

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

**May 25, 2004  
Radisson Hotel  
Alexandria, Virginia**

## ATTENDANCE

### Board Members

George Lapointe, Maine DNR	Gordon Colvin, New York DEC
Patten White, Maine Gov. Appointee	Brian Culhane, proxy for Sen. Johnson (NY)
John Nelson, New Hampshire F&G	Pat Augustine, Chair, New York Gov. Appointee
Ritchie White, New Hampshire Gov. Appointee	Bruce Freeman, New Jersey DFG&W
David Pierce, proxy for Mr. Diodati (MA)	Dick Herb, proxy for Asmn. Smith (NJ)
Vito Calomo, proxy for Rep. Verga (MA)	Tom Fote, New Jersey Gov. Appointee
William Adler, Massachusetts Gov. Appointee	Roy Miller, proxy for Mr. Emory, Delaware DFW
David Borden, Rhode Island DEM	Harry Mears, NMFS
Gil Pope, Rhode Island Gov. Appointee	Jaime Geiger, USFWS
Eric Smith, Connecticut DEP	
Fred Frillici, proxy for Sen. Gunther (CT)	

### Ex-Officio Members

Steven Correia, TC Chair

### ASMFC Staff

Nancy Wallace	Lydia Munger
Robert Beal	

### Guests

Gregory DiDomenico, GSSA	Bill Windey, RFA/MSSA
Dick Brame, CCA	Bob Ross, NMFS

*There may have been others in attendance who did not sign the attendance sheet.*

**TABLE OF CONTENTS**

**MOTIONS**.....4  
**WELCOME & INTRODUCTIONS** .....5  
**BOARD CONSENT** .....5  
**PUBLIC COMMENT** .....5  
**REVIEW OF DRAFT AMENDMENT 1 FOR PUBLIC COMMENT** .....5

## MOTIONS

**Move to approve Amendment 1 to the Fishery Management Plan for Winter Flounder for public comment with the addition of an option four to each of section 4.1 and 4.2. States would be required to adopt common stock area-specific measures developed by the PDT reviewed by the Technical Committee and approved by the Board to meet the management goals of the plan.**

Motion by Dr. Pierce; second by Mr. Lapointe. Motion carries.

**Move to amend the previous motion by adding an option four to each of section 4.1 and 4.2. States would be required to adopt common stock- area-specific measures developed by the PDT reviewed by the Technical Committee and approved by the Board to meet the management goals of the plan.**

Motion by Mr. Smith, second by Mr. P. White. Motion carries (8 in favor, 1 opposed, 1 abstention, 0 null)

**ATLANTIC STATES MARINE  
FISHERIES COMMISSION**

**WINTER FLOUNDER MANAGEMENT  
BOARD**

**Radisson Hotel  
Alexandria, Virginia**

**May 25, 2004**

---

The Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel, Alexandria, Virginia, on Tuesday, May 25, 2004, and was called to order at 2:10 o'clock p.m. by Chairman Patrick Augustine.

**WELCOME & INTRODUCTIONS**

CHAIRMAN PATRICK AUGUSTINE: Good afternoon, all. Welcome to the Winter Flounder Management Board. We are starting at 2:10, a little late but that's not my fault, and we will end a little early.

**BOARD CONSENT**

If you have a look at the agenda in front of you, are there any additions or corrections? Any change of order? Seeing none, we'll accept it.

Proceedings from the March 8<sup>th</sup>, 2004, meeting, are there any comments, suggestions? May I have a motion to approve. Mr. Adler. May I have a second.

MR. GEORGE LAPOINTE: Second.

CHAIRMAN AUGUSTINE: Thank you, George. Do we have any public

comments at this time? Have we got to vote on the motion? I thought it was just by consent only. A show of hands in favor of accepting the proceedings; any nays; abstentions; nulls. Passed.

**PUBLIC COMMENT**

Okay, public comment. No public comment? Mr. Bogan, do you want to say something? It's going to be a short meeting without you speaking.

MR. TONY BOGAN: No.

CHAIRMAN AUGUSTINE: Okay, thank you, anyway. Seeing no public comment, we'll move on to review draft Amendment 1 for public comment. Lydia, would you please make some statements.

**REVIEW OF DRAFT AMENDMENT 1  
FOR PUBLIC COMMENT**

MS. LYDIA MUNGER: Thank you, Mr. Chairman. I prepared a presentation to update the Board on changes that have been made to the draft amendment since the March meeting. I also plan to include a listing of which sections have not been modified.

Upon request from the Board, the plan development team drafted an additional goal for this winter flounder amendment. The original goal is shown here with the new goal. I've underlined the new goal on this slide. The new goal is to promote rebuilding of the inshore and estuarine component of the winter flounder stock.

CHAIRMAN AUGUSTINE: Are there any comments? Is that new language acceptable? This is as you directed. I see yes without any objection. Thank you.

MS. MUNGER: The plan development team and the technical committee developed a definition for de minimis based on the definitions in other ASMFC fishery Management plans and on the characteristics of the winter flounder fishery.

The definition of de minimis being presented for Board review reads as follows:

States may apply for de minimis status if for the preceding two years for which data are available their average commercial landings or recreational landings by weight constitute less than 1 percent of the coast-wide commercial or recreational landings for the same two-year period.

A state that qualifies for de minimis based on their commercial landings will qualify for exemptions in their commercial fishery only. A state that qualifies for de minimis based on their recreational landings will qualify for exemptions in their recreational fishery only.

There are two options now included in the draft amendment with respect to the exemptions that would apply to a state that is granted de minimis status. The Board may add or remove options before the document is approved for public comment.

Option 1 reads: States that apply for and are granted de minimis status are exempted from biological monitoring or sub-sampling activities for the sector for which de minimis has been granted; i.e., commercial de minimis qualifies for a commercial monitoring exemption.

States must still report annual landings, comply with recreational and commercial Management measures and apply for de minimis on an annual basis.

Option 2 reads: States that apply for and are granted de minimis status may petition the Management Board to determine what exemptions will apply.

In this case, also, states must still report annual landings and apply for de minimis on an annual basis. At this point, the plan development team is looking for comments on the definition of de minimis and also on the options that exist for exemptions under de minimis.

CHAIRMAN AUGUSTINE: Thank you, Lydia. Mr. Lapointe and then Mr. Adler.

MR. LAPOINTE: Thank you, Mr. Chairman. At this morning's herring meeting, we switched two years to three, and I want to know if that's a logical thing to do here for de minimis, so that, in fact, the averaging doesn't bounce around so much. That's a question to ask, and I guess it would be a recommendation.

Secondly, I favor Option 1 that we set up a simpler system for exempting the states so that, in fact, it doesn't become a negotiation on what de minimis states have to apply for.

CHAIRMAN AUGUSTINE: Lydia.

MS. MUNGER: For clarification, does the Board wish to identify Option 1 as a preferred option or take out Option 2 altogether?

MR. LAPOINTE: No.

