

# Atlantic States Marine Fisheries Commission

## Winter Flounder Management Board

*November 3, 2015  
1:30 p.m. – 3:00 p.m.  
St. Augustine, Florida*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- |  |           |
|--|-----------|
| 1. Welcome/Call to Order ( <i>M. Gibson</i> )  | 1:30 p.m. |
| 2. Board Consent   | 1:30 p.m. |
| • Approval of Agenda   |           |
| • Approval of Proceedings from November 2014   |           |
| 3. Public Comment  | 1:35 p.m. |
| 4. Review the Groundfish Assessment for Gulf of Maine and Southern New England Stocks ( <i>P. Nitschke</i> ) | 1:45 p.m. |
| 5. Discuss Potential Management Response to the Operational Assessment ( <i>M. Gibson</i> )                  | 2:20 p.m. |
| 6. Elect Vice Chair <b>Action</b>  | 2:55 p.m. |
| 7. Other Business/Adjourn  | 3:00 p.m. |

The meeting will be held at the World Golf Village Renaissance, 500 South Legacy Trail, St. Augustine, FL

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

# MEETING OVERVIEW

## Winter Flounder Management Board

November 3, 2015

1:30 – 3:00 p.m.

St. Augustine, Florida

Chair: Mark Gibson	Technical Committee Chair: Paul Nitschke	Law Enforcement Committee Kurt Blanchard
Vice Chair: VACANT	Advisory Panel Chair: Bud Brown	Previous Board Meeting: October 27, 2014
Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, NMFS, USFWS (10 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 27, 2014

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the Agenda. Individuals that wish to speak at this time must sign in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Section Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Section Chair may allow limited opportunity for comment. The Section Chair has the discretion to limit the number of speakers and/or the length of each comment.

### 4. Review the Groundfish Assessment for Gulf of Maine and Southern New England Stocks (1:45 – 2:20 p.m. )

#### Background

- The Northeast Fisheries Science Center conducted an operational stock assessment through 2014
- Gulf of Maine: Stock biomass is unknown, overfishing is not occurring
- Southern New England: Overfished, overfishing is not occurring  
(Operational Assessment in Supplemental Materials)

#### Presentations

- Winter Flounder Operational Assessment by P. Nitschke.

### 5. Discuss Potential Management Response to the Operational Assessment (2:20 – 3:00 p.m.)

### 6. Elect Vice Chair

### 7. Other Business/Adjourn

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

**The Westin Alexandria Hotel**  
Alexandria, Virginia  
February 4, 2015

**These minutes are draft and subject to approval by the Winter Flounder Management Board.  
The Board will review the minutes during its next meeting.**

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2. **Approval of proceedings of February, 2014 by consent** (Page 1).
3. **Motion to adjourn** by consent (Page 6).

## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	David Simpson, CT (AA)
Steve Train, ME (GA)	Lance Stewart, CT (GA)
Doug Grout, NH (AA)	James Gilmore, NY (AA)
G. Ritchie White, NH (GA)	Katherine Heinlein, NY, proxy for Sen. Boyle (LA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Emerson Hasbrouck, NY (GA)
Bill Adler, MA (GA)	Tom Baum, NJ, proxy for D. Chanda (AA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Tom Fote, NJ (GA)
David Pierce, MA, proxy for P. Diodati (AA)	Roy Miller, DE (GA)
Mark Gibson, RI, proxy for B. Ballou (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Peter Burns, NMFS
	Mike Millard, USFWS

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

### Ex-Officio Members

#### Staff

Robert Beal  
Toni Kerns

Melissa Yuen  
Kirby Rootes-Murdy

#### Guests

Jason McNamee, RI DEM  
Megan Lapp, Seafreeze, Ltd.

Arnold Leo, Town of E. Hampton, NY

## Draft Proceedings of the Winter Flounder Management Board Meeting February 2015

The Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 4, 2015, and was called to order at 10:45 o'clock a.m. by Chairman Mark Gibson.

