

# Atlantic States Marine Fisheries Commission

## Winter Flounder Board

*February 3, 2015*  
*8:00 – 8:45 a.m.*  
*Alexandria, Virginia*

### 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 (*M. Gibson*) 8:00 a.m.
2. Board Consent 8:00 a.m.
  - Approval of Agenda
  - Approval of Proceedings from October 2014
3. Public Comment 8:05 a.m.
4. Consider 2014 FMP Review and State Compliance (*M. Yuen*) **Action** 8:15 a.m.
5. Review and Set Winter Flounder 2015 Specifications (*M. Gibson*) **Final Action** 8:25 a.m.
  - Technical Committee Report (*S. Correia*)
  - Advisory Panel Report (*H. Brown*)
6. Other Business/Adjourn 8:45 a.m.

The meeting will be held at the Westin 400 Courthouse Square, Alexandria, Virginia 22314; 703 253.8600

# MEETING OVERVIEW

## Winter Flounder Board Meeting

February 3, 2014

8:00 – 8:45 a.m.

Alexandria, Virginia

Chair: Mark Gibson (RI) <i>Assumed Chairmanship 2/15</i>	Technical Committee Chair: Steve Correia	Law Enforcement Committee Kurt Blanchard
Vice Chair: VACANT	Advisory Panel Chair: Harold 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. Consider 2013 FMP Review Report and State Compliance (11:25 – 11:40 a.m.) Action

#### Background

- State Compliance Reports are due on December 1 (**Each state compliance report can be found in the compliance binder in the back of the meeting room**).
- The Plan Review Team reviewed each state compliance report and completed the FMP Review for the 2013 fishing year (**Supplemental Materials**).

#### Presentations

- Overview of FMP Review Report by M. Yuen

#### Board Action for Consideration

- Approve FMP Review and State Compliance reports for the 2013 fishing year, and Delaware's request for *de minimis* status for commercial and recreational fisheries.

### 5. Set Specifications for 2015 Fishing Year (8:45 – 9:00 a.m.) Action

#### Background

- Each year, the Board sets commercial and recreational management measures for the upcoming year.

#### Presentation

- Overview of 2015 federal specifications and current management measures by M. Yuen
- Report from the Advisory Panel by H. Brown

#### Board Action for Consideration

- Set commercial and recreational management measures for the 2015 fishing year.

### 6. Other Business/Adjourn

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

**DRAFT PROCEEDINGS  
For Board Approval**

Hilton Mystic  
Mystic, Connecticut  
October 27, 2014

**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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Adjournment..... 17

**INDEX OF MOTIONS**

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of February, 2014 by consent** (Page 1).
3. **The Board recommends to the ISFMP Policy Board to send a letter to the New England Fishery Management Council and NOAA Fisheries urging a reduction in the SNE/MA Winter flounder possession limit to bycatch limits only for federal vessels based on sea sampling data for trips targeting other species** (Page 12). Motion by David Simpson; second by Doug Grout. Motion carried (Page 14).
4. **Move to nominate David Goethel to the Winter Flounder Advisory Panel** (Page 17). Motion by Doug Grout' second by Rich Bellavance. Motion carried unanimously (Page 17).
5. **Motion to adjourn** by consent (Page 17).

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### ATTENDANCE

#### Board Members

Terry Stockwell, ME, proxy for P. Keliher (AA)	David Borden, RI (GA)
Steve Train, ME (GA)	David Simpson, CT (AA)
Rep. Walter Kumiega, ME (LA)	Rep. Craig Miner, CT (LA)
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)	Tom Baum, NJ, proxy for D. Chanda (AA)
Bill Adler, MA (GA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Rep. Sarah Peake, MA (LA)	Tom Fote, NJ (GA)
Bob Ballou, RI (AA)	Roy Miller, DE (GA)
Mark Gibson, RI, Administrative Proxy	John Clark, DE, proxy for D. Saveikis (AA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Kelly Denit, NMFS

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

#### Ex-Officio Members

Harold Brown, Advisory Panel Chair

#### Staff

Robert Beal  
Toni Kerns  
Kirby Rootes-Murdy

Melissa Yuen  
Katie Drew

#### Guests

Brandon Muffley, NJ DFW  
Russ Allen, NJ DFW  
Mark Johnson, CT DEEP  
Penny Howell, CT DEEP  
Kevin Chu, NOAA  
John Lake, RI DFW  
Mitchell Feigenbaum, PA Leg. proxy  
Dan McKiernan, MA DMF  
Janice Plante, Commercial Fisheries News

John McIntosh, Scarsboro, ME  
Raymond Kane, CHOIR  
Arnold Leo, Town of E. Hampton, NY  
Jeff Pierce, MEFA  
Tina Jackson, Rhode Island  
Buck Briggs, Rhode Island  
Joel Hovanessian, Wakefield, RI  
Jerry Carvallo, RIFA

## **Draft of the Winter Flounder Management Board Meeting Proceedings October 2014**

The Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in The Mystic Hilton, Mystic, Connecticut, October 27, 2014, and was called to order at 9:35 o'clock a.m. by Chairman G. Ritchie White.

### **CALL TO ORDER**

CHAIRMAN G. RITCHIE WHITE: I'm going to call the Winter Flounder Board to order.

### **APPROVAL OF AGENDA**

CHAIRMAN WHITE: The first item on the agenda is the approval of the agenda. Are there any additions or changes to the agenda? Seeing none; the agenda is adopted by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN WHITE: The second item on the agenda is approval of proceedings of the February 2014 meeting. Are there any changes or additions to those minutes? Seeing none; those are adopted as written.

### **PUBLIC COMMENT**

CHAIRMAN WHITE: Public comment; are there any people wishing to speak on items that are not on the agenda? The only person I see on the list is a friend and someone that it was a pleasure to serve on this commission in the past; Jerry Carvalho.

MR. JERRY CARVALHO: Members of the Winter Flounder Board; my name is Jerry Carvalho. I served on the commission for four years. I serve as vice-president of the Rhode Island Fishermen's Alliance. Our concern with the winter flounder has to do with access. The feds have taken it upon themselves to commandeer – I'm going to use the term "commandeer" – this fishery.

It was traditionally a state waters' fishery. The inshore commercial boats realized probably 40 percent of their income on this resource. Under the present circumstances, the recreational fishery has been all but completely excluded

from access to the resource. The disparity in access is unacceptable from a social standpoint.

It goes beyond the issue of fisheries' management. Either good fisheries' management or bad, it becomes a moral issue when one vessel on a dock can come in with 5,000 pounds of fish and the remaining state vessels can come in with 50 pounds of fish. To put this more simply, one person is given an apple to feed his family; and the other person is given a month's supply of food.

