

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

**August 25, 2003
Doubletree Crystal City
Arlington, Virginia**

ATTENDANCE

Board Members

George Lapointe, Maine DMR
John Nelson, New Hampshire Fish & Game
David Pierce, Massachusetts DMF
Vito Calomo, proxy for Rep. Verga (MA)
Bill Adler, Massachusetts Gov. Appointee
David Borden, **Chair**, Rhode Island DEM
Jerry Carvalho, proxy for Rep. Naughton (RI)
Gil Pope, Rhode Island Gov. Appointee
Eric Smith, Connecticut DEP

Lance Stewart, Connecticut Gov. Appointee
Byron Young, proxy, New York DEC
Brian Culhane, proxy for Sen. Johnson (NY)
Pat Augustine, New York Gov. Appointee
Bruce Freeman, New Jersey F&W
Tom Fote, New Jersey Gov. Appointee
Rick Cole, Delaware DFW
Harold Mears, NMFS
Bill Cole, USFWS

Ex-Officio Members

Steven Correia, TC Chair

Harold "Bud" Brown, AP Chair

ASMFC Staff

Lydia Munger
Megan Gamble
Bob Beal

Vince O'Shea
Michael Howard

Guests

Pete Jensen, Maryland DNR
Dick Brame, CCA
Charles Witek, AP Member

Sean Bouchard, United Boatmen of NY/NJ
Tony Bogan, United Boatmen of NY/NJ
Gene Kray, RFA-PA

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

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MOTIONS

No motions were made at this meeting.

ATLANTIC STATES MARINE FISHERIES
COMMISSION

WINTER FLOUNDER MANAGEMENT BOARD

Doubletree Hotel Crystal City
Arlington, Virginia

August 25, 2003

The Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the Doubletree Hotel, Arlington, Virginia, August 25, 2003, and was called to order at 1:00 o'clock p.m. by Chairman David Borden.

WELCOME & INTRODUCTIONS

CHAIRMAN DAVID V.D. BORDEN: If everybody would have a seat, please, we're going to start. Welcome to the Winter Flounder Management Board meeting of August 25th. For those of you in the audience that don't know me, my name is David Borden, and I'm the chairman of the board.

BOARD CONSENT

In terms of the items for discussion, we have an agenda, which has been circulated in a packet of material that is available. Are there any changes or additions to the agenda on the part of the commissioners? Anyone in the audience have anything that they would like discussed on the agenda?

Any changes in the agenda? Then we'll take the items in the order that they occur. I would note for the record that we have a quorum present, and I would ask the staff to circulate a sign-in so that everyone can sign in.

We've got a relatively ambitious schedule here. There's a lot of material and reports that we have to go through. As I noted before, there are copies of those reports in the back of the room if anyone does not have them. There are no changes to the agenda.

We have the proceedings of the February 28th board meeting. Are there any changes or additions or deletions to those? Any objection to approving the proceedings as submitted? No objections, the proceedings stand approved.

PUBLIC COMMENT

As we always do, we allow the public an opportunity to comment on the subject of the day, which is winter flounder. Are there any members of the audience that care to comment? Then I will take public and audience input throughout the deliberation.

REVIEW PUBLIC COMMENT ON PUBLIC INFORMATION DOCUMENT

The first item of major substance is a review of the public comments from the public information document. As everyone knows, we had a whole series of public information meetings and Lydia plans to very briefly summarize those comments.

MS. LYDIA MUNGER: Thank you, Mr. Chairman. Staff has prepared a brief presentation summarizing the public comment that was submitted at the public hearings as well as the written public comment. More detailed summaries of these comments were passed out to each of the board members and there are extra copies on the back table.

Eight public hearings took place between July 29th and August 7th, ranging from New Jersey up to Maine. I am going to take each of the hearings in the order that they took place; and within each hearing, I'll summarize the comments by issue. This is a very quick summary, like I stated earlier, and more detailed comments are available in the summaries.