### CALL TO ORDER

CHAIRMAN MARK GIBSON: Welcome to the Winter Flounder Board. We have a pretty short agenda; in fact, a truncated agenda.

### APPROVAL OF AGENDA

CHAIRMAN GIBSON: The first item is the approval of the agenda. You will note that a couple of items have been deleted from it for timeliness; the FMP Review and State Compliance Report.

The only thing on the agenda is actually to review and setting of the 2015 specifications. With that, are there any objections to the agenda as presented? Seeing none; the agenda stands approved.

### APPROVAL OF PROCEEDINGS

CHAIRMAN GIBSON: The next item is approval of proceedings from the October 2014 annual meeting. Are there any requests for edits? Yes.

MR. EMERSON C. HASBROUCK, JR.: Mr. Chairman, I'd just like the minutes to reflect that I did in fact attend that board meeting. I arrived a little bit late. I guess it was after the attendance went around.

CHAIRMAN GIBSON: Thank you, Emerson. Anything else on the proceedings? Is there any objection to approval of the proceedings? Seeing none; they stand approved.

### PUBLIC COMMENT

The next agenda item is the opportunity for public comment. This would be on items not on the agenda and that is not related to the 2015 specifications. Is there anyone from the

audience wishing to comment or address this board? Seeing none; we will go right to Item 4, the 2015 specifications. Melissa.

### WINTER FLOUNDER 2015 SPECIFICATIONS

MS. MELISSA YUEN: We will talk about the winter flounder specifications for the 2015 fishing year, which starts on May 1<sup>st</sup>. As a review, the specifications' process for the Gulf of Maine and Southern New England stocks were established by Addendum III to Amendment 1. The management board can adjust the following commercial and recreational management measures listed here.

This table shows the current management measures. There is a 12-inch size limit across the table. The commercial trip limit is 500 pounds for Gulf of Maine and 50 pounds or 38 fish for Southern New England/Mid-Atlantic Area. The recreational bag limits are eight fish in Gulf of Maine and two fish in Southern New England.

For the 2014 season the Southern New England recreational season was extended from March 1<sup>st</sup> through December 31<sup>st</sup>. At this time the federal specifications have not yet been finalized. This table shows the preferred options. As you can see, the state water sub-component; it is not a catch limit. Rather, it is based on recent catch landings.

Since we have not been catching as much as the sub-component in recent years, it has been reduced to 17 percent of the ABC, which is down from 25 percent in 2014. This equates to 87 metric tons. The annual catch limit for the Gulf of Maine has been reduced to 489 metric tons. This is down from 1,040 in 2014. This is based on the stock assessment update that was completed last year.

In Southern New England, the state waters sub-component is reduced to 7 percent of the ABC, which is down from 14 percent in

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2014. This equates to 117 metric tons. The annual catch limit is only slightly down from last year's preferred option at 1,607 metric tons. A brief review of the advisory panel and technical committee reports that were given in October; the advisory panel has no additional comments.

They maintain that they wish to reduce the bag limit in Gulf of Maine proportionate to the federally specified ABC. For Southern New England they also stand by having a moratorium on fishing. The technical committee has no additional comments to their report from the last time. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: Are there any questions for Melissa? Doug.

MR. DOUGLAS E. GROUT: This is about a question in the Gulf of Maine. The ABC and the ACL was cut by more than 50 percent. Our state sub-component; is that reflective of that kind of a change here? Was our landings reflective – was that 87 metric tons reflective of what we've have been landing in the past few years or reflective of what we've been landing in the past few years plus a cut of 50 percent?

MS. YUEN: I believe it is based solely on the past landings.

MR. DAVID SIMPSON: I'm not sure it is a question for Melissa or perhaps you; but I was wondering at our last board meeting we urged NOAA Fisheries and the New England Council to consider a more conservative approach on winter flounder harvest in Southern New England. I wondered if we could get a report back on progress on that front.