That is about as simple as I can make it. This commission is made up of sovereign states; and as sovereign states you have a duty and an obligation to protect the resource but also to protect access to that resource for its state citizens. The feds have taken it upon themselves, in my mind, to commandeer access to this resource. I think it is wrong and it raises a moral issue. I would hope that this board changes those circumstances and makes right what obviously has become a wrong. Thank you.

CHAIRMAN WHITE: Thank you, Jerry. The next item on the agenda is the assessment update for Gulf of Maine Stock. Paul.

### **ASSESSMENT UPDATE FOR GULF OF MAINE STOCK**

MR. PAUL NITSCHKE: My name is Paul Nitschke; I work for the Center Population Dynamics Branch. I have the lead on the Gulf of Maine Winter Flounder Assessment. This assessment was recently updated in August through an operational update. Georges Bank Winter Flounder was also updated at that assessment and also pollock.

Just to remind everyone where the Gulf of Maine stock is; it is in the 500's for statistical areas. Most of the stock is being caught in 514. Almost the entire stock is in that one statistical area. For the Southern New England stock, keep in mind that 521 is an important statistical area for that stock. A lot

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of the catch comes out of that statistical area for that stock.

For the Gulf of Maine Assessment; this is one of those model-resistant assessments. Back at GARM III, the VPA assessment was not accepted for management advice. Then there was another benchmark assessment at SARC 52. Once again we tried using the VPA model. We looked at other model frameworks, including the SCALE model and the ASAP model.

However, at that assessment, it wasn't accept either and no modeling went forward. Basically there is a large conflict between the data trends. There is a large conflict between the reduction in catch and the trends in the surveys and the age structure in the assessment. Back at SARC 52, there was an appendix where I estimated 30-plus area-swept biomass from the surveys directly.

This ended up becoming the main part of the stock assessment, which was updated in August for the operational assessment. Even though we have big questions with the trends, I'm going to very quickly go through the survey trends and the catch trends, since I'm sure people are interested in seeing them.

This is the Science Center Spring Index. On top is the abundance; on the bottom is the biomass index. You can see the trends in this index is very flat, constant over time; not much change really occurring. This is the fall survey, and once again fairly flat index over time. However, more recently we see this decline in the abundance over the last few years, which is a source of concern.

This is the Massachusetts Spring Survey; also a fairly flat survey. However, more recently there has been a large decline in the index; and the spring 2014 was the lowest on record for this index. Here is the DMF Fall Survey, and once again there is this declining trend at the last few years of the survey.

Here is the Maine/New Hampshire Survey, which starts in 2000. The spring 2014 did show an increase; so it this large increase in this index in that year which kind of offsets what we saw

in the Massachusetts DMF Survey. However, in general it is a fairly flat survey like the others; a shorter time series, though.

Here are the catch trends over time. There has been a large reduction in the catch over the time series. In the eighties, the recreational component was a significant part of the removals. The recreational fishery has almost disappeared for winter flounder. The discards also are a very minor component of the catch. More recently we see catches around 300 tons in the last decade or so. This is very small compared to the removals that we saw in the 1980's.

The new assessment now uses the surveys directly. There are several improvements in the survey which allow this. Now we have the Bigelow Survey, which has a higher catchability. When the Bigelow came on board, we also have improved sampling of the inshore strata in the NMFS Survey. We also now have information from the Maine/New Hampshire Survey for inshore strata. Basically this is how the assessment is done.

This is estimating exploitable biomass. Exploitable biomass was defined as 30-plus centimeter fish from the surveys. It is simply taking that 30-plus biomass index and multiplying it by an expansion factor, which is just the total survey divided by the total footprint of the survey divided by Q. So Q here, you can think of Q as the efficiency of the tow in the survey between the wing spreads.

At SARCA 52 we used a Q of 0.6 as the best estimate of the efficiency. This was informed from the Georges Bank Winter Flounder Assessment at that time. Exploitable biomass is simply estimated as the catch over the 30-plus biomass index. One of the issues with the Gulf of Maine Assessment is we don't have a survey that covers the entire stock; so we ended up putting three different surveys together to cover the stock.

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We have the NMFS Survey, which covers the offshore strata and parts of Massachusetts and Cape Cod Bay. The Massachusetts DMF Survey covers areas close to shore where the NMFS Survey can't get into; so those strata along the coast. Then for strata north of Massachusetts we used the Maine/New Hampshire Survey. You can see from this map that is a large area. However, there are not that many 30-plus centimeter fish caught in that survey.

These are the numbers that go into that equation. The top row is the survey area and then the footprint for each survey and then the expansion factor just dividing the total area by the footprint. Biological reference points were not updated at the operational update since there is limited information for this. These were estimated from length-based yield-per-recruit model using F 40.

These were later converted to exploitation rates since the assessment is done in exploitation terms. To keep it consistent with the way the index is, we used a knife-edge selectivity at 30 centimeters for the length-based yield per recruit. Here are the biomass estimates coming out of the surveys. On the top is the spring survey; on the bottom is the fall survey.

The different colors represent the different surveys. You can see in the spring, a greater chunk of the stock is within the state surveys. This makes sense because in the spring the fish are closer to shore. A certain chunk of the population is probably within the estuaries since that is when spawning occurs.

At SARC 52, the fall survey was a better estimate of the total biomass since the spring survey could be missing some fish since we don't have any surveys that go inside the estuaries. The 2010 fall estimate was used for the stock assessment at that time. However, since then you can see that the biomass index has declined and pretty much has been cut in half since the last assessment in the fall whereas the spring survey is more stable.

More recently the two surveys are producing very similar results. Uncertainty was estimated using this Latin Hypercube Approach. Remember we have different surveys going into the estimate; so we have uncertainty around each survey. We have uncertainty around each of the footprint in each survey. Paul Rago has some code that does this. It basically takes each of these uncertainty distributions and chunks them up into equal probability intervals; and then it loops through and finds all possible combinations.

He takes each distribution and chunks them up into 40 probability intervals. There are six uncertainty distributions; so that is forty of those six possible evaluations; so that is over four billion evaluations that the model has to run through. These are estimates coming out of that. You can see more recently from 2012 to 2014 the estimates are very similar. The distributions overlap each other. The spring and fall surveys also show very similar results.

This plot here basically shows you the uncertainty of the Q assumption or that efficiency assumption; and the estimates are sensitive to what you assume for the efficiency. At SARC 52 the SSC looked at these cumulative probability distributions. This is the probability of Fmsy. The 60 percent efficiency, which is the line on the right, was used for the OFL determination; so where this line crosses the 50 percent probability that was used to determine the OFL, which was that 1458 for that assessment.