CHAIRMAN AUGUSTINE: George, restate. I know where you're coming from, so ask her the first question.

MR. LAPOINTE: I think we should identify it as a preferred option. We're

going out to public hearing, are we not? I don't think we want to be restrictive at this point, but it makes more sense to me as a preferred option.

CHAIRMAN AUGUSTINE: Thank you, Mr. Lapointe. Mr. Adler.

MR. WILLIAM A. ADLER: I'll pass because that was my point about turning it to three years.

CHAIRMAN AUGUSTINE: Any objection to going to three years? Seeing none, please change it accordingly. Lydia.

MS. MUNGER: Thank you, and the plan development team will reflect those changes. The following sections have not been changed since the most recent Board meeting in March: Management objectives; definition of Management units; definition of overfishing, which is Section 2.5; 2.6.1, stock rebuilding targets; and 2.6.2, stock rebuilding schedules. All these sections are unchanged from the draft the Board reviewed in March 2004.

CHAIRMAN AUGUSTINE: To the Board, are there any comments on any of those items that will be carried forward? No comments at all? Seeing none, we'll maintain those.

MS. MUNGER: Since the March Board meeting, the technical committee has completed additional work on the draft amendment. The technical committee added language associated with recreational and commercial management measures, which are Sections 4.1 and 4.2., identifying positive and negative aspects of the options presented in the document.

In addition, the technical committee has completed analyses with respect to localized

reference points which is something the Board requested in March. Steve Correia, the technical committee chair, has prepared a presentation for the Board on the results of these analyses.

CHAIRMAN AUGUSTINE: Steve, are you ready to make that presentation now?

MR. STEVEN CORREIA: Okay, the Board asked to try and get localized reference points. I made an attempt using three methods last month. This was put before the technical committee, and they approved bringing it forward to the Board.

The first thing that I did is I looked at the relationships between local survey indices, relative exploitation, which would be landings divided by the survey indices and landings. Now, one of the difficult aspects to get is how do you get the landings from the state of origin?

The assumption that I made is that the landings that were taken adjacent to the state accounted for most of the landings coming from fish that originated in that state. Now, that's a fairly tenuous assumption. In many cases these fish spread out over three or four different statistical reporting areas, but it was the only assumption I could make, because we have no data on the mixing rates in any of the statistical areas.

The second approach that I did is I used the surplus production model called ASPIC. The data that I put into the model were the local survey indices and the landings from the adjacent statistical area.

Finally, although it's not really developed in the local reference point, what I tested for was a relationship between the local state survey index and the SSB coming out of the

VPA. If that regression was significant, what it allowed me to do was to take the SSB<sub>msy</sub> target and translate that into equivalent survey units.

Those are the three approaches that I took. What are the general requirements to get these models to work, at least the first two?

One, the survey has to have contrast. That means it has to have high points and low points, and perhaps another high point. You need to go through that cycle for this method to be able to pick up a reference point.

Removals have to be accurately measured. And, as I said before, that's going to be an issue relative to any of these analyses. And the third thing is that relative exploitation is a metric of exploitation on the stock.

All the survey units that I worked with were age one-plus biomass. They were not exploitable biomass. This means that the survey indices capture pre-recruit fish. If you have a large year class coming through, it's going to impact that relative exploitation index.

I ran the analyses for the New Jersey oceans survey. I didn't use the rivers survey, because that survey is in numbers per tow. That survey is fairly short. I think it has only been around since 1995, so maybe in a few years you could run it by converting it into weight, but right now it's too short and it's not in weight.

I ran it using the Connecticut spring survey, the Rhode Island spring survey, the Massachusetts spring survey for Southern New England and the Massachusetts spring survey for the Gulf of Maine.

There is a small survey done by the Seabrook Power Plant, a very localized

survey. It's using the tuning. Again, that survey is in numbers per tow and I didn't use it, but the trends in that survey are very similar to the Massachusetts survey so you'd probably have very similar results.

Maine has a survey. The survey is only three years long. That's not long enough to do these analyses. This is a probably a familiar image for those who have been involved in lobster. This is actually a good example of when this method works.

The X axis represents relative exploitation. The Y is survey index, so here we have high survey, low survey, low exploitation, high exploitation. This is the median line for the survey biomass, and this is the median line for relative exploitation and these two represent the quartiles.

You can see that when exploitation is in the upper quartile, biomass has been very low. Where survey exploitation has been low, biomass has been high. We get a little region of stability someplace in the middle.

If I had seen this kind of a pattern, we could have said, well, perhaps your exploitation rate should be someplace around here, and you'd want your biomass reference point somewhere in this area. That's a nice clean image of when it works.

I'm just going to show you one example in this case in terms of the Massachusetts survey; otherwise, it would just be repetitive, because all the other surveys show a similar type of pattern.

This is the Massachusetts spring survey started in 1978. This is the Southern New England. In the late '70s, early '80s, you have a high point. Starting at about '82 or '83, you have pretty much a steady decline. You've got a little bump up here.



Perhaps, that's a bump up caused by some year classes, or you could have taken this point. It might have been a low availability. In either case, you have a fairly steep decline, not much of a recovery on the end.

Here we can see the survey index again laid over the landings. These are the landings from 538, which is Nantucket Sound and Buzzards Bay. You can see when the survey was high, landings were high. The landings kind of mapped the survey until about, I think, the late '80s. Then the landings really dropped way off, and the survey really doesn't recover.

Now this is the relative exploitation. It's landings in metric tons divided by the survey index. Again, you can see that relative exploitation was very high throughout these '80s. You have a pretty steep decline, and then it's flat and low throughout the '90s.

We get these crazy face plots, so this is relative exploitation, again, the survey index. So here is high exploitation, low exploitation. The pattern that I'm looking for here is to have high biomass on the low exploitation and low biomass on the high exploitation. As you can see here, you have no pattern.

One of the reasons this is happening is because you have relative exploitation being very low. There were very little landings being taken out of 538, and yet the survey is not recovering.

Again, one of the major problems with this technique is whether or not we get the landings right. I'm fairly certain that in any of the models, that the landings from the adjacent statistical area do not adequately represent removals from the stock, because

it's a mixed fishery that occurs in the EEZ.

I ran this method for all the stocks and received no pattern. You can see the other graphs within your paper. Again, several reasons why this is not happening. One is insufficient contrast in all the surveys.

Most of the surveys have a one-way trip where you have high biomass in the early '80s followed by a decline. Some of the surveys don't show that, but they just show fluctuations without trend.

Again, one of the issues with the survey indices has to do with having recruitment, pre-recruits in that index. I believe even if you took the index and modified it so it would only be, say, 4-plus mature fish or exploitable biomass, you'd still have a lack of contrast because we haven't had recovery in the stock.

I ran the ASPIC model on the same dataset. Generally, if you're not going to see the reference points in that exploratory method, ASPIC is not going to work, but I ran it anyhow. It was unsuccessful for all the surveys that I ran it for.

