

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

The Westin Crystal City
Arlington, Virginia
Hybrid Meeting

February 3, 2026
Approved August 4, 2026

TABLE OF CONTENTS

Call to Order1

Approval of Agenda1

Approval of Proceedings1

Public Comment1

Review 2025 Management Track Assessments for Gulf of Maine and Southern New England/Mid-Atlantic Stocks
of Winter Flounder1

Set 2026-2028 Specifications5

 Review Technical Committee Recommendations6

 Review Advisory Panel Report7

Consider Fishery Management Plan Review and State Compliance for the 2024 Fishing Year.....12

Elect Vice-Chair.....13

Adjournment13

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of February 2025** 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 2026-2028 fishing years** (Page 12). Motion by Eric Reid; second by Ray Kane. Motion passes by unanimous consent (Page 12).
4. **Move to approve Winter Flounder FMP Review for the 2024 fishing year, state compliance reports, and *de minimis* status for New Jersey’s commercial fishery** (Page 13). Motion by Doug Grout; second by Ray Kane. Motion passes by unanimous consent (Page 13).
5. **Move to elect Nicole Lengyel Costa as Vice Chair of the Winter Flounder Management Board** (Page 13). Motion by Matt Gates; second by Dan McKiernan. Motion passes by unanimous consent (Page 13).
6. **Move to adjourn** by consent (Page 13).

ATTENDANCE

Board Members

Megan Ware, MA, proxy for C. Wilson (AA)	Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Renee Zobel, NH (AA)	Matt Gates, CT (AA)
Doug Grout, NH (GA)	Bill Hyatt, CT (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Manaiscalco, NY, proxy for M. Gary (AA)
Dan McKiernan, MA (AA)	Emerson Hasbrouck, NY (GA)
Raymond Kane, MA (GA)	Heather Corbett, NJ, proxy for J. Cimino (AA)
Nicole Lengyel Costa, RI, proxy for J. McNamee (AA)	Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)
David Borden, RI (GA)	Allison Murphy, NMFS

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

Ex-Officio Members

Richard Balouskus, Technical Committee Chair

Staff

Bob Beal	Caitlin Starks	Chelsea Tuohy
Toni Kerns	Tracey Bauer	Katie Drew
Tina Berger	James Boyle	Jeff Kipp
Madeline Musante	Emilie Franke	Samara Nehemiah

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, February 3, 2026, and was called to order at 11:15 a.m. by Chair Bill Hyatt.

CALL TO ORDER

CHAIR WILLIAM HYATT: Good morning, everybody. This meeting of the Winter Flounder Management Board is called to order. My name is Bill Hyatt; I am the Governor's Appointee from Connecticut and the current Chair of this Board.

APPROVAL OF AGENDA

CHAIR HYATT: Everyone has had a chance to review the agenda. Are there any changes? Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR HYATT: Regarding the proceedings from January, 2023. On Page four and continuing through Page six is a long presentation that was attributed to me. I did not give that presentation, it was done by Tony Wood. Are there any other corrections needed to the proceedings? Seeing none; the proceedings as corrected are approved by consent. Next is Toni.

MS. TONI KERNS: I just want to let everyone know who is online for the Board today, and maybe I'll do a little bit better for this Board meeting than I did last time. I have Steve Train from Maine, I have Representative Gesko from Connecticut, Adam Nowalsky and Heather Corbett from New Jersey, Emerson Hasbrouck from New York, and I think that's everybody. I apologize if I left anybody off.

PUBLIC COMMENT

CHAIR HYATT: Thank you, Toni. Next is Public Comment. Is there anybody in the room who

wants to comment on anything that is not on the agenda today? Seeing none; anybody online? Okay, no public comment.

REVIEW 2025 MANAGEMENT TRACK ASSESSMENTS FOR GULF OF MAINE AND SOUTHERN NEW ENGLAND/MID-ATLANTIC STOCKS OF WINTER FLOUNDER

CHAIR HYATT: So, that brings us to Review of the 2025 Management Track Assessments for Gulf of Maine and Southern New England/Mid-Atlantic Stocks of Winter Flounder. For this we have presentations by Paul Nitschke and Tony Wood. We'll take questions after each of the presentations. Paul, are you ready?

MR. PAUL NITSCHKE: Good morning, my name is Paul Nitschke, from the Population Dynamics Branch. I will be giving a quick overview of the 2025 Management Track Assessment for the Gulf of Maine winter flounder. This was a Level 1 Assessment, so that's a direct delivery to the SSC.

The last assessment was done in 2022. This assessment is based on the 30 + centimeter survey-area swept. This is an empirical approach, so it is a fairly simple assessment model. The Gulf of Maine stock was historically thought of as the smallest of the three winter flounder stocks. That perhaps has changed with the declines in the Southern New England stock. The catch for the Gulf of Maine stock mostly comes out of Statistical Area 514; Cape Cod Bay, Massachusetts Bay, Stellwagen Bank are important areas for the removals of this stock. Here is the removal time series for the Gulf of Maine stock.