When we update these curves, they move to the left because the biomass was cut in half. A similar thing was done for the ABC at SARC 52. This is the probability of F exceeding 75 percent Fmsy. The SSC decided to use just the straight control rule at the time, which is the 60 percent – where the 60 percent line crosses the 50 percent probability, came out to 1078.

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Not when surprising when we update this, they shift to the left since the biomass was cut in half. This plot here basically just shows you the sensitivity of assuming different efficiencies. Looking at the fall survey from 2009 to 2012, the horizontal lines on here are the Fmsy and 75 percent Fmsy. You can see the changes that occur over time relative to the reference points.

Exploitation rates have increased over time. However, the exploitation rates are still below the overfishing threshold. Back at SARC 52, the stock was it wasn't overfishing. It had a very low exploitation rate. Since then you can see the exploitation rates have increased, but they're still far below the overfishing definition.

The big question here is why did the stock decline under such low exploitation rates? One of the sensitivity analyses we did was we used information from the Empirical Georges Bank Yellowtail Assessment which was recently done. That assessment uses a Q of 0.37 of the door spread. This basically came from the literature.

We want to see if we used these estimates the last time at SARC 52; would have that changed anything? But if you would have done that, it still would have produced higher catches than the removals that we observed; so some indication that even if you did use these Q estimates, it wouldn't really have much of an effect or it wouldn't have changed anything.

So you can think of a Q of 0.37 on the doors is roughly equal to a Q of 1 on the wing spread. The big question in this assessment is, of course, why did the biomass get cut in half under the low exploitation rates? This is a plot that was shown to the SSC last week. The brown line on this plot is the historical catch and black line is the historical ABCs.

The first year, 2010, that ABC was based on recent catch history at that time since the assessment was rejected at the GARM III. You can see the large increase there is from using the area-swept biomass assessment, which produced that 1078 number. More recently when we update those estimates, the numbers drop. The red line on here is the OFL and the blue line is

the ABC. The ABC now is 510 metric tons. The green line on here for comparison is if you use the Georges Bank Yellowtail Q. However, that is not being used for the ABC determination. That's all I have.

CHAIRMAN WHITE: Thank you, Paul, a very thorough report. Any questions? Bill.

MR. WILLIAM A. ADLER: Do you have any idea as to why, with all the restrictions and regulations that we have on this fishery over years, why it hasn't recovered and gone up? I mean, you would think that since they have all these quotas, rules and everything else that something would have gone up. It apparently isn't the fishing. Do they have any idea why this stock isn't just bounding back up?

MR. NITSCHKE: I wish I knew the answer to that question. For this stock, you have a lot of trouble with the modeling because some of the trends aren't making sense. The model can't figure out there isn't a response in the stock with such a large reduction in the catch over the time series. The model wants to see some response to that.

It wants to see increases in the index or increases in the age and size structure. We just don't see that. There is a similar story for the Southern New England stock. However, on Georges Bank, that assessment does show a little more dynamics. That stock is in fairly shape compared to the other two.

CHAIRMAN WHITE: Any further questions? Dave.

DR. DAVID PIERCE: Paul, thanks for the presentation. Interesting statistics; I've never heard of the Latin Hypercube Approach; I've got to investigate that. I think you said that the Gulf of Maine winter flounder resource, the abundance, the biomass has declined. I think you said that right? I just want to confirm that it has declined. I saw some information in your presentation that seemed to contradict each other, but maybe I just

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didn't focus on it long enough. The biomass in the Gulf of Maine has declined?

MR. NITSCHKE: Yes; the assessment uses that fall survey and that fall survey has pretty much been cut in half.

DR. PIERCE: Okay, but the data that you provided showed quite often in the slides fall 2010 being the last year; but I'm having trouble understanding why some of the slides emphasize that fall 2010 was the last year for the analysis, but then updates indicated something different. Could you elaborate a bit?

MR. NITSCHKE: At SARC 52 the fall 2010 was used. For this assessment it is the fall 2013, so the terminal year in this assessment.

DR. PIERCE: All right, and you also said that since the fall 2010 the survey now is being done using different strata; could you elaborate? I think you said that there are more sampling of the inshore strata. With more sampling of the inshore strata, I would have expected there have been to more positive signs of winter flounder biomass; but that doesn't seem to be the case. Could you elaborate a bit on that?

MR. NITSCHKE: Sorry, I didn't mention that. The fall 2010 was probably a special year, I guess, because in that year the NMFS survey wasn't able to finish the survey; and we were missing the important inshore strata for that survey. For that particular year we ended up using the Massachusetts DMF Survey to fill in those holes. That is why that year is a little bit different, but all the other years are consistent.

DR. PIERCE: So the Bigelow is sampling inshore strata. This is an important point because I thought that the Bigelow was incapable of sampling the inshore strata the way the Albatross used to. Are you saying, then, that the Bigelow actually in the Gulf of Maine is adequately sampling the inshore strata that the Albatross did sample before?

MR. NITSCHKE: Yes; in the Gulf of Maine I think the Bigelow only lost one strata it couldn't

go into. It is actually sampling more of the other strata and more tows per stratum.

DR. PIERCE: Finally, with Gulf of Maine cod we've been told quite consistently by the Northeast Fisheries Science Center that the waters are warming in the Gulf of Maine and potentially that is having an impact on recruitment of codfish, less recruitment, and here we are with this dire situation with Gulf of Maine cod due in part to warming of the Gulf of Maine.

Is it possible – has the Center evaluated whether or not this warming water trend might be having an impact on winter flounder abundance? Obviously, winter flounder tend to seek colder waters; so if it is warming in the Gulf of Maine, is that impacting recruitment success for Gulf of Maine winter flounder; any information regarding that?

MR. NITSCHKE: There is some indication in the surveys that the fish are in deeper water when you compare it to the 1980's; so there is a little bit of an increasing trend in abundance in the deeper waters. We thought this might be part of the reason why the assessment is having trouble. If we didn't adequately index the stock in the 1980's because a greater chunk of the stock in the 1980's was outside the survey strata, inside the estuaries, that could be a possible explanation why we're missing something important in the stock assessment.

MR. MARK GIBSON: Paul, have you have done any probing of the models to see how much under-accounting of catch or inflation of natural mortality rate would be required to reconcile the catch trajectories with the abundance behavior?

Is that a plausible explanation; are they so far out of whack that it is an unrealistic amount of missing catch to reconcile those? In other words, the indices aren't responding to a reduced level of catch, but it is really not reduced that much or there is another source of mortality.

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MR. NITSCHKE: Back at SARC 52, this assessment had one of the worse retrospectives, on the order of Georges Bank yellowtail retrospective, and it would require almost an unbelievable amount of catch to explain that.