In most cases, either the model would not converge, or the model results were extremely implausible. For instance, it might say that biomass was eight times the BMSY over the whole time series, and it would give a reproductive value of 0.02, which is probably more appropriate for elephants than it is for winter flounder.

I was unable to get ASPIC to work. I didn't think it was going to work. I ran it anyhow. It didn't work. It has the same problems that the other analysis has. You don't have the contrast in the survey indices, and it's unlikely that the landings are accurate.

So my conclusions, based on those two

analyses, are you're unlikely to be able to develop reference points on a state-by-state basis any time soon. Not only can we not go back and assign landings to winter flounder's state of origin, but it's unlikely that if you were to start a time series now with excellent reporting, that you would be likely to get that time series, because we're going to be unlikely to find out what proportion of fish landed from a statistical area belongs to Rhode Island versus Massachusetts versus Connecticut versus New Jersey.

I do not believe that any time soon, over the next five to ten years, you're going to come up with a method that's going to be able to get you this.

The third approach was I used a regression survey index on the VPA's SSB. For the survey index, again, I used the age 1-plus biomass, which doesn't exactly correspond with SSB. SSB is generally going to be age 3-plus and above. But for the most part, the only state that had a 4-plus biomass weighted index was Connecticut. I didn't notice that until the end of the analysis.

This doesn't really estimate a reference point for a state. What it does is it takes the state's survey and takes the SSBmsy, that 31,000 tons, uses the regression and puts that 31,000 tons into a state survey equivalent unit.

This was successful for the Rhode Island spring survey. It had an R-squared of 0.42, and it was significant, the same thing for the Massachusetts spring survey for Southern New England and the Massachusetts spring survey for the Gulf of Maine.

This table represents those equivalents. So, an SSB of 30,100 tons in the Rhode Island spring survey is a value of 16.4 kilograms

per tow. The value in 2001 was 3.6 in the Rhode Island survey, which is about 22 percent of that 16.4 target.

If you look at the VPA, the spawning stock biomass in 2001 was 7,643, which is 25 percent of BMSY, so the surveys agree quite well. Of course, you kind of expect that because these surveys are used to tune the VPA.

For Massachusetts, the equivalent SSBmsy is 25.8 kilograms per tow. The value in 2001 was 3.7 kilograms per tow. That gives you a percent target of about 14 percent. If you look in 2003, the Rhode Island survey has declined to 1.6 kilograms per tow, which is approximately 10 percent of the SSB target.

The Massachusetts survey is bumped up a little bit to 5.5 kilograms per tow. That gives you around 21.3 percent of SSB. One thing to keep in mind is the survey indices are highly variable, and if you look at any particular year it can go up for a lot of reasons. So, if you see this 14 percent or 23 percent, that's probably within the range of the noise in the system.

The New Jersey River survey and the Connecticut four-plus biomass, when I ran correlations with the SSB, they were not correlated, but the correlation coefficient was equivalent to what you saw in the Rhode Island and the Massachusetts survey.

The reason why it's not significant is the time series is not long enough. The shorter time series, the higher the correlation coefficient has to be. So, perhaps by the time you run the next assessment, those series might be long enough so that you've got a significant regression, and you could also generate SSB equivalents for those surveys.

I ran the same exercise in the Gulf of Maine. The Massachusetts spring survey, the equivalence is 20.6 kilograms per tow. The value in 2001 was 23.9 kilograms per tow, which is 116 percent above the target.

The VPA gave you an SSB of approximately 6,000 tons, which is 143 percent above the target. In 2003 the Massachusetts survey was 17.7 kilograms per tow. That's about 86 percent of the target.

There is a potential use of the Seabrook survey if you could convert this to weight. The series is quite long. It follows the same trends that the Massachusetts survey does, so I suspect you're going to get a similar answer for New Jersey.

That particular survey does not have great aerial coverage. I think it's like five fixed stations. Again, the Maine-New Hampshire time series is too short, and that's not likely to be remedied over the next decade if that survey continues. And that's what I have for you.

CHAIRMAN AUGUSTINE: Thank you, Steve, a very good report. Mr. Pope, comments on the report?

MR. GIL POPE: Excellent. I'm just wondering when the last tagging studies were done by any state or agency. Thank you.

CHAIRMAN AUGUSTINE: Steve.

MR. CORREIA: I'm not sure. I think the last -- I know in Massachusetts they did some tagging studies up in the Gulf of Maine, and I know Rhode Island did some tagging studies, I believe, in Mount Hope Bay and Narragansett Bay. But

tagging data has its own set of difficulties, too.

MR. POPE: So that wouldn't be useful at all for any kind of regression models to try and figure out some reference points? That wouldn't help at all?

MR. CORREIA: No.

CHAIRMAN AUGUSTINE: Thank you, Mr. Pope. Thank you, Steve. Mr. Freeman.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. Steve, two issues concern me -- and I missed the very beginning of your talk and you may have mentioned this, but one deals with the Gulf of Maine, and, again, your information in that area shows a stock that's close to MSY, and yet we continually hear reports of fish being absent from the very nearshore estuarine areas in that area, and you've heard it before.

The other issue in the southern area seems to have the same type of relation. Is there some reasonable explanation for why offshore waters are showing such abundance and nearshore waters, inshore waters are just showing the reverse?

CHAIRMAN AUGUSTINE: Go ahead, Steve.

MR. CORREIA: I'm not sure. Even in Cape Cod Bay and Massachusetts Bay, the area of 514 where the Massachusetts survey index is going up and it's covering that inshore area but not going into the estuaries, the reports I get from the rec fishermen and looking at rec CPUE, indicates that they're not having any more success catching winter flounder in shore in the estuaries, even though you may be a

half-mile off the beach in the survey and loading up with fish and the assessment giving you that you're above the BMSY.

There are a couple of issues that could be going on. One could be the fish's response to temperature, so perhaps they are leaving the estuary earlier than what they used to, because the temperatures are warmer, and the fishermen haven't adjusted to that.

It could be that perhaps -- and this is just speculation -- perhaps the population that was spawned inside the estuaries haven't had the same type of recovery of fish that were spawned just off the beach.

That's a more common phenomenon up in the Gulf of Maine where the fish don't necessarily have to go into the estuaries to spawn. In the Southern New England area, most of those fish, the inshore fish do run into estuaries to spawn.

My understanding there is not a lot of spawning that's occurring outside of that, unless you get up onto the Nantucket Shoal area. So, other than that, I don't know why the fish are not in the estuaries the way they used to be.

CHAIRMAN AUGUSTINE: Thank you, Steve. Mr. Adler and then Mr. LaPointe.

MR. ADLER: Thank you, Mr. Chairman. Steve, how much of this stock is being influenced by the pollution problems and the predation problem? First of all, we know that a lot of species are coming back, and they eat everything including, I would think, the flounder.

Also, I know that when we had the problem in Boston Harbor where everything died inside, there was nothing alive, and now it's

coming back, it seems.

But back when there was the chlorine problem, and they were trying to clean the rivers up and everything, the fishermen there were saying, well, there is no winter flounder up in the Boston Harbor area, and, of course, there wasn't anything else either.