The Belmar, New Jersey, hearing, there were nine members of the public in attendance, and I'll go through issue by issue. Issue 1, plan objectives, a number of comments were received on this issue, but the most common comment was that the objective regarding traditional abundance should not be included.

I should reference the public information document that these hearings were discussing, and there are extra copies of this document on the back table if anybody needs a copy.

Issue Number 1, dealing with plan objectives, there was the question raised whether there should be an additional objective regarding traditional abundance of winter flounder. The consensus at the New Jersey hearing was that this objective should not be included in Amendment 1.

Issue Number 2 related to targets, thresholds, and rebuilding goals, especially with regard to reducing fishing mortality in the Southern New England/Mid-Atlantic stock, since that stock was determined in the stock assessment to be overfished and overfishing is occurring.

In New Jersey, the opinion was against reducing fishing mortality in the Southern New England/Mid-Atlantic stock and the issue of implementing a longer range rebuilding target was discussed.

For Issue 3, which dealt with standardization between the Atlantic States Marine Fisheries Commission and the New England Fishery Management Council, the opinion in New Jersey stated that the New England Fishery Management Council should use the ASMFC targets, and that the Mid-Atlantic stock should be taken out of the New England Fishery Management Council plan and dealt with separately from the council plan.

Issue 4 dealt with predation on winter flounder. It was noted in New Jersey that predation is a large problem for winter flounder. It was suggested that the commission begin a move away from single-species management in order to address this issue.

Issue 5 dealt with conservation equivalency. There was support at the New Jersey hearing for conservation equivalency, especially at the regional level.

Issue 6 dealt with habitat, and it was noted in New Jersey that estuaries and spawning areas were the most important habitat types.

Issue 7 dealt with nearshore and offshore migration of winter flounder stocks, and it was noted in New

Jersey that winter flounder do not stay inshore as long as they used to.

Issue Number 8, Stock Definition, it was suggested in New Jersey that the commission lean away from coastwide management and lean more towards management of smaller management units for winter flounder.

Issue 9 dealt with recruitment. It was noted that declines in recruitment are due to environmental causes in New Jersey. A number of the public questioned the validity of the recruitment data used by the stock assessment review committee in the 2002 stock assessment.

The next hearing took place in Jamestown, Rhode Island. There were three members of the public in attendance. For Issue 1, again the plan objectives, it was noted that Objective Number 2 as stated in the public information document was the most critical objective. It was recommended that the term "ASMFC defined" be inserted before "control rule" in this objective to differentiate from the New England Fisheries Management Council control rule.

Issue 2, Targets, Thresholds, Rebuilding Goals, it was suggested to increase mesh size and recommend a raised footrope trawl, for example, for the shrimp and whiting fisheries in which winter flounder are thought to be caught as bycatch.

Issue Number 3, Standardization Between the Commission and the New England Council, there was concern about federal permit holders being shut down in state waters if the council should decide to shut down the EEZ fishery. It was stated that the issue should remain under ASMFC control within state waters.

Issue 4, Predation, it was thought that the commission should work toward rebuilding spawning stock biomass so that winter flounder stocks can sustain predation.

Issue 5, it was thought that conservation equivalency is in fact essential to Amendment 1.

Issue 6, it was discussed that habitat issues should be given greater visibility within the commission plan.

Issue 7, Nearshore/Offshore Migration, it was suggested to implement tagging studies to better quantify the nearshore/offshore migration changes.

Issue 8, Stock Definition, it was suggested that the commission lean towards smaller management units than the ones that are currently used, which incidentally are the Southern New England and Atlantic stocks.

Issue 9, Recruitment, it was noted that recruitment is improving in Rhode Island, but that there is fair young-of-the-year abundance but that winter flounder tend to be gone by age 2.

The next hearing took place in East Setauket, New York. The public attendance at this meeting was fourteen people. Issue 1, Plan Objectives, there was support for the proposed objectives plus two additional objectives, and those are summarized in detail in the public hearing summary.