MR. HAROLD "BUD" BROWN: I would like to respond to David's question about the warming of the waters. The primary abundance in his report is Statistical Area 514, which was warmer than everything up in Maine, as much as 20 degrees. I think the converse is the case; they are not around in the colder waters.

CHAIRMAN WHITE: Any further questions? Okay, seeing none, the next agenda item, the technical committee report; Katie.

### TECHNICAL COMMITTEE REPORT

DR. KATIE DREW: Steve Correia could not be here today, so I'm going to be giving Winter Flounder Technical Committee Report about Southern New England/Mid-Atlantic Stock for the winter flounder. I'm going to be going over basically the winter flounder indices for that part of the stock and the technical committee recommendations for the Southern New England/Mid-Atlantic Region.

These are spring biomass indices. I'm going to go through a lot of graphs that look similar. This is basically weight per tow, biomass per tow for the Northeast Fisheries Science Center; on top, the Massachusetts, Connecticut, New Jersey and NEAMAP surveys. As you can see, they remain all very low. The solid red line on these graphs is the median of the time series; and the dashed lines above and below are the 25<sup>th</sup> and 75<sup>th</sup> quartile for these series.

In most cases they are below the 25<sup>th</sup> quartile; and in all cases they are definitely below the time series median. This is the spring biomass indices. This is the spring abundance indices from the same surveys. Basically this is numbers of fish per tow and also remains very low. The fall biomass indices that we have includes the Northeast Fisheries Science Center, the Massachusetts and the NEAMAP Trawl Survey. Again, all very low, below the 25<sup>th</sup>

quartile here in terms of weight per tow and also in terms of numbers per tow.

These are the young-of-the-year indices; so these are recruitment indices. We put a smooth trend through those to smooth out some of the variability over time; and what you see is for almost all of these, these remain very low as well. We see a slight uptick in a couple of the New York Surveys; and Massachusetts has seen a little bit of an uptick, but in general they remain very low.

Given this, the technical committee concluded that almost all of the survey indices that we examined are near time series low; and the young-of-the-year indices also remain low despite a couple of upticks in a couple of surveys. Because of this, rebuilding is likely to be slow, if it occurs at all, especially with the patterns of recruitment that we've seen in the recent years.

Based on that, the recommendations – the technical committee did not review the SSC's recommendations for the Gulf of Maine stock; so this is just for the Southern New England/Mid-Atlantic stock. The specifications are likely to remain the same. I don't think we've seen the final numbers yet; but the technical committee recommends maintaining status quo for this stock given that the indices indicate no rebuilding has occurred in recent years.

CHAIRMAN WHITE: Any questions for Katie? Mark.

MR. GIBSON: I just point out, first, the materials that I had, anyway, didn't have any recruitment indices. That was going to be a question because they were mentioned in the text, but they weren't in the supplemental information at least I had; but at least I've been able to see those now. The biomass indices and the numbers-per-tow indices seem to be different in terms of their membership. Rhode Island seems to be not in the biomass index; but then it appears in the numbers per tow, but somebody else must drop out – New Jersey, April, drops out. Do

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you know what is going on with that? There doesn't seem to be a consistent set of surveys.

DR. DREW: I'm not 100 percent sure, but I believe the – I'm not sure that the New Jersey trawl actually has completed the numbers' calculations for the spring index at that point.

MR. GIBSON: And I saw in the text that there wasn't any – she did not have latest catch information. Do we know what is happening with commercial landings relative to state and federal waters in comparison to the federal ACLs and the state waters' assumptions that they used in their specification-setting? It seems to me that is important information that the board ought to have before they try to go through our specification process.

DR. DREW: I believe they were not ready at that point because of the difficulty of splitting out – basically, the problem with this is obviously trying attribute landings to different stocks; so we have not yet been able to split out state and federal landings to the appropriate stock levels at the time we discussed this.

MR. ADLER: The technical committee's report indicated for Southern New England that the 1,676 metric tons be maintained; and is that for federal and/or or state? Then the second part, but it says the state waters subcomponent will be reduced. Why would the state subcomponent be reduced and not the other section?

MS. YUEN: The state waters' subcomponent is actually not part of the ACL; so it is not subject to accountability measures. It is technically a set-aside based on the amount of catch in previous recent years.

MR. ADLER: Well, yes, but if they want the subcomponent of the state – the state subcomponent to be reduced, why are they saying that should be reduced and not everywhere?

MR. NITSCHKE: Every year the Groundfish Plan Team goes through all the different components for the ABCs. We try to figure out – we have to account for all the different

subcomponents; and depending on what happened in the past changed those percentages. We are actually going to do this tomorrow at the PDT meeting.

We don't know yet if they're going to be – I think they were saying they are going to go down, but I'm not sure yet. We haven't really reviewed it yet; but basically we're going to figure that out. Since the state catch was fairly low, those percentages might get adjusted lower.

DR. DREW: To clarify, the technical committee did not recommend that the ACL be lowered. We're saying that we expect that it will be lowered by the feds based on this analysis.

MR. DAVID G. SIMPSON: What Paul was just saying raised a question in my mind. If the state waters' sub-ACL, essentially a set-aside, is reduced; does that necessarily mean that even more catch will be allowed in federal waters?

MR. NITSCHKE: I guess if the ABC doesn't change, that wouldn't go up.

MR. SIMPSON: So it will make a bad problem worse?

MR. NITSCHKE: If they catch the federal ABC, which hasn't been happening.

MR. DAVID V. BORDEN: I'm not going to repeat everything I said at the last meeting; but as everyone around the table know, I have great dissatisfaction and a good case of heartburn relative to this plan. I'll just kind of quickly go through my list. The surveys are at time series lows and declining; and yet we have, in essence, a harvest strategy that is a constant catch scenario that is not going to be revised probably for two years.

The biomass is at 16 percent of the Bmsy target and may be declining. We have two completely different approaches. The state waters basically, particular Massachusetts and Rhode Island, are essentially closed; a

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50-pound limit. That limit is promoting regulatory discards. We tell people in state waters go catch your 50 pounds and then railroad them over the side. This isn't doing anything for the resource.

On the other hand, on the other side of the line, on the three-mile limit, we're essentially allocating the resource to sectors – they can target them. It is not a bycatch fishery; it is a targeted fishery where some of the boats can land 5,000 pounds. It raises all kinds of equity issues in my own mind; but the fundamental reason I'm raising this, there is no evidence that I can find in any of the documents that we're rebuilding the population or that rebuilding has been initiated or that the catch targets are set appropriately.

We need a dialogue desperately with the New England Council on reconciling who catches what, what percent should get caught in state waters and what portion should get caught in federal waters. We've got to start that process. I don't think we can wait two or three years and just let this become another Gulf of Maine cod situation. Thank you.