I was wondering does the technical committee take some of that into consideration as to why some of these figures are not rebounding either down south or other places? Are you taking that into consideration?

MR. CORREIA: We have no data on that. There are no linkages between pollution, clean up. There's no quantification on that and the winter flounder populations. All you can do is speculate.

MR. ADLER: All right, because I know you're speculating also that some of the figures might be from inadequate reporting of fishing?

MR. CORREIA: No, that's not what I'm saying. What I'm saying is for any of these techniques to work on a local basis, you need to be able to quantify removals. The problem that you run into, particularly in Southern New England, is that these fish undergo a movement inshore and offshore.

When they move offshore, they are fished in a mixed EEZ fishery, so that you could have landings in 521, and what you don't know is how much of those landings are a fish that originated in Massachusetts or Rhode Island. So that is really the issue there is we just don't know where those landings -- how to quantify the landings to state of origin of the fish.

MR. ADLER: Okay, I understand that discussion, but I am also convinced that some of the problems that we're having with the recruitment and the spawning in the inshore areas south of Cape Cod, and actually still in the Gulf of Maine, although that's more healthy, has to do with the water quality issues which are affecting other species in the area -- why not winter flounder, too -- and also the predation thing. I know you said you don't have any information on that but, I mean, I'm still convinced that's got something to do with it.

CHAIRMAN AUGUSTINE: Thank you, Mr. Adler. Carrie, you're dealing with the habitat section of this, and could you please address or respond to Mr. Adler's concerns?

MS. CARRIE D. SELBERG: The habitat section, we feel, is a very comprehensive section, and what it includes is a description of habitat needs for every life stage of winter flounder. It identifies habitat areas of particular concern.

It identifies threats to all of those habitat areas of particular concern. Then it has a very complete, from our perspective, list of recommendations to the states on very specific things they can do to address those threats to the habitat areas.

Finally, it wraps up with a list of habitat-specific research needs. We have a subcommittee that worked very hard on this habitat section, and we think that we have addressed the request of this Board in that section. It does go into water quality and all of those issues that you have mentioned today.

MR. ADLER: Yes, and I noted that in the report. I did read it, and I am glad it's

there. I was just trying to insert some of that into the thought process of how we manage the winter flounder. You did a good job. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Carrie. Mr. Adler, I hope she answered your questions. Steve, would you like to follow on with that?

MR. CORREIA: Yes, the other issues that comes up, Bill, when you look at where the fishing mortality rates are, they're still well above FMSY. So you will be unable to tease -- if there is a habitat component -- and in most cases the waters today are much cleaner. The estuaries are much cleaner than they were in the '60s relative to chemical pollution and that sort of stuff, although there is more eutrophication.

But, until you get the fishing mortality down to where it should be, you're never going to be able to tease those two things apart. You're going to have to get the fishing mortalities down to where you feel the stock is going to rebuild; and then if you find out that a stock does not rebuild, you can start testing for hypotheses in terms of the habitat. But until you get that under control, you're never going to be able to separate those issues out.

CHAIRMAN AUGUSTINE: Good point. Steve, did you finish your comment? Mr. Lapointe and then Dr. Pierce.

MR. LAPOINTE: If I think about the conversation and Steve's report, which was quite good in regard to the document, for the Gulf of Maine we've got this quandary where it says things are okay and nearshore they don't seem to be.

Is that quandary reflected in the document, so that when we go out to the public, they

don't think we're suffering from recto-cranial inversion, that, in fact, we don't know what we're talking about? First, that question.

Is the difference in nearshore abundance, relative abundance and the relative health of the stock reflected in the document, because I think it should be?

MR. CORREIA: Well, we don't know what the inshore abundance is. The only thing that you have going for you to measure it is, say, the recreational CPUE.

What we do have in the Gulf of Maine, I know in the assessment, is that we have said that the recovery is more weighted towards the western part of the Gulf of Maine than the eastern part of the Gulf of Maine, and that caveat was put in there.

MR. LAPOINTE: Okay, I apologize for probably the misuse of terms, but when people in Maine look at the assessment and say that everything is okay, they say this is a case where the numbers are too high as opposed to being too low, so just as long as that tension is reflected in there.

My second question is the search for some way to look at the intra-component hasn't been successful to date. At what point do we figure out what we can do absent something quantitative? Maybe not in the public hearing document, but we should have some discussion about, okay, given the results, you've looked at this a number of ways and haven't found a good answer, is there some way we can reflect discussion that says we're still going to work on it, maybe from more of a judgment perspective than a quantitative perspective? Maybe that's not the right thing to do, but that's another quandary it seems we're at.

MR. CORREIA: Yes, it seems to me the Board can do a lot of things that don't have a technical basis to it. I don't know how well that works out when you have to defend something. There are some things that you could do.

For instance, for the New Jersey survey and for the Connecticut survey, you could make an assumption. You could say, well, the SSB was at 25 percent of the target in 2001, so you take whatever that survey index was in 2001 and blow it up and get a target that way.

It may be a risky thing to do. You're putting a lot of weight on an annual survey, but that's one thing you could do. For the state of Maine, you might be able to do the same thing.

You could say we have a three-year survey. I wouldn't recommend doing that with the Gulf of Maine because we don't know how well that survey is going to be measuring winter flounder. I've looked at the length frequency.

It seems like there are a lot of small fish up there. It tells me if you have a lot of small fish, you've got to have adults somewhere that produced them. Whether they're showing up in the survey or not, I don't know.

But that's something the Board could do. The Board could say, well, you've got a two-year survey, and so we're going to assume it was at 25 percent and blow it up. In the case of the Gulf of Maine, that's probably not going to work, because then what will happen is you say, well, you're at BMSY.

I think down in Maine, if I look at what happened with the landings, the stocks up

there probably got knocked down in the '60's, and it probably hasn't recovered since. The recovery has been much reduced up there compared to the south.

CHAIRMAN AUGUSTINE: Mr. Lapointe, would you like to recommend that for technical board consideration? We could take it as a note now; and if we have a consensus from the Board, we can put it on as an item to look at.

MR. LAPOINTE: I think that, again, if you look at trying to — I don't want to prolong the debate, but if we look forward to going out to public hearings, it would be worthwhile to say here are some steps we can take.

In the Gulf of Maine, we could take a simpler approach of saying that our nearshore abundance in Maine is not reflected being at the BMSY target, and that argues for being more conservative.

Then the state can figure out how to be more conservative just generally and not managing for BMSY. But, it strikes me some discussion like that would be worthwhile to have in there to get people thinking.

CHAIRMAN AUGUSTINE: Okay, can we do that, Lydia? Thank you. Dr. Pierce.

DR. DAVID PIERCE: Thank you, Pat. Steve, I think you said that once we get fishing mortality under control, once we get below FMSY, we'll be in a much better position to evaluate natural mortality and to see perhaps how it has changed, how influential it may be on change in population size. Did you say that?

