

# Atlantic States Marine Fisheries Commission

## Winter Flounder Management Board Conference Call Summary

*August 31, 2009*

**Present:** Pat Augustine (Chair, NY), Terry Stockwell (ME), Doug Grout (NH), Dennis Abbott (NH), Ritchie White (NH), David Pierce (MA), Bill Adler (MA), Mark Gibson (RI), Dave Simpson (CT), Tom McCloy (NJ), Gilbert Ewing (NJ), Tom Fote (NJ), Roy Miller (DE), Craig Shirey (DE), Harry Mears (NMFS), Steve Correia (TC Chair), Mike Howard (ASMFC LEC), Kurt Blanchard (LEC), Bob Beal (ASMFC), and Chris Vonderweidt (ASMFC).

The Winter Flounder Management Board (Board) convened via phone conference on August 31, 2009 to review state proposals for Addendum I to Amendment 1 to the Interstate Fisheries Management Plan for Inshore Stocks of Winter Flounder (Addendum I). Addendum I requires states in the Gulf of Maine (GOM) to implement regulations that reduce recreational fishing mortality (F) by 11% and a 250 lb commercial possession limit; and states in the Southern New England/Mid-Atlantic (SNE/MA) to implement a 2 fish recreational bag and 50 pound commercial possession limit.

The call began with Steve Correia, Technical Committee (TC) Chair, presenting a review of the New Jersey conservation equivalency proposal and TC recommendations. Proposed recreational regulations would combine a higher recreational bag limit with closed seasons to achieve a similar F reduction as the 2 fish requirement of Addendum I. Proposed commercial regulations would adjust the commercial possession limit to allow fishermen to possess either 50 pounds or an equivalent number of fish.

The TC agrees that New Jersey's recreational proposal would achieve a F reduction similar to the 2 fish bag limit but highlighted that the proposal may be in conflict with the intention of a 2 fish bag limit. The TC's understanding is that the 2 fish bag limit was intended to allow for bycatch of winter flounder but discourage directed fishing for the species. The TC is not opposed to allowing commercial fishermen to keep an equivalent number of fish rather than a 50 pound limit as long as the GARM III average weight of 1.327 pounds per fish is used to calculate the appropriate number. Using this average, a possession limit of 38 fish is closest to 50 pounds.

Mike Howard of the Law Enforcement Committee (LEC) then summarized how the New Jersey conservation equivalency proposal may impact enforcement. The LEC, in consultation with the New Jersey representative, advised that the fyke net fishery is a directed fishery involving fisherman that live on or near the areas they fish. Limits will be more difficult to enforce

because of the possibility of multiple trips in one day. The LEC commented that daily limits using number of fish are easier to enforce than limits using weight. The scales available to NJ officers are electric and require a source of electricity to function.

The Board discussed the TC and LEC recommendations and then voted to allow any state in the SNE/MA to implement a 38-fish or 50 pound commercial possession limit. The Board was clear in its motion and discussion that the 38-fish limit is *per day* and commercial fishermen may not land more than 38 winter flounder per calendar day. Fishermen are also prohibited from accumulating daily trip limits if on a multi-day trip. Members of the Board spoke in favor of the 38-fish limit due to its enforceability and the benefit to fishermen who may not have scales on board their vessels.

A commissioner then made a motion to approve the New Jersey recreational conservation equivalency proposal. Several Board members voiced concern that this proposal would encourage recreational anglers to target winter flounder, which is inconsistent with the bycatch allowance intention of the 2 fish bag limit, and the motion failed.

The next order of business was to review recreational proposals by states in the GOM. Maine, New Hampshire, and Massachusetts all submitted proposals designed to achieve at least an 11% recreational F reduction as required in Addendum I. The TC Chair gave an overview of each states proposal and summarized TC recommendations. The TC agrees that the Maine and Massachusetts proposals are likely to meet or exceed the 11% reduction and suggested modifications to 2 of the seasonal options submitted by New Hampshire (see TC Meeting Summary from June 19, 2009 for more details).

Mike Howard of the Law Enforcement Committee (LEC) then reviewed how the Gulf of Maine recreational proposals would impact enforcement. The LEC advised that the recreational limits and seasons are enforceable as proposed but noted that bycatch allowances often create a market that will allow winter flounder to be targeted and sold.

The Board discussed the recommendations and voted to approve the Maine and Massachusetts proposals. A motion to accept the New Hampshire proposal as written was modified to require New Hampshire to modify their proposal to include the recommendations of the TC. The modified motion passed.

The final agenda item for this conference call was a discussion of Draft Amendment 16 to the Groundfish FMP. Alternatives under consideration in the draft include revising the status determination criteria to  $F_{target} = 75\%F_{msy}$  in the GOM and continued no possession in the SNE/MA. The Board agreed that no adjustments to the Commissions FMP are necessary for coordinated management of winter flounder stocks at this time. They reiterated that Addendum I is intended to allow for bycatch only for the SNE/MA stock area.

## *Motions*

**Move to allow any state in the SNE/MA to implement a daily 38 fish or 50 pound commercial possession limit.**

Motion by Mr. McCloy, second by Mr. Adler. Motion Carried 7 for, 1 abstention.

**Move to approve NJ's conservation equivalency proposal for the recreational fishery which would allow for adjustment for bag limits and seasons and maintain the 12" minimum size limit.**

Motion by Mr. McCloy, Second By Mr. Adler. Motion Fails, 1 for, 8 against

**Move to approve the ME recreational proposal options to achieve the F reduction required in Addendum I.**

Motion by Mr. Stockwell, second by Mr. Grout. Motion Passes, 8 for, 1 abstention

**Move to approve the NH recreational proposal options to achieve the F reduction required in Addendum I.**

Move by Mr. Grout, Second by Mr. Simpson

**Move to amend motion to include "to have NH's recreational fishery alternatives be modified to be consistent with TC recommendations."**

Motion by Dr. Pierce, Second by Mr. R. White

7 for, 2 against

**Move to have NH's recreational fishery alternatives be modified to be consistent with TC recommendations.**

Motion by Dr. Pierce, Second by Mr. R. White. Motion Passes. 8 For, 1 Abstention.

**Move to approve the MA recreational proposal options to achieve the F reduction required in Addendum I.**

Motion by Dr. Pierce, Second by Mr. Abbott. Motion Passes. 8 for, 1 Abstention