MR. ADLER: Whether federal fisheries reduces their ABC or not; the point is it sounds like for Southern New England that the council has got, as I think Dave brought up, like a 5,000 pound landing and the state has a 50-pound landing. Now, every time that the federal people go down in their quota and we disagree; we change our mind and go with them.

Now, if they raise their quota to whatever they have it at or their landing, whatever they have it at, how come we don't change ours and go with the feds at that point? We only seem to go with them when they go down. I share Mr. Carvalho's idea and concerns and David's that it just seems to be unfair that the state waters' people are bound by 50 while the federal people are allowed the 5,000 – or even if they go down more, but the point is that it just seems very unequal and unfair. I just had to get that on the record.

MR. GIBSON: I just want to reiterate some of the points that David made and add another one. We did ask for that dialogue to begin; and I'm not aware that the commission leadership – I think it is specified right in your minutes – every initiated that dialogue. I know that we participate on the NRCC in terms of stock assessments priorities and so on; but I never saw any correspondence that went to the council chair to initiate that dialogue.

One of the reasons last year I was trying to increase the commercial possession limit to a hundred pounds was not only because of the equity issues that Jerry Carvalho spoke to very well and David has spoke to, but we also did something for recreational fishermen, left state waters' fishermen high and dry; but I thought it was important as well to continue the data stream and continue the catch record of the states. You can see now what will happen is through no action by this commission, the state waters' commercial fishery will just be slowly strangled out of existence by the federal specification process and our lack of attainment of the catch assumptions they make in their specification process.

You're going to have a total ABC; they are going to take out what they think they need to take out. That is going to be a self-fulfilling prophecy of we neglected to go to a more equitable possession limit; we didn't catch as much as they estimated so more will flow out of a constant ABC to the other side of the ledger.

I agree with David; we're in a difficult problem here; a weaker position of arguing today because of the abundance indices, particularly the NEAMAP one, which I think is devastating. That was survey that is highly regarded. It is in the intermediary zone and the last two data points indicate a major change in abundance. I just continue to point to this problem. There needs to be a more cooperative winter flounder management program between the commission and the council.

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CHAIRMAN WHITE: Toni, would the correct procedure be a request from this board to the policy board to forward a letter to the council?

MS. TONI KERNS: That would be the correct procedure. I just wanted to update the board that we have had some discussions with the New England Council, sidebar discussions at NRCC, Bob and I have; and we had planned on having folks from the council come to this meeting, because we thought that the council would have set the specifications through their process.

Due the cod emergency that the council went through at this last meeting, the winter flounder specifications were delayed; and so we did not have anybody from the council come to today's meeting since they have not discussed it.

That was one of the ways we were trying to improve communication between the council and the commission; but we can definitely send a letter looking for more collaborative and cooperative management programs to address these issues.

CHAIRMAN WHITE: Would there be any objection to that letter going forward? Okay, David, do you want to speak to that?

MR. SIMPSON: Yes, just to clarify, I need a memory refresh. When the federal waters' fishery went from no possession to very substantial for the size of the stock ACL; was that an action of the New England Council or was that an action of NOAA?

CHAIRMAN WHITE: Paul, do you want to answer that?

MR. NITSCHKE: Let me go through the history a little bit. All the winter flounder assessments were done at SARC 52. We did an update of the Southern New England assessment here because in the meantime a new rebuilding plan was put in place for the Southern New England stock. That is when that bump-up came, right, in that ABC.

However, that is still based on that same assessment, which is getting fairly old at this

point. All these changes we have seen in the surveys now are not incorporated into that number. Next summer we're supposed to be updating all 20 groundfish assessments; and then that information will come into the process.

MR. SIMPSON: I know that we gave ourselves another ten years to achieve the rebuilding; so my specific question is NOAA do that or did the New England Council do that? I mean, that was a mechanism for upping landings of winter flounder. You know, we'll give ourselves another ten years; that means we can fish harder now. Was that NOAA's decision or was that a recommendation of the New England Council?

MR. NITSCHKE: Well, NOAA allowed a redo of the rebuilding plan; because under the original one it was F at zero. You couldn't get there; so the rebuilding plan was redone.

CHAIRMAN WHITE: David; are you trying to get at where the letter should go?

MR. SIMPSON: Yes; my impression has been – and may be wrong – my impression is this is something NOAA did to mitigate groundfish problems throughout New England and Southern New England, principally in Massachusetts because most of the Southern New England winter flounder are landed in Massachusetts. I'm trying to figure out, right, who does the letter go to?

I didn't think our problem was as much a New England Council action as it was an almost unilateral NOAA action. You can see from those indices – and as Mark Gibson pointed out; as short as the NEAMAP time series is, it has a couple of years before this change in harvest was initiated and a couple of years after; and you can see the disastrous consequences of it.

Here we are as a commission with a species that spawns in local waters, spends a lot of time in local waters and is getting grossly overfished for the size of the stock in federal

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waters; and we're frustrated in terms of how do we deal with that. Do we just throw up our hands and say, well, let's make we protect our state waters' ACL; let's jack up our trip limits right now because the feds are going to take it all. That's kind of where we are with this and it is not the direction I want to go. What I'd like to do is get the federal fisheries management back in line with what the commission is doing and try to salvage this stock and begin rebuilding; because it is in really rough shape.

CHAIRMAN WHITE: Doug, did you want to comment on that?

MR. DOUGLAS E. GROUT: Yes; just to help clarify things. Dr. Pierce can confirm this for me, but one of the other things that happened was when the council went to catch shares, remember originally it was a zero possession fishery. Then based on the revised time frame, they then made it an allocated fishery.

That is when between the combination of a new ten-year rebuilding time frame and then going to an allocated fishery is where we started getting into these large catches. It is really, to me, a combination of both what the council did and NOAA Fisheries obviously has ultimately the final approval of any of these actions.

The other thing that I think will be of notice, Paul had mentioned that this is going to be updated this coming year, which is another problem that the SSC has been battling with is having old assessments with which to make projections. Clearly, once you get beyond two or three years, your projections are very weak; so having a new assessment should help this. If you look at some of the survey indices, you'd expect that potentially the ABCs for the Southern New England stock would probably go down.

CHAIRMAN WHITE: So, Doug, are you saying, then, that the council is the right place?

MR. GROUT: I would send it to both.

MR. TERRY STOCKWELL: Certainly, the agency participates on the council; so if the

letter goes to the council, it will also address the agency. Just to follow through to your question, David, is that despite the council's preoccupation with Gulf of Maine cod the last number of months, the specifications for next year are going out in Framework 53, which is voted on the end of November. The Groundfish Committee meets in two weeks. My suggestion would be that a letter go to the council so that the Groundfish Committee can consider action during their discussions for whatever the final action is going to be in November.