MR. CORREIA: Yes, I think what

I'm referring to is you could have events going on; and if you believe that the habitat has been destroyed and that's why winter flounder is down, or you feel that power plants have been sucking all the larvae and that's why recruitment is down, you're not going to be able to differentiate bad recruitment from habitat causes from bad recruitment because SSB is low.

So until you can get the fishing mortality down to where you believe the stock should be rebuilding based on the winter flounder's life history, when you get the F down, and you let that run for a while, two things are going to happen.

Either the stock is going to rebuild, or its going to stay in the dumper. If it stays in the dumper, and you keep an F rate fairly low, six or seven years down the road when you're not having success in your program and you've documented that, then it's time to start really saying, okay, can you find some other mechanism as to why this is happening?

Until that occurs, you're not going to be able to say, well, you're not getting recruitment because SSB is low, and SSB is low because you've got a fishing mortality rate that has been above what is sustainable, given the life history of the fish.

DR. PIERCE: In light of that statement, then, Steve, are we on track for the Gulf of Maine flounder, since I note on Page 12, Figure 3, 2000, 2001, 2002, I assume 2003, we've been way below FMSY? So for that stock, anyways, we would appear to be moving in the right direction towards perhaps being able to evaluate?

MR. CORREIA: It seems as if you control the fishing mortality in the Gulf of

Maine through those cod rolling closures and other measures, and that stock responded in the area where those management measures were occurring – and that said, you're still going to get fluctuations.

We had a '98 year class go through. It seems like some of the recruitment -- you get a couple of moderate year classes a little bit down, the survey index has gone down a little bit. But overall, when you reduce the F, the population responded to it. That hasn't occurred in Southern New England, and we don't know what has happened up in Maine.

CHAIRMAN AUGUSTINE: Thank you, Steve. Mr. Pope and then Mr. Smith and then Mr. Adler.

MR. POPE: Thank you, Mr. Chairman. For the last 15 years or so, we've had next to zero fishing. We've really cut way back on our winter flounder fishing, back to next to nothing, almost moratoriums.

Making assumptions from the data that you already have, my question would be what can either the technical committee and the plan development team together come up with some kind of plan or recommendations to each state as to things that you would need from us to start making these predictions on the smaller area?

You seem to be able to have it in the larger areas, but we need to have some kind of plans as a state or as a group of states or as a region for a tagging study or whatever you need.

In other words, we're not sure what you need, at least I'm not at this point, in order for you to do these assessments on the smaller areas that we're asking, or that the

public is asking us to do. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. Pope. Steve, would you respond?

MR. CORREIA: You can do some tagging studies. As I was saying earlier, tagging studies can be very difficult to interpret. They have their own set of problems. The big problem in trying to do this stuff on a state-by-state or an estuary-by-estuary basis is that those fish move out of the estuary, and they reside in the EEZ in proportions that we do not know.

For example, when you say there has been nearly a moratorium, that moratorium is in Narragansett Bay and Mount Hope Bay. But, those fish go out to 539 and 537 and 539, and they're fished out there, so there is a fishing mortality rate on those fish.

The trouble is I can't tell you how much of that fish has been removed. Now, one of the things that makes this particularly dangerous, because you do have these stocklets that are reproductive bodies, is that you can have localized overfishing occurring, because too much is being removed when they're in the EEZ.

All these populations are of different sizes. So, for instance, if the Narragansett Bay fish are much reduced, it's not going to take that much catch in the EEZ to cause the F on that particular population to be, say, higher than what the average F is overall in the population.

It could happen. It has happened with herring stocks. You wipe out this reproduction body. But the trouble is we cannot tell you what those numbers are. We don't know what the F is. We don't know what proportion of the fish caught in the EEZ come from Rhode Island waters.



They're not marked. I guess you could do a wide-scale DNA type study on the catch, but it would be enormously expensive to try and apportion that out. I don't think it's feasible. The fishery may not be worth that much.

I don't know how you proceed. We've been dealing with this problem for 12 years, 15 years trying to do it, and I don't know how you can do it. I don't think it's very productive.

MR. POPE: You're not really giving us a lot of hope here.

CHAIRMAN AUGUSTINE: Yes, we're beating it to death, and I think you're responses are about as clear as you can be on that, Steve. Thank you for your persistence in sticking with it, Mr. Pope, but I think we're beating a dead horse. Mr. Smith and Mr. Adler.

MR. ERIC SMITH: Thank you, I'll pass, Mr. Chairman.

CHAIRMAN AUGUSTINE: Thank you, Mr. Adler and then Mr. Borden.

MR. ADLER: Steve, do you do the study off of Boston Harbor, the tows, the DMF's tows for the flounder?

MR. CORREIA: Could you say that again? Do I know about them?

MR. ADLER: Yes, do you take part in that tow every year? This year there were 42 percent lesions in the flounders themselves. That was way up over what it had been in the past.

MR. CORREIA: I knew about that.

MR. ADLER: Okay, that's one of these things where I'm wondering if there is

something other than fishing occurring. That was one of the things that brought my attention to it because that's not normal.

MR. CORREIA: It could be. I spent 14 or 15 years on that survey, became very familiar with the fish up in Boston Harbor and elsewhere. We've seen incidences of fin rot. We've seen gugeia. We've seen lymphocystis. We've seen lesions. How that relates to mortality, I can't tell you, but we do see those sorts of problems.

We saw a study with macrophage aggregates looking at precancerous cells in liver tumors. There has been an awful lot of work done with winter flounder. Trying to take that work and then saying what impact does this have on the population, that data is just not available.

CHAIRMAN AUGUSTINE: Thank you, Steve. Mr. Borden.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman, two quick points. Steve, in terms of the tagging data that is available to you now, is that adequate in order to look at movement patterns, or should we be collectively embarking on getting all the states, for instance, to tag X number of fish per year to continue to improve that?

MR. CORREIA: Well, I know that we use that information for putting all these little stocklets together. The trouble is the tagging studies have been limited in scope, so it's not like you have a broad band. When Massachusetts was tagging Rhode Island wasn't tagging.

MR. BORDEN: Right.

MR. CORREIA: When Rhode Island is tagging, Massachusetts wasn't. I know

some power plants have been tagging. I don't know what that's going to tell you relative to reference points. You might be able to get some mixing rates, but what happens is you have to make a lot of assumptions in terms of what the reporting rates are.

So you run into a lot of issues where I know, say, in the Pilgrim Nuclear Power Plant Study, where people were collecting the tags and putting them in little cups in the wheelhouse and not turning them in, because some people were convinced that somehow that data would be used against them.

MR. BORDEN: Yes, I just request that -- I think it would be helpful if the next time the technical committee gets together, they discuss the adequacy of that database and whether or not it would be beneficial to do some supplemental tagging, all the states, so that we'd avoid this situation where some of us were doing it and others weren't.

And then the second point I'd make is just for everybody's information. We took delivery on our new research boat last Friday. We anticipate significantly expanding our survey area out into Rhode Island and Block Island Sound.