Issue 2, Targets, Thresholds, and Rebuilding Goals, the members of the public suggested to address issues of local abundance or scarcity in Amendment 1 to the winter flounder plan. In terms of standardization between the commission and the council, it was determined that the ASMFC should augment the New England Council control rule.

For predation, it was noted that predation is a cause of low recruitment in New York. It was suggested to consider predation as a source of natural mortality, and the issue of predation was discussed with reference to seals, striped bass, and small fluke.

For conservation equivalency, it was recommended that consistent regulations across states be implemented for better monitoring. For habitat, the issues of hypoxia and clam habitat were discussed; and, again, this is summarized in greater detail in the public hearing summary.

Issue Number 7, it was suggested that inshore abundance is low compared to traditional levels and that was something the public recommended the commission discuss.

Issue Number 8, it was recommended again that the commission lean towards smaller management units in terms of stock definition.

For Issue 9, Recruitment, it was suggested that the commission investigate hatchery programs and also reduce fishing mortality to allow spawning stock biomass to recover.

The next hearing took place in West Boothbay Harbor, Maine. Two members of the public were in attendance, and at this hearing comment was not provided on every issue, so I'm just going to highlight the issues on which comment was provided.

Issue 2, Targets, Thresholds, and Rebuilding Goals, it was recommended to reexamine the reference points for the Gulf of Maine stock, and it was noted that winter flounder have been depleted largely as bycatch in Maine.

Issue 4, Predation, it was noted that predation is not as big a factor in Maine as it is elsewhere.

Issue 6, Habitat, the same type of comment with water quality. This is not as large a factor in Maine as it is in other places.

Issue Number 8, Stock Definition, it was suggested that the commission investigate the possibility of more localized management.

For Issue 9, Recruitment, it was noted that winter flounder occur in inshore waters in Maine as juveniles but not as adults.

Portsmouth, New Hampshire, there were three members of the public in attendance. For Issue 1, support was given for the proposed objectives plus two additional objectives. Again, this is summarized in greater detail in the written hearing summary.

Issue 2, it was suggested that an increase in mesh size and implementation of closed areas for spawning might be effective in reducing fishing mortality. It was noted that dragging and gillnets should not be allowed in state waters, according to the members of the public present.

For standardization between the commission and council plans, it was suggested that the ASMFC augment the New England Council control rule. For predation it was suggested that dogfish be included in the list of species that prey on winter flounder and that predation should be considered as a source of natural mortality.

Conservation equivalency, it was suggested that the commission maintain consistent regulations for monitoring purposes. For habitat, it was noted that in New Hampshire water quality is not a clear cause of winter flounder decline.

Issue 7, it was noted that inshore abundance of winter flounder is low compared to traditional levels.

Issue 8, it was suggested that the commission move towards smaller management units of stock definition. For recruitment, it was noted that fishing mortality must be low enough to allow spawning stock biomass to recover.

In Old Lyme, Connecticut, there were eight members of the public in attendance. For Issue 1, mesh size was discussed amongst the plan objectives, and also the question was raised to determine why the Gulf of Maine and Southern New England/Mid-Atlantic stocks do not have the same status according to the latest stock assessment.

Issue 2, it was suggested to restore nearshore stock abundance possibly through trip limits.

Issue 3, it was noted that migration patterns of winter flounder are also affected by habitat and climate.

Issue 4, it was suggested that the commission allow population control measures on predator species and also noted that the predation issue needs further study.

Issue 5, it was suggested that the commission investigate implementing conservation equivalency on a regional basis.

Issue 6, Habitat, it was suggested that the commission look at climatic effects on winter flounder.

Issue 7, it was suggested that timing of inshore/offshore migration changes with water temperature.

Issue 8, Stock Definition, it was suggested that the commission manage localized stocks separately and perhaps separating the Southern New England and Mid-Atlantic stock units. Comment was also given

that supported maintaining the current stock units. For recruitment, it was noted that this issue needs further study and suggested considering trying to use hatchery-reared fish.

There were two additional hearings held, one in Ellsworth, Maine, and one in Sandwich, Massachusetts. No public comments were provided at these meetings.