CHAIRMAN GIBSON: I don't know that it has been – I'm not aware that it has been done.

MS. TONI KERNS: A letter has been sent and we did discuss it at the last NRCC meeting that we do have these concerns for winter flounder and that we want to do a more collaborative management process with the New England

Council. Both Bob and I have sat down and talked with Tom Nies a little bit about it as well as with Terry.

We do have commissioners that are here at the table that also sit on the New England Council; and so I think it is going to be a collaborative effort between us and the board members to really get the New England Council to engage in this discussion in order to get this effort moving forward to really have these concerns addressed.

CHAIRMAN GIBSON: Dave, I guess the direct answer is, no, you and I have not collaborated with the commission on the letter to the council; so if the board still feels strongly that needs to be done, then we need to do that.

MR. SIMPSON: Okay, and I think it is beyond just the council. I think the expansion of the TAC was sort of my impression at the urging of NOAA trying to look for a way to mitigate effects of the groundfish disaster. I recall pretty stern urging from NOAA Fisheries and from the former regional administrator when they were looking to zero out harvest, and they did zero out harvest in federal waters, and they were urging the commission to stay with them on this conservation track.

And, you know, we continue to allow a 50-pound bycatch and now we've done this flip-flop where I'm concerned that the little bitty gains we've made on winter flounder, which is a coastal nearshore spawner, that we're losing those modest gains. I just think in terms of beyond the council, NOAA Fisheries needs to grab hold of this and be more aggressive at conserving this stock.

MR. HASBROUCK: My question is for the Southern New England and Mid-Atlantic and similar to the question for Gulf of Maine. The reduction for Southern New England and Mid-Atlantic from 14 percent to 7 percent;



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again is that based on a reduction in the TAC and/or the fact that landings in 2014 were at that 1,607 metric ton level? If so, what are the landings for Southern New England and Mid-Atlantic for 2014?

MS. YUEN: To answer the first part of your question, it is again based on recent catch landings. I don't have the numbers pulled up for me right now, but I can get back to you on that if you want the actual catch landings.

CHAIRMAN GIBSON: Yes; so it is the recent catch history. You can see on the slide what the catch limit was, 1,612 and 1,607, so it is very close. The 7 percent is based on the recent catch performance.

MR. HASBROUCK: Right, but the 1,612; those were the landings last year or that was the landing limit last year? That was 14 percent of the TAC or maybe I'm just not following this.

MS. YUEN: In Southern New England the annual catch limit has not been changed because the stock assessment update will be completed this year. The Gulf of Maine was reduced because the update was done last year. They base it on the stock assessment results.

MR. THOMAS FOTE: Yes; that 1,607 is really an interesting figure; because if we looked at the catch in state waters, it is not 1,607. That is basically the landings that were landed in the EEZ and landed in state waters, if I'm correct, so we should be able to pull out the two sectors of what is being caught in state waters.

There were none of those great numbers. Those are from the 5,000 pound trip limits that went out; also the recreational catch, because of the small bag limit, and the truncated season that they were forced into. We shouldn't be using any of those points over the years as we look at them because it is a whole different ballgame. I like to see what happened in federal waters and what happened in state waters being broken down.

MS. KERNS: Just to clarify and just to help refresh everybody's memory; the total annual catch limits are set based on assessment information for both stocks. As Melissa said, Gulf of Maine was updated so that's why there was a large adjustment between this year and last year. Then based on that, then the council makes recommendations to NOAA Fisheries for each of the sub-component fisheries in federal waters. They take what the average state landings have been in the past and have that number and subtract that from the ACL.

We are not held accountable to those landings because we do not have a quota. Those state waters sub-components go up and down as state water landings go up and down. The federal fisheries, so those federal sub-components are held accountable to their quotas. They have accountability measures that are attached to them; so that total annual catch limit is the total allowable catch for all of the fisheries; but knowing that our state waters landings are not accountable and can fluctuate, that's why our numbers go up and down.

