New motion, yes. Sorry, Justin seconds it. Okay, thank you. Do we have any discussion? Nothing in the room, anything online? Move to approve Allan Butler of Massachusetts to the Winter Flounder Advisory Panel.

Is there any objection? Are there any abstentions? Motion passes by unanimous consent. At this point that brings us to the end of the agenda.

ADJOURNMENT

CHAIR HYATT: Is there any other business to come before the Winter Flounder Management Board? Seeing none; meeting is adjourned. Thank you.

(Whereupon the meeting adjourned at 2:35 p.m. on Tuesday, January 31, 2023)