In the early 1980s the recreational component was a significant chunk of the removals. However, that declined fairly quickly into the 1990s. The commercial removals declined more gradual. More recently, the catch is around a few hundred metric tons. However, early on the removals were a few thousand metric tons.

There has been a large change in the catch over the time series. However, that change in the time

series doesn't really seem to correspond to response in the surveys. When we look at the surveys, the indices remain relatively flat for the entire time series. Perhaps you could argue the Mass DMF Spring survey has a little bit of a decline, but in general the turns are fairly flat.

In addition, when we look at the size and age structure, there is also not really a big change in the size in age over time. This produced a real conflict when we tried to do the analytical models back at SARC 52. It resulted in a massive retrospective problem in the model, to the point where it wasn't accepted. It didn't get passed through peer review.

Then after that, basically the 30 + area swept estimate was developed as the empirical approach for this stock. This biomass estimate comes directly from survey information. We use three different surveys, because you don't have a single survey that covers the entire stock. We used these three surveys that use Strata sets that don't overlap to cover the stock.

We used the Northeast Fisheries Science Center Bottom Trawl Surveys for the offshore Strata, and some of the inshore Strata in Mass Bay and Cape Cod Bay. We used the Mass DMF Survey for the real shallow Strata in Cape Cod Bay and Mass Bay, and we used the Maine/New Hampshire Survey north of Massachusetts inshore.

We did develop overfishing definitions using a length-based Yield per Recruit Model with this same 30+ centimeter knife edge selectivity. This was a crude proxy for the selectivity so that we could estimate exploitable biomass. Exploitable biomass can then be calculated based on the 30+ centimeter biomass index per tow from each survey, multiplied by this expansion factor, which is the total survey area divided by the tow footprint times q .

Q , you can think of q as the efficiency of the gear between the wingspread. Q , the estimate of exploitable biomass is very sensitive to this

assumption of Q . These expansions tend to be very large, because of that huge expansion factor for the entire area. Once you have that estimate you can estimate the exploitation rate, which is simply the catch over the 30+ centimeter biomass estimate.

You can compare that exploitation rate to the overfishing definition from the length-based yield per recruit. This table just shows how large these expansion factors really are. When you look at that total area divided by the footprint from each survey it results in very large multiplying those estimates out. There was an experiment done using a twin trawl, to get at this efficiency estimate. This experiment compared catch rates from the Bigelow here versus a flat vet, which is more efficient for flat fish. Tim Miller and others have developed this relative catch efficiency estimate, taken into account biomass effects and also size effects. Here you can see that beyond 30+ centimeters there isn't really a big size effect. However, there is a big day/night effect.

During the night there really isn't a big difference in efficiency between the two gears, but during the day you can see there is a pretty big difference. With this we can calculate a q for each survey in each year. We basically have been taking the average of all that information and using that for the assumption of the q to estimate the 30+ centimeter biomass.

Now with time we're adding more information to this average and those numbers are starting to, they are not changing as much with more information and you can see this updated estimate didn't change very much from the last assessment. The spring estimate was a 0.71 and the fall estimate was a 0.79.

Here is a plot of basically the results of the 30+ centimeter biomass estimate. On top is the spring survey and on bottom is the fall survey. You can see in the spring that there is a greater proportion of the population in the state surveys. This makes sense, because in the spring the fish are spawning. They tend to move inshore.

It's also perhaps some concerns that we're missing fish in the spring, because there could be fish inside the estuaries that are not covered by the survey. That is one reason we rely more on the fall survey estimates. The other reason is, we do have efficiency experiments with the Bigelow gear, and with a greater chunk of the population being in the offshore survey, we perhaps have a little more confidence in the fall estimates.

Regardless of that, if you look at the estimates between the spring and the fall it produced pretty similar results in total. Here is the plot of the total 30+ biomass estimates over time on top and on the bottom is the exploitation rates. More recently there has been some positive increases in that 30+ biomass estimate, which seems to correspond to the decline in the exploitation rate.

Hopefully there is perhaps some sort of response now under these low exploitation rates, with some positive effects on the biomass. Hopefully the exploitation rates remain low and this is true that these trends will continue in the future. However, I wanted to stress there is still some uncertainty and the dynamics are still hard to explain with this method.

If you look at the time series you see this decline that occurred, which is hard to explain, because under these estimates we're thinking that the exploitation rate is far below the overfishing definition. This is not what we would expect if that were true. But perhaps because the catch continues to go down, the exploitation rates continue to be low.

Maybe there is now a positive response to that. For the stock status the overfished status is unknown, because there is no way of determining that from this method. Overfishing is not occurring. The stock is not in a rebuilding plan, and actually was never declared overfished. The ABCs were calculated using the 75% of the exploitation rate at 40%, multiplied

by the 30+ centimeter biomass index from the fall surveys. We use the average of the most recent fall surveys in this estimate. At the last assessment we actually did use some of the spring information, because we were missing information from COVID at that time. In this assessment we went back to using the fall information, since that information is available again. This is the PDT Test Performance Plot that we put together.