MR. FOTE: That really doesn't get to the point of what I'm talking about is that the state landings, because 50-pound trip limits are so small because we constricted them; so I'd like to know what the catch was from last year from federal waters that came in to landing in the state waters. They were all done by draggers and were not done by the

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MS. KERNS: The state water landings that they use to figure out what the state water sub-component is only for those landings that are occur from state permit holders. It doesn't account for the landings that occurred in federal waters and then were landed in the state. Obviously, all the federal water landings have to get landed in each of the states, but they associate the

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landings with the appropriate permit that they have. Because it is a groundfish species, there are very strict reporting requirements for those and so you can distinguish those landings.

CHAIRMAN GIBSON: Melissa has some additional information for you.

MS. YUEN: For the commercial sector and common pool catch monitoring, I have some data for those sub-components. In the 2014 fishing season, in Gulf of Maine, again the sector and common pool only caught 23.7 percent of their sub-quota. In Southern New England they only caught 65.2 percent.

DR. DAVID PIERCE: Toni said much of what I was going to say, but I'll add a little bit. The state sub-component is not a specific state allocation. It is an amount the New England Council essentially says to us, ASMFC, to state permit holders, no federal permit, this is what we'd like you to catch and no more. That is pretty much what it is.

In a sense it is guidance; assumed take by fishermen in state waters who have state permits only. We always wonder every year what should the state sub-component be? Unfortunately it always comes down to what did the states take, state permit holders only; all right, then that will be your number for the next year.

The more restrictive ASMFC is to deal with our problems inside state waters, our need to conserve and to rebuild, to cut effort on winter flounder, we find ourselves consistently faced with less available as a sub-component that the council – of which I am a part – that the council expects ASMFC to live with as best we can.

We have done that consistently, but now we see that the state sub-component for 2015 is dropping from 25 to 17 in the Gulf of Maine; Southern New England/Mid-Atlantic from 14 to 17 percent. Certainly, those with state permits only in our different states can argue where is

the fairness of that; and it is a very legitimate question to ask. I think most states have said consistently relative to these particular state sub-components that most of our fishermen, commercial fishermen, anyways, are federal permit holders.

Therefore, when we have to discuss the state sub-component, we tend to favor the federal approach, the council approach, because most of our fishermen are federal permit holders. But when it comes time to address recreational fishermen, the state sub-component that pertains to them; well, it is a different story because it is pretty much all inside state waters certainly in the Gulf of Maine and I think primarily Southern New England/Mid-Atlantic.

I guess it comes down to this board making the call do we feel that we should stay at 25 percent in 2015 for the Gulf of Maine and should we stay at 14 percent in 2015 for Southern New England/Mid-Atlantic and then take necessary actions to restrain to catch to those amounts. To me that is the question.

I will also add and then end that with regard to Gulf of Maine codfish; in order to deal with the Gulf of Maine cod problem that we had a few years ago and it still exists, the collapse of the Gulf of Maine stock; the sub-component of the Gulf of Maine cod sub-component was reduced by the National Marine Fisheries Service.

The fish were in a sense given to federal permit holders in order to assist those federal permit holders; and I supported that because of the concern we had above Gulf of Maine cod and our federal permit holders. I'm not prepared to make a motion, but maybe I will. When it is time a motion, Mr. Chairman, I will make one with regard to the state sub-component for 2015.

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MR. RICK BELLAVANCE: Dr. Pierce pretty much hit the nail right on the head with what I was thinking. I feel like industry is concerned with what they see as a perceived shift of the resource from a state waters fishery to a federal fishery. We should be aware of that and I'm looking forward to Dr. Pierce's motion.

CHAIRMAN GIBSON: There is a point I forgot to make, and the staff can correct me if I'm wrong, but if the board takes no action, these specifications stay in place. They don't expire so no action would mean status quo and we would roll these over. If we want to change them, then, of course, we'd need a motion. Dave Simpson.

