

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

**Radisson Hotel Old Town
Alexandria, Virginia
February 1, 2007**

Board Approved: October 2008

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2. **Approval of Proceedings of October 2007 by Consent** (Page 1)
3. **Motion to approve the winter flounder plan review and the de minimis status for Delaware** (Page 3). Motion by Gordon Colvin; Second by Erling Berg. Motion carried (Page 3).
4. **Adjournment by consent** (Page 3)

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for Lapointe (AA)
Pat White, ME (GA)
Doug Grout, NH, proxy for Nelson (AA)
Vito Calomo, MA, proxy for Rep. Verga (LA)
Najih Lazar, RI, proxy for Mark Gibson (AC)
Eric Smith, CT (AA)
Dr. Lance Stewart, CT (GA)
Gordon Colvin, NY DEC (AA)
Pat Augustine, NY (GA)

Tom McCloy, NJ proxy for Chanda (AC)
Erling Berg, NJ (GA)
Roy Miller, DE, proxy for Emory (AC)
Bernard Pankoski, DE, proxy for Sen. Venables (LA)
Harry Mears, NMFS
Jaime Geiger, USFWS

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

Ex-Officio Members

Staff

Vince O'Shea
Robert Beal

Braddock Spear
Chris Vonderweidt

Guests

The meeting of the Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Radisson Hotel Old Town, Alexandria, Virginia, on Thursday, February 1, 2007, and was called to order at 8:00 o'clock, a.m., by Chairman Patrick Augustine.

CALL TO ORDER

CHAIRMAN PATRICK AUGUSTINE: Good morning, ladies and gentlemen. Welcome to the Winter Flounder Board meeting.

APPROVAL OF AGENDA

We have a relatively brief agenda but one major item or two major items in here. I'd like to have you review the agenda. Are there any additions? Are there any corrections? Are there any objections? Then **the agenda stands without objection.**

APPROVAL OF PROCEEDINGS

Approval of the proceedings from the August 17th, 2005 meeting. We have a **motion to approve** from Eric Smith; seconded by Mr. Berg. Any corrections? Additions? Objections? Seeing none, the proceedings are approved without objection. Public comment, is there any public comment? Mr. Fote.

MR. THOMAS FOTE: I'll make this quick. Yesterday we did the summer flounder; today we're doing winter flounder and weakfish. All three of these stocks should be rebuilding at a faster rate than they are. You know, with summer flounder we know we have a spawning stock biomass that should be producing a lot more recruitment than it does, the same thing with winter flounder.

We've have strict regulations up and down the coast and we haven't been able to rebuild the stock. In weakfish we had this spike coming up and it all of a sudden disappeared without fishing pressure. Hopefully the commission and the National Marine Fisheries Service will finally look at some of the factors that are causing these problems in the bays and the estuaries.

A lot of us think it's nursery areas. You know, it's not the fishermen. You know we were responsible years ago but some of it now is environmental. And trying to build all these stocks to the highest level at the same time doesn't seem to work.

And hopefully the commission will be looking at this

and the science and the technical committee. I think it was appropriate since we're going to be doing, that's what we've done for the last four years and four meetings in a row, talk about species that can't rebuild. Thank you.

CHAIRMAN AUGUSTINE: Thank you for those comments, Mr. Fote. Now let's go to Item 4, the Winter Flounder Fisheries Management Plan review. And at the end of this we'll have two actions to take. One would be to approve and the second would be to discuss Delaware and their request for de minimis status. So, Chris, would you go forward with your presentation, please?

WINTER FLOUNDER FISHERIES MANAGEMENT PLAN REVIEW

MR. CHRISTOPHER VONDERWEIDT: Sure. Thank you, Mr. Chairman. So we're in kind of a new territory for winter flounder management. The federal government passed Federal Amendment 13 in May 2004, and Framework 42 in October of 2006, and the primary management measures of these actions are days at sea.

And basically the idea behind this is that they're going to control the commercial fishery, which is very significant and would undermine any management measures that we enacted if it wasn't controlled out in the EEZ. The commission passed Amendment 1 to curb recreational landings. And, as you know, winter flounder migrate inshore to spawn, concentrating them in a small area, making them particularly vulnerable.

So, if we didn't pass the proper regulations it would undermine any federal regulations so we're working hand-in-hand with them. So for Amendment 1, November 1st, of 2006, was the first time that compliance reports were due. Under this management we manage the Gulf of Maine stock and Southern New England/Mid-Atlantic as management units and the federal government also manages the Georges Bank stock as well.

As of right now the most current data that we have is the 2005 GARM update of the 36 SAW which looks at the landings by management unit. So, we're not going to really know how well these measures are working until the next 2008 ground assessment review meeting when we'll have a full year under Amendment 13 with the Framework 42 provisions and the commission's Amendment 1.

So, that being said let's look at how things are going. The Gulf of Maine stock is doing well. It's not overfished. The spawning stock biomass which is the measurement we use to tell if the stock is fished or not or overfished or not was 7.5 million pounds in 2004. Again, the 2004 data represents the most current data.

The SSB threshold is 4.5 million pounds and the target is 9 million pounds. So we're getting close to the target which is, you know, a good thing. Overfishing is not occurring. The fishing mortality rate was .13 in 2004. The threshold is .43 and the target is .32 so we exceed both of those.

If we look at this graphically the most relevant part of this graph is the purple squares. And as you can see the fishing mortality, you've got the threshold on the bottom and then the target, these are the horizontal lines, and we're in between those which is right where we want to be with the biomass.

Well, I guess we'd like to be above target but it's a good place to be right now. If you look at landings, they're down significantly from the early '80s. And the primary, primarily the landings come from the commercial fishery.