Just looking at the OFLs and ABCs over the time series compared to the catch. The updated ABCs and OFLs are very similar to what we had in the last three years. There is hardly any change between the OFLs and ABCs. Maybe a very slight decline, but pretty close to what we had before, so it isn't a big change. I can take any questions if there are any.

CHAIR HYATT: Thank you, Paul. Any questions for Paul regarding the Gulf of Maine assessment? Seeing no questions in the room, any questions from the public? Okay, Eric and then David.

MR. ERIC REID: I'm curious why you don't use NEAMAP Survey data. They are fishing in much shallower water than the Bigelow can get to, and at times that is where those flounders are. That's my question, thank you.

MR. NITCHKE: This assessment is just for the Gulf of Maine and NEAMAP doesn't go into the Gulf of Maine.

CHAIR HYATT: Dave. Okay. Any other questions from the Board? Anything online or from the public? Okay, Tony, why don't you take it away with the Southern New England/Mid-Atlantic stock.

MR. TONY WOOD: This should be a pretty quick summary of the most recent Level 1 assessment or Southern New England winter flounder. This stock was last assessed in 2022. At that time it was a Level 3. The model has stayed consistent with that last update; it still uses ASAP. Reference points at the time indicated the stock was not overfished, overfishing was not occurring.

It's important to note that during this 2022 assessment we made a pretty big change to the recruitment standard that's used in the projections and reference point calculation. Essentially, we move the goal posts and became not overfished, overfishing not occurring. But our perception of the stock really hasn't changed for quite a while.

For fishery dependent data going into the assessment, commercial landings and discards comes from our old AA Table process and switches to our new Catch Account and Monitoring System. Then recreational information, both landings and discards come from MRIP. Commercial landings in recent years have been very low, the lowest in the time series, lower than even the moratorium years in the late 2000s.

Updated landings were 76 metric tons in 2024, and the lowest in the time series in 2023 at 35 metric tons. Commercial discards have stayed pretty consistent for the past decade or so, but well below the time series average. In 2024 commercial discards were 89 metric tons; 60% of those are from trawl and 40% is scallop dredge. Recreational landings have basically collapsed for this stock. In 2024 recreational landings were 1.9 metric tons, a very slight fraction of the average over the time series, and collapsed when compared to the very early values in the time series. The recreational discards saw a similar trend. In 2024 recreational discards were 1.8 metric tons, well below the time series average of 145 metric tons.

Total catch in 2024 was 169 metric tons. In 2023 and 2024 the total catch was less than 1% of the peak catch in the time series, which we see early on. Catch has declined pretty drastically for this stock. These are just the catch components out of the proportion of percent low. Moving on to the fishery independent information.

We have 11 age indices and then 2 young of the year survey indices. The regional survey indices, which are the Science Center Survey and NEAMAP Spring Survey shows pretty consistent trends with the total catch, starting at a peak, a bit of a bump in the middle of the time series, then a slow decline since then.

For all the state survey indices that go into this stock, pretty general declining trend over time, pretty consistent trend between each of the surveys. Finally, for the two Young of the Year Survey indices, kind of contrast one another. Connecticut shows this decline, from a peak in the late nineties and then the Mass Young of the Year Survey seems to be pretty flat over time.

Then the biological information going into the stock was derived in the benchmark in 2011. These values are retained and have been retained since that time, and were for this assessment update. Getting into the results, 2024 biomass estimates, total biomass at about 4700 metric tons with a spawning stock biomass around 2800 metric tons. F is very low, 0.048

Recruitment has been slowly picking up for the past 7 or so years, 2024 recruitment was 6.2 million fish, still well below the time series average. Recruitment has remained pretty flat since about 2008. Retrospective bias in SSB and F is pretty small for this stock. Retrospective bias in recruitment seems to be increasing. But overall, it's considered a minor retrospective pattern and no adjustments are made.

For reference points we use SPR 40% to calculate $F_{40\%}$ as a proxy for F_{msy} . That 40% declined a bit since 2022. I believe at that time it was 0.26, now we're at 0.23. We project forward a hundred years at this F_{msy} proxy to get our SSB $_{msy}$ reference point. For this assessment update that was at 3100 metric tons.

Here's just a list of the reference points, and the recurring quantities coming out of the model. F is currently at 21% of the threshold, with SSB at 89% of the target and 179% of the threshold. Our stock

status is unchanged, it's not overfished, overfishing is not occurring, and again there is no retrospective adjustment made for this stock. That's all I have.

CHAIR HYATT: Thank you, Tony. You did a good job with some rather discouraging information. Are there any questions for Tony? Seeing none; any questions online or from the public? No questions. Thank you, Tony.