MR. SIMPSON: I guess there is a couple of parts. One, I'm thinking along the same lines as Dr. Pierce and Rick Bellavance. The other is I recall reading something about in the future a stock assessment – some revising of the assessment areas for winter flounder and that maybe – am I remembering this correctly that the entire coast would be assessed as one unit, Gulf of Maine and Southern New England along with Georges?

I'm getting puzzled looks so maybe I'm remembering the wrong species at the wrong time or something, but I seem to recall reading that was one of the considerations for the next assessment. Not seeing anything clear coming out of there: I'm torn because you know I would like to see winter flounder mortality reduced to very close to zero.

I think we're taking appropriate action in the states, at the commission. I think there has been a little bit of we're going to use a little bit of rebuilding to ease economic concerns for the groundfish industry. I maybe get that a little bit more in the Gulf of Maine but in Southern New England – I think the greatest impact economically has been in the Gulf of Maine and not in Southern New England; so a subsidy in the form of higher quotas in Southern New England I think is misplaced.

I will also observe that it is in the high 90 percent level that these landings go to one state; so this isn't broadly shared by even federal permit holders across multiple Southern New England states. It all gets landed in one state, generally speaking. There is probably 5 percent that gets landed elsewhere.

That leads to consider taking a more aggressive approach, as much as it is distasteful to me, to increase take in state waters. If we can't achieve conservation, why don't we just cash in on some of this biomass out there and increase trip limits for the commercial fishery to one or two thousand pounds and open up the recreational fishery for whatever fish they can find they can have, because we're not achieving any conservation by going it alone on winter flounder.

MR. FOTE: I disagree with Dave's last statement. I mean it is very difficult. A lot of my commercial fishermen in state waters don't have federal permits because they're pound net fishermen and they depend on that for their livelihood. They've taken a real economic hit, which we could point out if we had economic statistics on winter flounder by going to 50 pounds or 38 fish is what we do in New Jersey.

The recreational sector; it put a lot of tackle stores out of business because they're not catching that many to make it worthwhile to go out. We didn't complain about that. We were fine with doing that. They screamed a little and they yelled a little about the recreational and the commercial, but we were rebuilding the stock.

But what happened last year with 5,000 pound trip limits – and I did look at the state landings compared to the federal landings; and it would take I think the recreational community a thousand years to catch what one boat in ten trips; and the same with the

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commercial pound net fishermen in our state; it would take them ten years to catch up to what they caught in ten trips. I think we need to basically address this because this is not fair and equitable. You're right, the landings are going to one state.

CHAIRMAN GIBSON: Dave Pierce, are you ready to make a motion?

DR. PIERCE: I was prepared to go with status quo so no motion is required.

CHAIRMAN GIBSON: Are there any other comments from the board on this matter; recognizing that we will be a status quo for fishing year 2015 absent an action otherwise? I think that's where we are; we will have status quo for 2015. Dave Pierce.

DR. PIERCE: I consider that to be an appropriate action. I need to highlight something that will be presented at the NEAMAP Board coming up later on this afternoon. A presentation is going to be given by Dr. Armstrong of our bottom trawl survey inside state waters; the Gulf of Maine and Southern New England in our waters, of course.

We're continuing to get nothing but bad news relative to winter flounder in those geographic locations. We continue to see abysmal levels of winter flounder in both regions. In the Southern New England we're now again at a historic low. It keeps getting lower and lower every year. We're seeing that in the Gulf of Maine as well for our spring survey. It still is a necessity for us to be conservative and restrictive in our waters to deal with this lack of fish, this low abundance, notwithstanding whatever percentage we are allocated as a sub-component.

### ADJOURNMENT

CHAIRMAN GIBSON: Is there any other business to come before the Winter Flounder

Board? Seeing none; a motion to adjourn. Moved and seconded by everyone. Thank you very much; we stand adjourned.

(Whereupon, the meeting was adjourned at 11:10 o'clock a.m., February 4, 2015.)