DR. PIERCE: Yes; the letter should go to both, the regional administrator as well as the council. We should all reflect as well on the nature in which groundfish is managed by the New England Council. I'm on the Groundfish Committee. I have been involved, of course, in groundfish management for many years and on the Winter Flounder Board, obviously.

We have to remember that the industry's perspective, especially states waters' fishermen's perspective, is a good one and an understandable one. When trip limits are increased, as was done for Southern New England/Mid-Atlantic winter flounder back in July increased from 2,000 pounds per trip to 6,000 pounds per trip; that was done for the common pool vessels.

Of course, we've got the distinction between commercial sector and common pool vessels on the screen in front of us. There are relatively few vessels in the common pool. Most vessels are sector vessels uninhibited by trip limits. They're restricted by so-called ACEs, allocations to the sector of that stock of winter flounder; and so they have to live with their specific sector allocation, but there are no trip limits.

Common pool vessels have trip limits; and according to the announcement that was put out back earlier this year, because the small amount of allocation for common pool vessels was expected not to be taken, the Service increased the trip limit up to 6,000

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pounds, giving common pool vessels an opportunity to catch their total allocation for the year.

No consideration of what is going on in state waters; it was just common pool vessels and what are you allocated, all right, your limit is increased so you can take that allocation; small as it is, but we're increasing it. Then the announcement said that if indeed catch becomes too high, the trip limits can be reduced down.

There is our dilemma as an ASMFC board, having to deal with the trip limits that are established for common pool vessels. There are relatively few but still there are some trip limits for those vessels, enabling them to catch their allocation for the year as a group versus what has been set aside as a subcomponent for state waters' fishing.

We can argue that the subcomponent is wrong. I suspect it is wrong; nevertheless it exists; and this board is expected by the council and by the Service to live within that subcomponent by our taking the necessary actions to do so; but we're faced with this obvious inequity that has been highlighted by a number of people, such as those from Rhode Island.

I have yet to be able to figure out a way to wrestle with this and to resolve it because we have federal management that basically dominates with common pool vessels consistently having an advantage over states waters' fishermen because there is a specific allocation for common pool vessels and then this subcomponent that is relatively small for states waters' vessels.

I don't like the situation for states waters' vessels and, sure, I'd like to see another way to address it; but as it stands right now, this is the way it is. There really are very few options for this board to take except to express displeasure, write a letter to the Service and to Council; but I suspect the response that we get back is going to be no more than what I just provided as a description of the way it is.

MR. THOMAS FOTE: I've been very silent because I was waiting until we got to the comment period after we finished with asking questions of the technical committee; but this has wound up in a discussion. Since we've wound up in a discussion, I've sent some tables over to Melissa and maybe let's put those tables up. Linda Barry put these together for us for the state.

It basically shows the jump in catch in New Jersey in 2013. What I found interesting is the spring trawl figures. That is the catch and how it jumped up last year. Now, our state water commercial fishery is about 7,000 pounds for the last couple of years; and in 2012 the recreational fishery, according to MRFSS or MRIP, or whatever you want to call it – I don't agree with the numbers that we went from like 36,040 to 40 fish, but I won't use that. If go down to the other set of tables on there, it is interesting to look at what happened in the spring/winter trawl fishery in 2014. Maybe Tom can explain it better than me.

CHAIRMAN WHITE: Tom, do you want to comment on that?

MR. TOM BAUM: Sure, thank you. For 2014 – basically through the time series, it is always the April trawl survey; and there was always that bimodal – this is mean catch at length; so there is always is a bimodal length distribution. It sort of lost it in 2013 and in 2014 you see it more, but that's more of a less availability of the larger fish. Again, obviously, it is a survey indices and it does have the – there is a liner in the bag so we do get all the smaller fish. Basically we're catching more of the younger fish because of the less availability of the larger fish.

MR. FOTE: I'll just finish up my comment is that if you look at that, you realize what we did in 2013 is wiped out all the big fish that would be coming in to spawn. The problem is even getting worse. I mean, it is totally inequitable. I have said that before and I agree with everything that Rhode Island said and everything that Massachusetts said and a

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few other people have said; this is not the way we're supposed to be managing.

It is interesting because I made the motion a couple of years ago when we were sitting here discussing about a total moratorium because the stocks were basically in such bad shape. I said, well, why don't we leave it one fish or two fish - - and we went to two fish - and at least leave the fyke net fishermen or the inshore guys so they don't do discards, to basically leave them with 50 pounds, which in our state I think works out to 36 fish.

I mean, it kept the regulatory discards at a minimum; and here we now open up this fishery for 5,000 pounds after in 2012 we had a moratorium in the EEZ. I mean, this is not good fisheries management and it is a good relationship between the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission. Now, somebody asked how we can get around this. Well, when we basically wanted to do a different summer flounder quota than the National Marine Fisheries Service, they threatened to shut the EEZ down for the harvest of commercial fishermen out in the EEZ.

There is nothing stopping us from closing all the landings in the ports to these 5,000 pound trip limits and play a little catch-up game one way or the other. I know that is not going to work; it is not a sensible way to do this, but we could say in state waters you can't land any more than 50 pounds.

I don't know what you'd do catching winter flounder if you can't land them from Maine to New Jersey. It would make an interesting situation; and maybe that's my only recommendation. Of course, from what I've been listening to, it is the only thing we have available. We can't tell the National Marine Fisheries - they can tell us what to do; they have done it numerous times whether it is black sea bass, scup or summer flounder. When we think a fishery is in disastrous shape and should be closed completely almost, we're seeing this go on. I don't know; it seems like you're speaking out of both sides of your mouth.

**MR. SIMPSON: I'd like to make a motion actually that the board request that the Policy Board approve a letter directed to the New England Fishery Management Council and NOAA Fisheries urging they reduce possession limits to bycatch limit levels only for all federally permitted vessels and that those limits be based on sea-sampling data for trips targeting species other than winter flounder.**

**In other words, the commission for Southern New England has set a 50-pound bycatch limit.** You will recall that at that time NOAA was urging that we allow no possession consistent with their plan. We saw that as a wasteful practice and we allowed 50 pounds to avoid that wastage. I'd like to see NOAA and the New England Council take a similar approach; understanding the level of discards may be a little bit higher federal waters, allow bycatch for that, but nothing more. We want to prevent a directed fishery on this stock given its depleted status.

**CHAIRMAN WHITE:** Is there a second to the motion; Doug Grout. Any discussion on the motion? Seeing none; do you want a minute to caucus? Is that the motion, Dave?