SET 2026-2028 SPECIFICATIONS

CHAIR HYATT: At this point we'll move into setting the 2026-2028 specifications. Tracey is going to do an overview, then we'll have a review of the Technical Committee recommendations by Richard Balouskus, and review the Advisory Panel Report, which you're going to do, right, Tracey? Okay.

MS. TRACEY BAUER: In this presentation I'm going to briefly review the New England Fishery Management Council Winter Flounder Specifications for fishing year 2026 through 2030. Then I'll give you guys a reminder of the Addendum III specifications process for winter flounder, and then we'll go through the Technical Committee Recommendations, the Advisory Panel Report and then just keep in mind the Board action for this addendum item is to consider setting specifications for fishing year 2026 through 2028.

Starting off with the New England Fishery Management Council specifications for the Gulf of Maine and the Southern New England/Mid Atlantic spawning stocks. Here on the slide, I have it for the current fishing year 2025 to compare to the upcoming years that they set it for, fishing year 2026 through 2030.

The New England Fishery Management Council and NOAA decided to put specifications for the next five years on the books, because there is a possibility that management track assessments will not be able to be conducted as frequently

as in years past due to lack of things like staff, time, money; factors such as those.

However, changes can be made in the meantime to these specifications if there is updated information. The sub annual catch limits, ACLs for the fishing years 2026 through 2030 for both stocks have not drastically changed from the recent fishing year. The Gulf of Maine sub-ACL was adjusted up by a few percentage points and it has held constant over the five years.

Then the Southern New England/Mid-Atlantic sub-ACL was adjusted down by about 14%, again, reflecting the results of the 2025 Management Track Stock Assessment you guys just heard about. As part of the specifications the Council also sets the state sub component for the next five years. As a reminder, the state sub component is comprised of both the recreational and commercial catch.

The commercial portion of the state sub component is caught by vessels that do not hold federal multispecies permits and the sub component is an estimate of what the state fisheries will harvest in each year. It is an estimate not an allocation, so there is no accountability measures associated with the state waters sub component, meaning there is no payback if the state water sub component is exceeded.

Moving into what the New England Fishery Management Council set for the state sub component, or estimated for the state sub component. They were both adjusted to reflect the average catch for the years 2022 through 2024. This means for the Gulf of Maine state sub components, there was a 7% decrease from fishing year 2025, and for the Southern New England/Mid-Atlantic state sub component this is just a 2% increase from fishing year 2025.

As a reminder, Addendum III, which was approved back in 2013, revised the state specifications setting process so that recreational and commercial measures could be set for up to three years to better align with the federal specifications process, at that time at least. Commercial measures that are

subject to change are trip limits, trigger trip limits, size limits, season and area closures. Then the recreational measures that are subject to change are the size limits, bag limits and season. You'll notice that there is sort of a discrepancy between what the New England Fishery Management Council has set specifications for five years, whereas we can only set specifications for only three years at a time.

We'll just come back in three years and set those, unless there is new information available. Here on the slide, which we can refer back to. However, whenever we need to this is the current commercial winter flounder regulations for both the Gulf of Maine and Southern New England/Mid-Atlantic, and these management measures have not changed since 2014.

In the next slide we have the respective recreational winter flounder regulations, which again have not changed in a while. Again, we can refer back to those if needed.

REVIEW TECHNICAL COMMITTEE RECOMMENDATIONS

MS. TRACEY BAUER: I will hand it over to the Winter Flounder TC Chair, Rich, to cover the summary of our TC call.

MR. RICHARD BALOUSKUS: Thank you, Tracey. My name is Rich Balouskus, I'm a biologist with the state of Rhode Island and the Chair of the TC. The TC met by webinar on January 6 of this year. As I think Tony put it so well, the 2025 Management Track Stock Assessment really didn't change up the managers perceptions of the two stocks that ASMFC manages.

As a result of that and some further discussion, no changes are recommended to commercial and recreational measures for either Gulf of Maine or the Southern New England/Mid-Atlantic stocks for '26 through '28. As per each stock we had discussions for each. In the Gulf

of Maine, the Technical Committee discussed at length Massachusetts conservation equivalency program that was implemented in 2024 and approved by the Winter Flounder Board. This program permitted fishermen to keep back-to-back commercial limits across two days.

Basically, discussion was limited, as only a partial year of data was available to look at. But through what we were able to see in some discussion, the TC is fine-tuning the reporting requirements for Massachusetts, so that we can better understand both this program and how commercial harvesters are using that full 500-pound daily limit on targeted trips. As far as Southern New England/Mid-Atlantic, the commercial and recreational catch remain very low, you know steady low across more than a decade at least.

Maybe that last part is a little strongly worded, but the TC has not received any specific requests or commentary from the Board looking to make specific changes to management measures for the past period of time. Last time the TC met the discussion really strongly revolved around keeping both commercial and recreational specs at status quo, until the planned Research Track Stock Assessment was released.