Now to the Southern New England/Mid-Atlantic stock. It's unfortunately not doing as well the time it was looked at in 2004. This fishery or this stock is overfished, had a spawning stock biomass of 8.6 million pounds. The target is 66.4 and the threshold is 33.2 so this is roughly a quarter of where we want to be just to meet the threshold.

Overfishing is occurring. The threshold is .32. The fishing mortality rate in 2004 was .38. So it's higher than that. So if we look at this graph you look at the solid horizontal line on the bottom there and then you compare it, that's the threshold biomass. And then you look at the purple squares, the line, and it's well below that. You know, it's like a quarter. So there is a lot of room for improvement there.

If you look at landings, they are down from the early '80s. There is more recreational fishing pressure, about a half a million pounds were landed. But the majority of landings come from the commercial fishery. So, if we look at the management measures, it's managed recreationally and commercially for the two different stock units. So that's four different management provisions. I'll start with the recreational management ones.

In the Gulf of Maine simply 12-inch minimum size

limits, an 8-fish creel limit with no required closed seasons. The Southern New England/Mid-Atlantic stock has 12-inch minimum size limits, a 10-fish creel limit and a maximum 60-day open season. Two weeks must be closed during March or April. And it cannot be split into more than two blocks. And I think this is really where we're cutting down on the recreational fishing, trying to rebuild the stocks.

If we look at the commercial management measures, the Gulf of Maine, there is a 12-inch size limit and they must remain consistent with the adjacent EEZ mesh size limits. This is the caught end of the net and currently that is 6.5 inches in federal waters. We must also maintain existing seasons closures including federal closures.

In the Southern New England/Mid-Atlantic stock, we have 12-inch minimum size limits, again 6.5 - inch size mesh in the caught end. There is no provision that says it needs to be consistent with the EEZ; however, the EEZ is at 6.5 inches. And it also allows for a 100-pound mesh trigger for fisheries using smaller mesh so they can land a little bit of bycatch and keep their fishery open. And they also have to maintain existing seasonal closures that they had in place before Amendment 1 was passed.

De minimis is pretty standard but it looks at three years and also looks at the coast-wide fishery. So, there is the Gulf of Maine stock and the Southern New England/Mid-Atlantic stock but for de minimis it looks at landings up and down the entire coast. That's the way the amendment is written.

And it also breaks it down between recreational and commercial based on the coast-wide catch in whichever sector you're looking at. The assessment requirements, Massachusetts, Rhode Island, New York and Delaware are required to continue with surveys that contribute to annual juvenile recruitment.

And Massachusetts, Rhode Island, Connecticut and New Jersey are also required to continue surveys that contribute to indexes of spawning stock biomass. So, let's look at the recreational compliance in the Gulf of Maine. All states, Maine, New Hampshire, Massachusetts, in the Gulf of Maine meet or exceed all the requirements. Maine qualified for recreational de minimis but they did not request it.

REVIEW DELAWARE DE MINIMIS STATUS

On the Southern New England/Mid-Atlantic stock, recreational, all states are compliant. They meet or exceed the requirements. This is Connecticut, Delaware, Massachusetts, New Jersey, New York, and Rhode Island. Delaware qualified for and requested de minimis status.

So if we shift to commercial compliance and look at the Gulf of Maine, all states, Maine, New Hampshire, Massachusetts, met or exceeded all the requirements. Maine and New Hampshire both met de minimis requirements; however, they did not request de minimis status.

Down to the Southern New England/Mid-/Atlantic stock, all states, Connecticut, Delaware, Massachusetts, New Jersey, New York, Rhode Island, all met or exceeded the requirements. Delaware again requested and met the criteria for de minimis status. And so concludes the plan review team's report on state compliance.

CHAIRMAN AUGUSTINE: Well done, Chris, thank you very much. Are there any questions on the presentation or information presented in the –

MR. VONDERWEIDT: Oh, I'm sorry, Pat. I actually have a couple more slides. I'm sorry.

CHAIRMAN AUGUSTINE: Go ahead. That's fine.

MR. VONDERWEIDT: So, on to the assessment requirements that I mentioned before, the spawning stock biomass and the juvenile abundance. All states have continued their annual assessment requirements. And if you want more specifics on this you can look at Section 3.1 and 3.2 of Amendment 1.

And just to recap – this is where I thought we were before, all states are compliant and Delaware requested and qualified for de minimis status in both

the recreational and commercial fisheries. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Chris, for that additional information. So, are there any questions germane to the presentation? I think it's all factual, put together in a very clear, clean format. Are there any questions? Seeing none, I would look for a motion from the board on behalf of Delaware and I thought Mr. Pankowski was going to make that motion on that to offer Delaware de minimis status. I'm sorry, who? Gordon?

MR. GORDON C. COLVIN: **I move to approve the winter flounder plan review and the de minimis status for Delaware.**

CHAIRMAN AUGUSTINE: We have a motion by Mr. Colvin. Do I have a second? Mr. Erling Berg. Any objection to the motion? Would you like that read, Joe, or do you have it? Okay. Seeing no objections, the motion is approved. Thank you, Mr. Colvin.

OTHER BUSINESS

We're down to other business. Is there any other business to come before this board? Seeing none, a motion to adjourn.

MR. VITO CALOMO: **So moved.**

ADJOURN

CHAIRMAN AUGUSTINE: So moved by Mr. Calomo; seconded by Mr. Lazar. The meeting is adjourned.

(Whereupon, the Winter Flounder Management Board meeting adjourned on Thursday, February 1, 2007, at 8:15 o'clock, a.m.)

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