**MR. SIMPSON:** That's it; thank you.

**CHAIRMAN WHITE:** Would the seconder like to speak to the motion?

**MR. GROUT:** My question about the motion that I seconded; does this apply to Southern New England or does it apply to all stocks, Gulf of Maine, Georges Bank and Southern New England?

**MR. SIMPSON:** Yes, I'm sorry, this is specific to the Southern New England/Mid-Atlantic stock.

**MR. FOTE:** I'm trying to figure out what this actually means; and that's what I don't know. It says "allow for bycatch"; can you determine what the numbers are going to be bycatch; because I've heard bycatch numbers

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winding up being 5,000 pounds over the years. We have formulas that we create for this; so will this really do any good? I don't know and that is why I'm asking the question. I don't want to vote for a motion and then find that we allowed for 5,000 pound bycatch figures. I'm trying to figure out what it actually means, Dave.

MR. GIBSON: Does this apply just to the common pool vessels; because that is the first question I have, what happens to the sector allocations that, as Dave has pointed out, are not subject to possession limits based on allocations to the sectors and sector management. We don't have an updated stock assessment for this stock yet.

I don't think the council is going to react to any changes until they have an updated stock assessment in hand and they're actually going through either a new specifications' package or a framework action to adjust winter flounder measures. This is not the letter that I was looking for. It is not the one I don't think we talked about at our last board meeting. I'd like to know some more about it; but I think I'm opposed to it at this point the way it is written.

CHAIRMAN WHITE: David, do you want to respond to those questions?

MR. SIMPSON: Yes; and I'll say I hesitated a bit in making the motion because of the complexities of sector management. My intention is that this apply to all vessels, including sector vessels. I think that could be – we just can't have a directed fishery on this stock no matter what the current rules are.

Maybe the possession limit needs to be zero for sectors if that is what the law – if the law is that restrictive; but we cannot have 5,000 pound trips on winter flounder. It can't support the stock – the stock can't support that. Whether you're a sector vessel or a common pool vessel, this idea of targeting this very weak stock is going to hurt us in the end.

We don't need a stock assessment to see the situation this resource is in. It is a common problem that New England has is they don't get

the updates and stock assessments every year the way we do with fluke, scup, sea bass. I mean, if a summer flounder assessment comes in three months late, we're up in arms about it.

The New England Council goes for years managing blind; but my intention is to get federal management back in line with state management. They pushed us very hard to get us in line with them; and I think it is time that we turn around and ask for the same kind of restraint in federal waters that we were expected to apply in state waters.

MR. RICK BELLAVANCE: Mr. Chairman, my question was answered by Dave just now; but I do think we need to do something to work on an equity balance here. I know it is a difficult situation, but we have to be forceful, I think, in relaying what our constituents are saying to us. It is just not working out; and the risk of losing our state fishery is unacceptable. We just need to continue with the council and NOAA Fisheries to create some solution.

DR. PIERCE: I think Mark Gibson is probably right regarding what the council response will be. I'm a council member so I'm not sure how I'm going to respond except at this point in time I think the motion makes sense, especially in the light of what is required in state waters and the equity that we do have. If nothing else, this would send a message to the New England Council that from what we know regarding the status of Southern New England/Mid-Atlantic winter flounder, more needs to be done in federal waters.

Unrestricted fishing on winter flounder notably is inappropriate through sector fishing, for example. High limits for the common pool vessels also seems inappropriate. If nothing else, this will stimulate some debate and some analysis by the groundfish plan development team. I think, Paul, you are on the plan development team; and I can see him squirming in his seat right now.

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We will be getting, I would hope, some analysis regarding the last part of this motion that talks about based on sea-sampling data for trips targeting other species. That is a real tough nut to get through. It is an important analysis for winter flounder as well as other stocks, too, groundfish stocks. I will support the motion if for no other reason than it gets the ball moving at the New England Council and highlights this board's very significant concern – important concern about what is happening to this important resource.

MR. BORDEN: Mr. Chairman, I can support the motion; but to be candid, I have some reservations about it. We really need a parallel effort at the leadership level to open up the dialogue between the commission leadership and the council leadership and NMFS on figuring out a way forward here and basically present it at a subsequent meeting so we can consider it.

I think Dr. Pierce is a hundred percent correct; this will promote an interesting dialogue with the technical people. Given the fact that we're harvesting this resource under a constant catch scenario, I would hope that the technical people would look at all these indices of abundance that are falling like a stone and go back and see how that compares to the projections that were made to generate the 1,675 metric ton quota. My guess is if they do that, they'll find out there is a complete disconnect. I will support it with reservations. Thank you.

CHAIRMAN WHITE: Any other comments from board members? Seeing none, I'm going to have Bud comment and then I'll it up to the public.

MR. BROWN: I would think the board would consider including the Gulf of Maine stock in this motion. We're in the same boat up there.

CHAIRMAN WHITE: Would anybody from the public like to comment on this motion? Seeing none; do you need a minute to caucus?

(Whereupon, a caucus was held.)

CHAIRMAN WHITE: Okay, are we ready? Okay, I will read the motion: **The board recommends that the ISFMP Policy Board send a letter to the New England Fishery Management Council and NOAA Fisheries urging a reduction in Southern New England/Mid-Atlantic winter flounder possession limit to bycatch limits only for federal vessels based on sea-sampling data for trips targeting other species. Motion by David Simpson; seconded by Doug Grout.**

**All in favor raise your right hand; opposed; null; abstentions. Okay, the motion passed six, one, zero, one.**

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just to comment now that the motion is finished; following up on Dave Borden's point, I think it makes some sense for me to reach out to Tom Nies as the executive director of the New England Council. I will do that and work with Terry and the other leadership folks to figure out some different options for moving forward. We will bring those back hopefully at the February meeting unless there is any objection by the board for me to do that.

CHAIRMAN WHITE: So are you suggesting that in addition to the letter or in lieu of the letter?

EXECUTIVE DIRECTOR BEAL: In addition.

CHAIRMAN WHITE: Yes; I think that makes complete sense. Okay, the next agenda item is advisory panel. They had a telephone conference call and Bud is here to report on it.

### ADVISORY PANEL REPORT

MR. BROWN: We had a conference call of people from New Jersey, New York, New Hampshire and Maine. We had one commercial fisherman and four recreational fishermen. We didn't come to a consensus opinion on anything so I will note what each

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state said. In New Jersey they were not catching their limits and basically want to have specifications in the states follow the reductions that are anticipated at the federal level, although this passed motion may change that.

In New York there was a discussion about some research going on by Stony Brook, I believe it is, where they're finding in-breeding in the genetic pool. The numbers are way down. That state reiterated their position there should be a directed fishery on winter flounder. New Hampshire, we had a commercial and a recreational member.