We really had a strong hope that the inclusion of environmental and climate data into a new research track stock assessment model was going to help to, I guess, provide more insight into both the current state of the stocks and really help inform those projections by the Science Center that we rely on for spec setting. You know sort of help us get at that disconnect between the indices and the catch decline that Paul talked about for the Gulf of Maine. That research track stock assessment is indefinitely paused. We did start it and put in some work, but due in part to staffing and prioritization of other assessments at the Science Center, that assessment is no longer happening, or at least officially paused. Also sort of contributed to the TC effectively defaulting back to status quo for this round of the recommendations.

I think we would really, in the present and the near future be looking to the Board and the AP for tasking or thoughts on future exploration or spec changes. This is the last point I'll make, but it was sort of an extensive conversation that the Technical Committee had. It's sort of about the overall spec setting process that we discussed.

I can really only speak to winter flounder, as it's the only groundfish comanaged by the Commission and the Council, but as far as I know this may also be a potential discussion that other comanaged stocks may come up against. As Tracey mentioned, the Council is now setting five-year specs for winter flounder, and this occurred prior to our Technical Committee meeting.

As Tracey sort of outlined, in the Council spec setting procedure they effectively use a status quo assumption for state waters catch by using those recent averages across the region, and that is true for both commercial and recreational. As we were discussing this, this sort of results in a question of how and when Commission spec changes could or even should take place in relationship to those Council decisions.

Then we also have that three vs. five-year schedule offset on changes. It's just a discussion, you know what we had spent some time on in the TC meeting, and we're looking maybe for some input moving forward from both the Commission and Council, perhaps smooth that out. Obviously, a status quo recommendation from us, it's not a huge sticking point at the moment, but just something we wanted to consider.

That said, even with the Council moving ahead with those status quo assumptions, if the Board tasks the TC with exploring possible changes we'll obviously work with all the parties to figure out how to make this work moving forward. I think that concludes my comments. Yes, thanks, Tracey.

REVIEW ADVISORY PANEL REPORT

MS. BAUER: Thanks, Rich. Moving into the Advisory Panel Meeting summary, which I will be covering. The AP met on January 12 of this past month with four AP members in attendance. At that meeting we came out with a few recommendations. Two advisors supported status quo, commercial and recreational management measures for fishing years 2026 through 2028 for both stocks.

They made the note with this recommendation that they would be able to reevaluate regulations in three years if changes ended up needing to be made. They weren't too concerned about continuing with status quo for now. Specifically for the Southern New England/Mid-Atlantic stock they noted that recreational fishermen, including party boats, specifically are no longer really targeting winter flounder anymore.

Any changes to regulations wouldn't be highly impactful at this time in their estimation. Similarly, AP members noted that bait shops have stopped carrying bait in April, in I think it was New York specifically, and most anglers are not putting their boats into the water until May. Gulf of Maine specifically, Advisors noted it appeared like how I mentioned the biomass estimates have been generally stable over the last ten years. There was some speculation by the AP that this could indicate that the stock had stabilized.

It had matched one of the advisors on the water observation, so they thought based on all these reasons, not many people targeting, biomass estimates in the Gulf of Maine seem to be stable right now. Status quo was the recommendation. Moving on to some general comments and research recommendations by the Advisory Panel at this meeting.

One advisor had noted he has been observing expansion of Gulf of Maine winter flounder size classes, in particular seeing larger fish. The advisor however, noted this may not necessarily indicate that the age structure is also expanding, but could

indicate something with their environment is just generally changing, leading to increased growth rates.

After discussing some recent research that there was very low survival of young of year winter flounder. The AP as a whole expressed general frustration with the lack of answers on how to ensure winter flounder survived to maturity and to some the in general the continued low biomass of winter flounder.

Related to this discussion as well, the AP discussed different types of natural mortality that might be impacting winter flounder's ability to recover, including predation impacts. For research recommendations, the AP provided and discussed, first one advisor who is also a member of the Northeast Trawl Advisory Panel noted that there is that recent interest and improvement in the catchability estimates from the Northeast Fisheries Science Center, Northeast Trawl Survey that Paul noted.

He recommended that similar research be conducted for the other state surveys that go into this assessment. The AP also expressed the importance of continued exploration into ecosystem approaches in winter flounder management, to improve the estimates of natural mortality specifically, especially changes through time of natural mortality.

An advisory reiterated his recommendation from the last time the AP met to discuss specs back in January 2023, that managers should reconsider utilizing stock enhancement as a potential path forward for winter flounder. Then lastly, the AP had a short discussion on the potential need for an assessment that focuses on winter flounder in Long Island Sound specifically. That concludes my summary of the Advisory Panel meeting, so move to the Board Action for consideration for this meeting of considering setting specifications for fishing year 2026 through 2028.

CHAIR HYATT: Thank you, Tracey, thank you, Rich. At this point are there any questions for Tracey or Rich? Dan, go ahead.