That's not going to -- because it's going to be a brand new survey, and we've got to do calibration tows and all those things -- everyone knows the down side of it -- but we will be serving areas that are unsurveyed by the current state surveys, both Massachusetts and Rhode Island and the federal survey, so it's got to help.

CHAIRMAN AUGUSTINE: Thank you, Mr. Borden. Without objection from the Board, would you agree that we recommend that we do expand that tagging

program for winter flounder as quickly as we can? Does that make sense? Steve.

MR. CORREIA: Is the Board going to provide the money to do that study?

CHAIRMAN AUGUSTINE: No, we thought Lydia was going to take it out of her salary. Yes, we'll have to find out. We surely aren't going to do it this year but I think we'll have to -- I'm sorry, go ahead.

MS. MUNGER: I would just like to clarify from the Board, my notes here -- Mr. Borden, David, if I could just clarify what your intent was.

My notes say that the Board is asking the technical committee to discuss whether tagging would be beneficial to implement in all the states, or are you asking that the technical committee figure out how to implement that?

MR. BORDEN: No, it's the former. What I'm thinking of is the same type of advice we got on black sea bass where, essentially, the technical committee looked at the results and basically came back to us and said, hey, we think every state ought to tag 500 fish per year at the following times, and just do it on a continuous basis, that's all. I'm not suggesting that's the number or whether it's even appropriate. We need some scientific input on it. That's all.

CHAIRMAN AUGUSTINE: Thank you for that clarification. Any further questions from the Board? None. Lydia, it's back to you.

MS. MUNGER: Thank you, Mr. Chairman. The Board has reviewed Draft Amendment 1, and at this time the question before the Board is whether or not the Board feels comfortable approving this document

for public comment.

CHAIRMAN AUGUSTINE: Comments from the Board. Would any Board member like to make a motion to that effect? Dr. Pierce.

**DR. PIERCE: I would move that we approve Amendment 1 to the Interstate Fishery Management Plan for winter flounder for public comment.**

CHAIRMAN AUGUSTINE: Thank you, Dr. Pierce. Seconded by --

MR. LAPOINTE: Second.

CHAIRMAN AUGUSTINE: -- Mr. Lapointe.

MR. LAPOINTE: Question.

CHAIRMAN AUGUSTINE: And a question by Mr. Lapointe.

MR. LAPOINTE: We're putting it out for public comment with the changes we proposed today?

CHAIRMAN AUGUSTINE: That's my understanding, with the changes that we've discussed today and agreed to. Seeing nods from the Board, yes. Any further comments from the Board? Mr. Borden.

MR. BORDEN: I had to step out of the room, Mr. Chairman, so if you've already discussed this, I apologize, and I'll talk to you later. I raised a concern to Lydia about the commercial measures. These are the ones on Page 37.

To me, this is somewhat significant. In other words, let me start out by saying I think we need to impose additional

restrictions in state waters that parallel the restrictions in federal waters. That's where I'm going with this.

I guess my concern is that on Page 38, Option 2, the inshore fishing mortality reductions, the complication I see with this is that we can't measure fishing mortality on a state-specific basis. Steve, please correct this if I misspeak.

So, allowing the states to tailor make their fishing mortality reduction scenarios to meet -- let's say we agree to a 50 percent reduction in the inshore areas, 50 percent from what? You can't measure what you're starting from.

In other words, I'm not arguing against that strategy. The point that I'm making is I'm not sure it's practical to do that, not that it isn't desirable.

CHAIRMAN AUGUSTINE: Mr. Borden, would you suggest we remove that second paragraph or all of Option 2? Would you have any particular --

MR. BORDEN: No, let me just continue. Then the third option here, which is a hard quota option, suffers the same plight in terms of it's a hard quota from what? Are you going to assign a state quota? How do we get quota shares?

I mean, there's a whole series of questions. I guess my problem here is I have no problem sending this out, but I'm not sure how we would implement either one of these in order to reduce fishing mortality, because I think that's where the Board is going to be.

We're going to come back from public hearing. There is no question in my mind the public comments from the state of Rhode Island will be we want more

restrictions in the inshore areas, and so the question is going to be how you do it, and neither one of these options, I think, we're going to be able to implement, so we're going to have a bit of dilemma.

I guess my only suggestion here is you probably can't solve the problems that I'm pointing out with these two alternatives. One of the things we discussed was the need for, for instance, the technical committee to look at should we have trip limits in inshore areas, should we have a closed season, something that's very practical, easy to implement and so forth. I won't make more of this than meets the eye here, but I think we've got problems ahead if we try to implement these things.

CHAIRMAN AUGUSTINE: Thank you, Mr. Borden. Mr. Smith, to that point, please.

MR. SMITH: Thank you, Mr. Chairman. I agree with David, and I actually think, hearing him articulate it, we might be well off if we were to add a new option under 4.2 and actually under 4.1 also that would say -- and, frankly, I hadn't fully formed it yet -- something like states would be required in the Southern New England area, or in whichever area was not meeting the fishing mortality targets, be required to meet common coast-wide measures for that stock area that the technical committee develops and the Board approves.

In other words, we've got in here some very broad status quo which the technical advice says doesn't make it. We have inshore reductions of some unknown quantity, and then we have hard quotas.

Maybe what we need is by stock area, a Southern New England/Mid-Atlantic versus Gulf of Maine, we have measures for the

whole stock area that everybody has to adopt so that we're not trying to answer the unanswerable question that David points out that we can't do it on a stock-by-stock basis, so let's do it on a full stock area basis.

**I would move that we add an Option 4 to each of Section 4.1 and 4.2. This is a motion to amend.**

CHAIRMAN AUGUSTINE: Thank you, do we have a second?

MR. SMITH: I was going to read the motion. Okay, all right, if you have the sense that I can finish writing it.

MR. BORDEN: It's going to be a motion to amend?

CHAIRMAN AUGUSTINE: Motion to amend.

**MR. SMITH: It would be to add Option 4 to each of Section 4.1 and 4.2 that would read, "States would be required to adopt common stock area-specific measures developed by the technical committee and approved by the Board to meet the management goals of the plan."**

Now, hopefully, somebody will wordsmith that a little when they're drafting, but the common measures throughout the area is the key issue there. Has it got a second?

CHAIRMAN AUGUSTINE: Is that correct now, Mr. Smith? We have a second by Mr. Patten White.

MR. SMITH: Yes, just for clarity, I would hyphenate stock area-specific just so people understand that's almost a term of reference in this whole idea. So it's common measures developed by the

technical committee and approved by the Board.

CHAIRMAN AUGUSTINE: We have a second, Mr. White. Steve would like to respond to both Mr. Borden's comments and Mr. Smith's comment and then Mr. Lapointe.

MR. CORREIA: Yes, I agree, this is a pretty thorny problem. It gets even thornier because of Amendment 13. Not only do we have a problem saying we don't know what the local F is in state waters, you can assume that it's what it was in the EEZ.