The recreational member also recommended that there not be any directed fishery because the catches are so low. The commercial fisherman's point of view was actually pretty interesting. He is participating in a sonic tag study which raises some questions about life history information on winter flounder in that the null hypothesis going into the project was that the fish spawned in estuaries, but in fact they gated off – you can have electronic gates to see if tags pass through into rivers; and only a couple of fish actually went into the estuary; and they found that they were all breeding on hard sand.

That totally corresponds to my life experience of looking at winter flounder where all the breeding fish I saw were always on hard sand in front of my house. Finally, my position remains the same; there should not be a directed fishery in the Gulf of Maine; and I'm kind of disappointed that wasn't included in the motion.

I done my personal surveys up and down the coast; and we still only see fish caught in the lower extreme part of the state and the upper extreme. I saw way lower numbers this year of juvenile fish in the area that I personally monitor. I happen to be working on permitting a breakwater in Mount Desert and Southwest Harbor. We just did a two-day intensive diving survey on over an acre of habitat and saw one four-inch or ten-centimeter winter flounder. Individually we still remain thinking that the stock is in terrible shape. That is my report.

CHAIRMAN WHITE: Any questions for Bud? Bill.

MR. ADLER: So you're saying basically that the advisory panel recommends a moratorium on fishing in Southern New England?

MR. BROWN: We only had two participants and we did not take a consensus opinion. I simply expressed the opinion of the New York advisor. The New Jersey advisor just wanted a reduction. The two recreational advisors in the Gulf of Maine stock both want a moratorium, but we have no position as a panel. We had done that last year; it went nowhere so we didn't bother.

MR. FOTE: Bud, do you think the lack of participation was due to the frustration of what happened last year and what happened with opening up the EEZ? I'm just curious because you had such low participation this year; and I think you've had better participation over the years.

MR. BROWN: It was the same people, with one addition, as we had last year. I believe that the lack of participation by both commercial and recreational fishermen is they've given up. No one I know in Maine goes after winter flounder anymore. I think that is probably true pretty much everywhere. It is really no change in participants. I know we put out a call last year for the states to put advisors on; and I don't know what the status is. Maybe Melissa can speak to that.

CHAIRMAN WHITE: Any further questions? Okay, seeing none, Bud, I think that is an agenda item later in the meeting. The next agenda item is setting the 2015 fishing year specifications. There may be good reason to delay this until February.

### 2015 FISHING YEAR SPECIFICATIONS

MS. YUEN: Upon hearing the technical committee report and AP report and knowing that the council has not had a chance to make a decision on the SSC's recommendation on

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ABC; it would be a good way to save this decision for the winter meeting after hearing the council's decision and what they approve upon the SSC's recommendations for the ABC.

CHAIRMAN WHITE: Is there anyone that disagrees with delaying this until the February meeting? Tom.

MR. FOTE: I'm trying to figure out a reason why we would delay because that means we're waiting on the New England Council to do their work and then we're going to adjust our specifications on what they're doing. I don't think anybody around this table wants to change our specifications from where it is now or maybe just lower it.

I don't see how it is going to affect New England. I'm trying to figure out why we're going to delay. Are you going to adjust upward? If New England does what they did last year; are we going to adjust upward? I don't think anybody around this table wants to do that; so I'm trying to figure out the reason why.

CHAIRMAN WHITE: Well, there is the possibility of going in the other direction, Tom; of going lower. That is the largest reason for delaying. Melissa.

MS. YUEN: If it does go downward and following what the New York AP member suggested or New Jersey where the recommendation was to reduce the bag limit accordingly, it would be good to have that information in advance and to review the information and recommend an appropriate adjustment.

MR. FOTE: I'm trying to think how I'm going to reduce the commercial fishery from 36 fish down to nothing or 50 pounds a day, 36 fish to nothing; and more than that, what is still going on in the EEZ and I don't see that happening. I'm just not sure what we're going to do. Also, we're at, what, two fish recreationally; so we drop it to one fish like weakfish, which doesn't seem to be doing any good for increasing the stock. I'm not sure.

MR. STOCKWELL: There were just two recent operational assessments on Georges Bank and Gulf of Maine cod that the SSC reviewed early last week. Paul made his presentation. At least my take-home summary is the updated biomass estimates are lower. Given these status changes, part of Framework 53 is going to be consideration of changing the specifications for both Gulf of Maine and Georges Bank. My sense is that it would be the proper thing for us to do to delay until the winter meeting.

CHAIRMAN WHITE: Any other comments on that? Mark.

MR. GIBSON: I guess I don't mind waiting until the meeting, but I have some trepidation about what may come out of that meeting in terms of state water specifications with then a limited amount of time for states to go through their administrative procedures process for a May 1 start fishing year. You may have some states that will need more time than May 1 to get something done if there are substantive changes from what we have right now.

CHAIRMAN WHITE: My sense would be that we're probably looking at status quo if we vote on something today. Well, that's probably what you're going to have in February until something changes; so you're not risking anything by waiting would be my judgment. David.

MR. SIMPSON: I would also suggest that it would be an important negotiating skill to make our decision right now. The points that were made earlier on in this conversation about the feds are already thinking, well, we can reduce the state waters' sub-ACL because, after all, they're not using it.

I think I'd like to have the conversation with the federal partners still holding out our decision. We could, after all, decide that maybe we do want 500 or thousand pound trip limits and open up the recreational fishery a little bit more for parity with the

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federal plan. I think that needs to stay on the table as just a smart negotiating position.

CHAIRMAN WHITE: Any other comments? Seeing none; then it seems like there would be little opposition to waiting until February; so unless there is a motion, that is what we will proceed with. The last agenda item is a review of the advisory panel membership.

### REVIEW OF THE ADVISORY PANEL MEMBERSHIP

MS. YUEN: For the advisory panel membership, New Hampshire has a nomination for a new AP member.

MR. GROUT: **Mr. Chairman, I would like to nominate David Goethel to the advisory panel. Dave is a former council member, a long-time commercial and partyboat fisherman.** He brings a lot of experience and obviously he has participated in cooperative research, so I think he is going to be a big asset to the AP.

CHAIRMAN WHITE: Seconded by Rick. Any objection to the motion? **Seeing none; David is a new advisory panel member.** We have an additional agenda item.

### OTHER BUSINESS

MS. YUEN: The technical committee requests a change to the compliance report due dates. Currently they're due November 1<sup>st</sup>; and they would like to change to December 1<sup>st</sup> in order to provide more time to prepare landings' data for the report. Thank you.

CHAIRMAN WHITE: Any objection to that change of date? Seeing none, that will be changed.

### ADJOURNMENT

Any additional business coming before this board? Seeing none; motion to adjourn. Bill Adler.

(Whereupon, the meeting was adjourned at 11:00 o'clock a.m., October 27, 2014.)