MR. DANIEL J. McKIERNAN: My question is for Tracey. In the AP conversation, did anyone mention that maybe the two-fish limit discourages participation in the recreational fishery?

MS. BAUER: I think that was touched upon in the AP discussion, where it's like we only have two fish to go for, so why bother going out at all type of sentiments expressed.

MR. McKIERNAN: Yes, thank you. The other thing that strikes me is to me there is a missing part of a story here that when you do this again in three years, maybe you could come forward with a description of the degree of un-utilization of the tows or TACs by the sectors. I'm guessing that in the Gulf of Maine the majority of fish that are being caught is by federally permitted vessels in sectors.

But I think this assessment is kind of ignoring that, and so it would be good to know. I understand we're just managing for the most part the set aside. But the rest of the story, I'm blind to that. It would be useful to understand whether or not we're underutilizing the federally approved quotas, for lack of a better word.

MS. BAUER: Absolutely, I can bring that to the next time we discuss this, for sure.

CHAIR HYATT: David.

MR. DAVID V.D. BORDEN: Just following on Dan's comment. I think it would also be useful in the future to come back with more explicit explanations of what we think the environmental drivers are that are keeping the stock down. I just mention the fact that yes there has been significant environmental changes in the Gulf of Maine.

Stock pre-recruits seem to be fine. You look at those charts. Paul mentioned the fact that they had been remarkably consistent. There has got to be a decoupling in there that explains why we just don't

get a rebuilding of it, particularly the Gulf of Maine population. I think it would help all of us to have a discussion of that, why that is taking place.

I know, and this goes back a long time in my history, but at one point we only had two nesting pair of cormorants in the state of Rhode Island on east and west island, and before I retired, we were up to something like 2500 nesting cormorants. Those cormorants were all over the Bay and in packs of 500 fishing in August in a foot and a half of water, where all the juvenile flounder basically reside.

I mean there are probably some correlations here, that the scientific community come back with, and I think that would help us. Maybe there is some strategy that we could put together, in terms of how the cormorants are managed by U.S. Fish and Wildlife Service or whatever, that would address some of these concerns. That's kind of the first step, I think.

MS. BAUER: Yes, and I'll note that in the APs discussion they also discussed factors, when they are having a natural mortality discussion birds come up as well there. But I think that is something we could absolutely put together. Next time maybe a summary of all the recent research going into environmental impacts or something like that. Does that sound like what you're looking for? Okay, thank you.

CHAIR HYATT: Any other questions? Rich, correct me if I'm wrong, but just building on what David just said. My recollection from the Technical Committee is that while they were recommending status quo, the general sentiment went further than that, in that they felt that status quo should be maintained until such time as a research assessment is done, which would address some of the concerns, maybe not the cormorants, but some of the concerns that David brought up. Is my recollection correct, Rich:

MR. BALOUSKUS: Yes, effectively that had been our stance from 2022 through 2025, now operating in a new environment in which we may never be anticipating that is now I guess where David's point comes in, where we may not rely on as much external information and bring some more of that into this ourselves. That was the sentiment of the TC, but obviously facing a different future we're not going to just sit on our hands and do nothing. I think looking at some of those environmental drivers and other things it's going to be our best path forward.

CHAIR HYATT: Any other questions? Anything from online or from the public? Steve Haasz, member of the public online, go ahead.

MR. STEVE HAASZ: I don't understand this. We have no fishery really going on over in New Jersey area. Nobody wants to fish for two fish. I don't understand, why can't we bring it up to like a four or five bag limit, to where we can actually see what is really out there, because nobody is going fishing for two fish.

No party boats or charter boats are even going to think to go out for that, because nobody is going to book the boat. None of the recreational guys, don't want to pay that kind of money to buy baits and all that stuff to go out to do anything. If you're only going for two fish it's too much money.

Give us a little bit of a chance March, April and May, and every year, just to see what happens, whether or not we can get this done or not, just to see what's in the Bays and rivers in New Jersey. We don't really know, because nobody is fishing for them. You guys even say the same thing, you don't know what's going on. I just don't understand where you're coming up with these rules. Why not give us a chance? We've got to fight for something here. Give us a chance to fish for them and see what happens. That's all I've got to say.

CHAIR HYATT: Thank you. Any other comments from the public or online? Nicole.

MS. NICOLE LENGYELL COSTA: This question is for Tracey, just a follow up on the public comment and some other comments that we've heard. Do states still have the option for conservation equivalency, where they could, for example, put in a program to restrain their recreational season but increase their bag limit, and that only goes through ASMFC, you don't have to go through the Council for that.

MS. BAUER: Yes, that is correct. You would have to submit a CE proposal following the guidelines to do something like that. Toni clarifies that we don't need to go to the Council process at all to change any of the recreational measures.

CHAIR HYATT: Dave.