I mean, you've got 50 percent. But then you're left in the same boat saying, okay, but what's the landings stream that represents that within state waters? Some states have a fairly good reporting requirement for winter flounder within state waters. Other states don't.

People with federal permits oftentimes don't check off saying, well, I took this part in state waters and took that part in federal waters. On top of that, when we look at these kind of measures, you have several different control rules within the document.

So, a decision has to be made in terms of how big of a reduction are you trying to take. I think you need to move forward on that, and then we have to see what we have for, I guess, data within state waters to try and do what would, in essence, be a trip limit or a season. I have a feeling that data is going to be limited for several states, but we have to take a look at it.

CHAIRMAN AUGUSTINE: Thank you, Steve. Mr. Lapointe and then Mr. Smith.

MR. LAPOINTE: First, I guess it's

a technical comment. The measures should be developed by the PDT, reviewed by the technical committee and then approved by the Board. I mean, that's the appropriate roles.

It strikes me we're asking the technical folks and the PDT to do exactly what we asked them to do before again. We need to be realistic about how much power is behind this option. It strikes me that we're going to go back to some judgment calls tempered by technical committee review on what we might do.

My last comment is one born of ignorance, but I'm going to make it anyway. When I hear about people discussing bay-specific winter flounder stocks and then going out to a common area and being intercepted by a fishery, is this like the intercept fishery in the shad fishery?

I mean, are we trying to fix -- are we trying to help bay-specific stocks when, in fact, they go out to a common pool and get hammered? If we are, it just strikes me as a much harder issue to deal with.

I haven't benefited from all of these discussions, but it strikes me that the intercept fishery idea is one that has some merits with what we're discussing.

CHAIRMAN AUGUSTINE: Thank you, Mr. Lapointe. Before we get a response, is the recommended change appropriate and acceptable to the maker of the motion and to the seconder of the motion?

Yes, all right, thank you, so change it please. And then, Mr. Correia, I believe you wanted to respond?

MR. CORREIA: Yes, again, we have this dichotomy, the inshore and the

EEZ. Just to remind folks that Amendment 13 is supposedly going to take care of the objectives for winter flounder in Southern New England.

Those measures have already been put in place, and it's going to take a while before you can figure out what those things have done. But, it may be different than, say, the shad intercept fishery, where it's a bycatch and a different fishery.

Here there is an EEZ fishery that is being controlled. I think one of the important issues is to have very common reference points so that both bodies are trying to achieve the same thing.

Looking back at some of the history, one of the problems that you ran into back in 1998 is you had a reference point that was very different in the New England Fisheries Management Council than what it was in this body.

That body was given advice that they were meeting their FMSY target, where this body was significantly above their target, which is one of the problems why you wanted to do the amendment, so you wouldn't be stuck in a position where in the EEZ they're saying, okay, we've done enough, and over here you're trying to say, well, we've got to still take a 40 percent cut, and we can't do it because the bulk of the fishery is in the EEZ.

CHAIRMAN AUGUSTINE: Thank you, Steve. Dr. Pierce, to the point.

DR. PIERCE: I was just going to move the question, Mr. Chairman.

CHAIRMAN AUGUSTINE: Move the question. All right, the question has been called. Caucus, anybody need a caucus? Okay, we'll read the motion back.

Move to amend the previous motion by adding an Option 4 to each of Sections 4.1 and 4.2. States would be required to adopt common stock area-specific measures developed by the PDT, reviewed by the technical committee and approved by the Board to meet the management goals of the plan. Motion by Mr. Smith, seconded by Mr. White. Point of clarification, Mr. Borden?

MR. BORDEN: Yes, a very quick point, Mr. Chairman. Will this be done before this goes out to public hearing? If we don't do that, I don't know how members of the public will comment on this.

CHAIRMAN AUGUSTINE: That's what we want to know. Mr. Smith?

MR. SMITH: If I may, this gets to the question Steve had and his comment on the motion, too. Let me tell you what the intent of this is. It's presumptive in the sense that it has an expectation that the PDT and the TC over time are going to be able to develop something that becomes a common measure that we approve.

They haven't been able to do that yet, but the presumptive part of it is, given some more time, maybe they will. In that light, it's kind of adding an adaptive management strategy to this plan, rather than after the fact two years from now, they find a way to do this, and we come back and have to do an amendment to do it.

I would envision that this concept goes out. We don't know what to tell people what the measures are; and when we finally figure out real measures, if the plan has already been approved, then you have to do it by a framework or an addendum afterwards.

The important thing here is this is not intended to address this stocklet-type issue, because that's where the PDT said we can't do that, and Steve's analysis said we can't even give you reference points.

This is intended to take Southern New England/Mid-Atlantic area throughout its range, come up with a measure that comports with the Amendment 13 biological reference points; and if we're not doing quite enough in the view of the PDT and the technical committee to be complementary to what Amendment 13 is doing, those are the measures they'd come forth with, and we'd have to decide at that time whether we approve it or not. So it's kind of a strategic option as opposed to a detailed one.

CHAIRMAN AUGUSTINE: Thank you for that clarification, Mr. Smith. Mr. Lapointe, to that point.

MR. LAPOINTE: To that point, exactly. I think because we're going out to public hearing with -- I don't know the right words -- a preliminary option, we need to reflect that in the public hearing document, saying that this is something that is going to be worked on, it may take a number of years, we don't know how to do it now, just so people don't expect the cookbook to open up and this to fall out when we're done with the public hearing document or the public hearings.

CHAIRMAN AUGUSTINE: Excellent point, Mr. Lapointe. Mr. Mears and then Mr. Miller.

MR. HARRY MEARS: Thank you. Conceptually I have no problem with this. I think, logistically, I have a lot of problems. We're taking a public information document to the public. We're giving a charge to the PDT and subsequently to the technical

committee and after that the Board to do something that I haven't heard gives me any comfort, can be done whatsoever at any time in the future.

To me, it's incumbent upon this group to be able to explain to the public why we're putting such a measure in the management plan when we have absolutely no sense of comfort that we can even do it. So, again, conceptually, I'm in agreement that it's a good thing to do, but I would be against this particular motion. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. Mears. Mr. Miller.

MR. MILLER: Mr. Chairman, if this measure passes, would it apply to de minimis states as well?

CHAIRMAN AUGUSTINE: Lydia.

MS. MUNGER: Thank you, Mr. Chairman. The exemptions that a de minimis state receives under the plan, that appears in the draft amendment as two options, so depending on which option was approved, that would determine what exemptions apply to a de minimis state.

CHAIRMAN AUGUSTINE: Mr. Miller, does that answer your question or would you follow on it?

MR. MILLER: It doesn't give me a great deal of comfort. My only concern is that if my state continues to be declared a de minimis state, I would prefer not to have to pass additional regulations just to be in compliance with this amendment.

CHAIRMAN AUGUSTINE: Thank you for the point. Lydia.

MS. MUNGER: Under the options

that are listed for exemptions under de minimis status, both the options state that de minimis states must still comply with recreational and commercial fisheries management measures, so that would be included under this. I hope that answers your question.