MR. BORDEN: Yes, and just to follow up to that question. What is the timing of the submission to the Commission? I anticipate at some point some state, I mean this issue was raised by a New Jersey AP member, and at some point, the states are going to want to try to submit conservation equivalency proposals, so what is the timeframe they have to do that, the window? Is there one, Toni?

MS. KERNS: For conservation equivalency the guidelines are on the website that it is two months. But I also think that a bunch of individual state conservation equivalency programs may not serve us well, and that if we are interested in changing the recreational measures for these species, that we can task the Technical Committee to evaluate the measures that we have right now and you can give them an idea of what you're looking for, and then they can come back and say, this is what we think would happen to the landings if we made changes on X, Y or Z things.

Then I think what Tracey and I can do is talk with the New England Fishery Management Council staff about the process for specification settings and what happens with the accountability measures if we do exceed the

state set-aside for winter flounder for any of the other measures, and what has been going on with the sectors and their landings, and how that impacts what happens when we go beyond what they've set aside for us.

CHAIR HYATT: Are there any other questions or comments before we move along? John.

MR. JOHN MANISCALCO: On the topic of potentially states looking at some alternative measures. New York never adopted the year-round season that most of the other states have. We did this to protect our Bay populations, to prevent people targeting the fish when they were the most vulnerable. We know that there are distinct genetics amongst our Bays. I'm just wondering, would that then be held against New York if other states wish to essentially utilize their longer seasons to potentially pump up the bag limit?

MS. BAUER: Yes, that's is something that the TC could look at if they were tasked to evaluate what sort of impacts shuffling around the bag limit and the season would have. That can definitely be one of the considerations.

CHAIR HYATT: Go ahead, Dan.

MR. McKIERNAN: Consistent with what was just mentioned, it seems to me that the way things are evolving almost all the fish is allocated to the commercial sectors, because the set asides are basically the averages of the previous years and the recreational sector is discouraged from fishing, then they are never going to get a reasonable share, because we'll just be dwindling down to nothing.

I think it would be appropriate if the TC examined, especially in the Southern New England Stock, the potential for going to four fish, that that would be considered risky for the stock, and come back to report on that to this Board, because I think the two-fish limit is basically keeping people home. But as that one gentleman mentioned, maybe a four-fish limit might create some level of interest, especially in Wave 2, which is not a very popular wave to be fishing, but I think that that is what we

would gain. We would gain some fishing opportunity in Wave 2 for the recreational sector.

CHAIR HYATT: I don't think we need a motion or anything here, but I think we've got a pretty solid sentiment that we would want the Technical Committee to take a look at various alternatives for using what fish are available to the recreational sector, maybe exploring some shifting, but to take a look at those options and report back to this group at the next meeting. Megan.

MS. MEGAN WARE: Yes, maybe as a part of that, I think it would be helpful for maybe like a staff memo on how the Council specifications are set, because this is a pretty nuance conversation of where these pounds are coming from. The state water set aside is taken off the top, so an increase in that has been mentioned, decrease the federal quota.

There are no accountability measures on the state water set asides so an overage of that is payback by the federal boats. I think this is a pretty dynamic multi rider decision, and I think having some context around that would be really helpful.

CHAIR HYATT: Thank you, Megan, you're correct. State water set aside is the beginning of the process and the end of the process, it could get complicated. Is there anything else? If not, I believe we've got a prepared motion to bring up relative to setting the specifications for '26 to '28.

MS. KERNS: Just as a quick note here. If you are setting specifications for all three years, and then you decide you want to make a change to your recreational measures. Then we would need to do a two-thirds vote, because that is a final action, to change them in the future. You could set all of the specifications except for the recreational measures, because that is what you're asking to explore changes in.

Then do those for '27 and '28. Obviously, '26 you would set your rec measures for, because you can't change those this year. But just so you understand what would need to happen to change them in future years. Does that make sense to everybody?

CHAIR HYATT: If we set the specifications as anticipated, we would need to rescind that with a two-thirds vote and revisit for the recreational part of it, correct?

MS. KERNS: Yes, you don't have to rescind it, but you just do a new vote that is two-thirds.

CHAIR HYATT: Nicole.

MS. COSTA: Yes, just on timeline. When can we expect something back from the TC reasonably?

MS. BAUER: Yes, I would say our August meeting, the summer meeting. I think that seems like a realistic timeline to look into this and get back to you guys.

CHAIR HYATT: Dan.

MR. McKIERNAN: If we were to get a report in August or the decision to maybe increase the bag limit in the recreational sector, would it be able to be done at the November meeting, or do we have to do an addendum?

MS. BAUER: You wouldn't need to do an addendum, because Addendum III allows you to make changes like this. If you guys had a final decision at the August meeting you could make those changes at the August meeting, I believe, unless you think there is something that needs more discussion.

MR. McKIERNAN: That would be ideal, because if recreational fishermen are going to get news of it, it would need to go out in those guides which are usually printed by the first of the year, so that is great, thank you.

CHAIR HYATT: Is there anything else before we bring up a prepared motion and then talk about

how to modify that motion? Here we have a motion prepared by staff that follows the recommendations of the Technical Committee and sets these specs for three years, 2026 to '28. I will ask if anybody wants to make this motion or to modify this motion in a manner that better reflects the conversation that we've just had. Eric.

MR. REID: Yes, Mr. Chair, I'll make this motion. **I move to approve status quo commercial and recreational Southern New England/Mid-Atlantic and Gulf of Maine winter flounder measures for the 2026 through 2028 fishing years.**

CHAIR HYATT: Second by Ray. Motion by Eric, second by Ray.

MR. REID: Given the discussion, did you hear what Megan Ware said about having to engage the New England Council? That is not a small topic, because of the way the tonnage is allocated. Whether or not we have a report for our August meeting or not, I think it's going to take a lot longer time than that to get this where everybody is comfortable with it. I have no problem with the three years, and if in fact we want to change it with a two-thirds vote, I don't think that is any problem either. I would just as soon leave this motion the way that it is and move forward.

CHAIR HYATT: Ray, do you have anything to add? Nothing to add.

MR. RAYMOND W. KANE: I thought I heard Tracey say that she and Toni would talk to the Council, thank you.

CHAIR HYATT: Thank you, Ray. Any further discussion? Are there any concerns with this motion? **Any abstentions? If not, motion passes by consent.** Thank you.

CONSIDER FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR THE 2024 FISHING YEAR

Next item to consider is the Fishery Management Plan Review and State Compliance for the 2024 Fishing Year. Tracey.

MS. BAUER: Yes, I think I can go through this very quickly. I will skip the monitoring requirements; they remain unchanged except for the review of what is in the FMP. There is one de minimis request, and then I'll go through the PRT discussion and recommendations. One de minimis request. New Jersey continues to request de minimis status for their commercial fishery. Then moving on to the PRT recommendation. The PRT found no inconsistencies between state compliance reports and the requirements of the winter flounder FMP, and there are a few questions that the PRT recommends be added to the compliance reports.

Essentially, these questions are just to help the PRT in the future track if and like whether overages are occurring on commercial trips, next are found in the FMP review if you want to review them more closely. But basically, they just give information or allow the PRT to look at information about how many trips are landing at the trip limit, below the trip limit and over the trip limit, and if there is an overage how much that overage is.

If there are no trips, commercial trips that are exceeding the trip limit then you can put that in too. But this was just something that the PRT thought would be helpful as a reference in future years. Just briefly, Rich already went through Massachusetts' CE Plan. The Massachusetts compliance report provided some initial information on the period that has been active thus far, just in 2024, which was September 20 through the end of the year, 2024.

If you go to the next slide the PRT's discussion recommendation, they had recognized that this compliance report had only contained information for a very small portion of the year, so there is interest to see how it will perform in the first full

year. There was some conversation by the PRT that generally for all CE programs it might be useful in the future to consider types of socioeconomic data that could be gathered to evaluate performance.

In this case for Massachusetts program some of the justifications for the program in Massachusetts proposal was for socioeconomic reasons, so monitoring this information potentially, or consideration of monitoring this information in the future could help, you know the state and the PRT determine if the program is meeting the goals and objectives of that program.

Lastly, the PRT just noted the change in the requirements to seal each day's catch with a DMF issued tag, changing it to require each day's catch to be clearly segregated and accurately labeled. The Board action for consideration is to approve the Winter Flounder FMP Review and de minimis status for New Jersey's commercial fishery.

CHAIR HYATT: Is there anybody who would like to make this motion to read into the record? Doug.

MR. DOUGLAS E. GROUT: **I move to approve the Winter Flounder FMP Review for the 2024 fishing year, state compliance reports and de minimis status for New Jersey's commercial fishery.**

CHAIR HYATT: Thanks Doug and second. Second by Ray. Any discussion or any questions for Tracey on the report that she gave? Seeing none; is there any concern with this motion? **Any abstentions? It passes by consent.** Go ahead, Tracey.

MS. BAUER: Before we move on from this topic, I just want to make sure that the Board doesn't have any concerns or objections to adding those questions to the future compliance reports. If there are no concerns

with that, then that will be in the next template that I send out this year.

CHIAR HYATT: No concerns, so, so noted.

ELECT VICE-CHAIR

CHIAR HYATT: Last item on our agenda is election of a Vice-Chair. I believe that we've got a motion and a nomination. Matt.

MR. MATTHEW GATES: It is my pleasure to **nominate Nicole Costa from out neighboring state to the east, Rhode Island.**

CHAIR HYATT: Thank you, Matt, second Dan. Are there any other nominations? **Okay, Nicole, congratulations.**

ADJOURNMENT

At this point, is there any other business to come before the Board? Seeing none; we are adjourned. Thank you.

(Whereupon the meeting adjourned at 12:20 p.m. on Tuesday, February 3, 2026)