CHAIRMAN AUGUSTINE: Thank you, Lydia. The motion has been called for a vote. We've had caucus time so all in favor of the motion, please signify by raising your right hand please, eight in favor; opposed by same sign, one; abstentions, one; null votes, zero. The motion passes 8-1-1-0. The motion to amend is now put in place. Mr. Smith, we still have an amended motion on the Board now.

MR. SMITH: Right, this is a comment as opposed to a motion. As I'm trying to reflect on this whole plan and getting ready to send it out to the public, one thing that occurs to me that is partly resolved by this is -- the motion just passed -- we don't seem to have measures in here that address the new goal that we added, the one that was specific to what do we to rebuild the estuarine stocks.

We added that goal in March. We saw the wording up here when Lydia went through the sections that have been changed. When you read the recreational and the commercial management measures, only when you anticipate what the motion we just passed might mean do you actually get towards something that is a solution to that goal.

I just offer that, wondering if there is not something else we could add here for the public to digest that would be an option that is specific to the estuarine rebuilding goal that -- I forget what page it's on -- that we did add. I don't have a motion on that, but I

just plant the seed and see if anybody has a solution.

CHAIRMAN AUGUSTINE: Any other Board members have thoughts on that that we could put in the form of another goal, another objective? Mr. Borden.

MR. BORDEN: On the motion that's on the table, I'm uncomfortable supporting the motion, and I don't want to delay this. I think the inshore stocks really need to get rebuilt, and I think the only way we're going to do that is to propose additional restrictions in the inshore areas.

But having said that, the document we're going to send out for public hearing is really toothless. I mean that not in a disparaging manner, because now what we've got is we've got two options that we physically can't implement because they require information that we don't have.

In this option right here, which I totally support, what we really need is the technical committee or the PDT to come back to us with a range of alternatives that we can put in the document, so when all of this comes back we'll have something at least we can say we want to implement that measure as opposed to doing what I think was characterized a couple minutes ago, which was we want to start another framework to implement that measure.

So, my recommendation here would be to table this motion until the next Board meeting and ask the PDT to flesh out whatever measures they can that meet the objective of this revised motion.

CHAIRMAN AUGUSTINE: Thank you. Any comment? Steve.

MR. CORREIA: Just relative to the



PDT, when you go out to this document, you have two options for an F target, F threshold. You've got three options for SSB. You have three options for stock rebuilding, which is going to give you a lot of different combinations in terms of what the rebuilding F is going to be and in terms of how you do the analysis on implementing regulations on a state basis that are equivalent across all the states within a stock area.

I think that's part of the hangup with this work. Not only is it difficult of you doing this for one option possibly because of inconsistent datasets across the state and trying to figure out what is going on in the EEZ, but if you start doing permutations of this, you might end up with 30 different combinations. So, I think it becomes -- is that what you're asking the PDT to come up with, 10 different options?

CHAIRMAN AUGUSTINE: Thank you, Steve. Mr. Lapointe and Mr. Smith, to the point.

MR. LAPOINTE: Just following up on what Steve said, and I'm reluctant to -- I don't think there's a motion to table, but to slow this down because, again, I think we're re-asking the PDT and the technical folks to do what they've already been asked to do, and so we have to pose it in the public hearing document as a quandary.

I don't think that the delay until August is going to get us significantly farther ahead, and so I either say take it out or leave it in there, but just state it as a big problem and go forward.

CHAIRMAN AUGUSTINE: Thank you, Mr. Lapointe. Mr. Smith, to the point.

MR. SMITH: Yes, thank you. As

much as I share David's frustration that we don't have the hard measures in here, the very reason that Steve described, we're still floating between a variety of reference points and so forth.

Once we've adopted the plan and we know what those things are, then we have one narrow suite of targets and maybe the passage of some time.

I mean, it's frustrating to say, yes, we'll do another framework, but probably that's the more economical way of actually doing this because they haven't got an answer for us now and probably won't by August. I would be a little concerned about the tabling. I don't think it would get us anywhere, and I'd rather just do this as the best thing we can do today.

CHAIRMAN AUGUSTINE: Mr. Borden.

MR. BORDEN: I won't prolong this. This will be the last time I speak, Pat, I promise. I agree with Eric. If this document was simply limited to the overfishing standards and those issues and basically stopped right there, it didn't get into any of the management measures, I would have no objection to sending that out.

I agree, that will advance the whole discussion and tell the public once we finalize, once we pick our overfishing standard and so forth, then the next step is to do a framework with the measures.

But this document doesn't say that. This document basically says you're going to do the first activity, and then you've got these commercial measures that you can't implement. That's what it says, so it's illogical to me.

CHAIRMAN AUGUSTINE: Thank

you. Further comments from the Board. Mr. White called the question. Would you like to --

MR. LAPOINTE: No, the question is to approve this for public hearing as amended?

CHAIRMAN AUGUSTINE: Yes, that is the motion on the table right now. And caucus?

Whereupon, a caucus was held.)

CHAIRMAN AUGUSTINE: Go ahead, Steve, don't fog it now.

MR. CORREIA: No, I'm not going to fog it, but I'm just wondering whether one way to get out of this box is, but if you put that list of, say, these are the possible measures similar to when you do an FMP when you say here are the frameworkable measures without putting a hard quota or a 50 percent cut in trip limits, something like that, and then once you decide what your rebuilding and everything else is, then you can come back and you can have something to draw on, and say, okay, now we know where we are. Now we know where we want to go. Go come up with the measures.

CHAIRMAN AUGUSTINE: Thank you. All right, call the question. And you've caucused, and so on the motion as amended. Okay, all in favor, raise your right hand, please, six; those opposed, three --

MS. MUNGER: There are only two opposed.

CHAIRMAN AUGUSTINE: Oh, those two are from the same state. You guys are tough, boy, I'm telling you. They'll throw any kind of monkey wrench in here.

Abstain, one abstention; null votes, none of the above. The motion carries 6-2-0-0. The motion carries.

MR. LAPOINTE: I hope we have the first public hearing in Rhode Island before the end of June.

CHAIRMAN AUGUSTINE: Lydia, it's back to you.

MS. MUNGER: Thank you, Mr. Chairman. The plan development team is prepared to incorporate the comments and adjustments to the amendment made by the Board today within one to two weeks, at which point the plan development team and the technical committee will review and then send it to the Board for review before the document is released for public comment.

At that point, the staff will be in touch with the states to figure out which states would like public hearings and which states will need staff at their public hearings.

CHAIRMAN AUGUSTINE: Are there any further comments or other business to come before the Board? Seeing none, does anyone want to make a -- Mr. Calomo moves to adjourn. Do I have a second?

MR. LAPOINTE: Go.

CHAIRMAN AUGUSTINE: Go, we did it, Mr. Lapointe. All in favor, you're out of here. Thank you very much.

(Whereupon, the meeting adjourned at 3:30 o'clock p.m., May 25, 2004.)

---