I will move on to written public comment at this time. There were twenty written public comments received and I'll just go through these issues quickly.

Issue 1, for plan objectives, there were multiple comments to retain proposed objectives plus additional. All of these are summarized in a separate document from the public hearing summaries, which is the written comment summary.

Issue 2, Targets, Thresholds, and Rebuilding Goals, there were a number of measures suggested to reduce fishing mortality in the Southern New England/Mid-Atlantic stock, and a number of comments proposed a moratorium for various areas within the winter flounder stocks.

Issue 3, Standardization Between the Commission and the Council, there were a number of comments suggesting that the council and commission plans should be similar.

Issue 4, it was noted that mortality figures should account for predation.

Conservation Equivalency, Issue 5, it was noted that conservation equivalency should be allowed as long as the states are meeting the goals of Amendment 1.

Issue 6, Habitat, it was suggested that Amendment 1 include requirements and support to monitor and maintain essential winter flounder habitat.

Issue 7, Nearshore/Offshore Migration, it was discussed mainly as a research need in the written comment, and it was noted that migration patterns are a problem in some states.

Issue 8, Stock Definitions, a number of the comments suggested the commission move towards

smaller management units than the ones that are currently being used.

For Recruitment, Issue 9, it was noted that low or no recruitment is a coastwide issue, that fishing mortality should be reduced to allow spawning stock biomass to recover. It was suggested to minimize mortality on winter flounder spawning aggregations. That concludes the summary of public comment, and I would like to give it back to David.

CHAIRMAN BORDEN: Questions for Lydia? If there aren't any questions, are there any issues that Lydia may have run over too quickly or mischaracterized? We want to make sure that we have an accurate record to take action on. John Nelson.

MR. JOHN I. NELSON: Thank you, Dave. The one point that I think that needs to be emphasized from our public hearing was that there was a concern that the Gulf of Maine stock -- and I think the SARC also sums this up fairly well -- has rebuilt in certain areas, primarily off of the Massachusetts coast.

But there has been little evidence of it occurring in other locations or in less abundance. People took a look at the spawning stock biomass targets that we had for the Gulf of Maine, and it's about 4,100 metric tons and we're currently at 5,900 metric tons.

This is almost like going to the council and talking about stock assessments, but in this particular case they're asking shouldn't it be a higher number. I know that's converse to what we hear at the council in many other species.

But, if rebuilding is taking place in some areas, but obviously not in others, then either there's an extreme overabundance in that area that it was being rebuilt and the other areas really have a lot of ability to absorb more abundance, and therefore is that number the correct number?

So that's a point I just want to make sure that we just don't lose sight of. The public is asking because they don't see the abundance that they used to see, and they feel that perhaps we're targeting a little bit lower than what we should.

CHAIRMAN BORDEN: Thank you, John. I think that is a reoccurring comment throughout a number of the northern New England public hearings; and I'm sure that when we get around to the advisory committee report, Bud will essentially verify that.

Obviously, the board has the option of being more restrictive than what the technical guidance is in order to achieve slightly different objectives, so we can consider that with due time. Dave Pierce.

DR. DAVID PIERCE: I chaired the public hearing in Sandwich, and the janitor did express some interest in fisheries management in general, but didn't have anything specific for winter flounder. Therefore, I didn't feel it was appropriate to bring it forward.

Clearly, in Massachusetts there are many, many fishermen who fish for winter flounder, state permit holders, federal permit holders, recreational fishermen, of course.

Therefore, having no one present to provide any comments, any insights into this addendum was a bit of a disappointment, but not really a surprise because, after all, it is a PID, and it's hard to generate enthusiasm for a public information document, although, of course, it's important and we always try to make the industry realize that it is important.

Notification problems, always, those face us in a PID, as I just indicated. And then there is the other issue, which I think is significant and affected the attendance, and that's the New England Fishery Management Council Amendment 13.

Most fishermen do have federal permits and they know what is going on with winter flounder at the regional level, with the council level. They are aware of what is likely to befall them once Amendment 13 is adopted and implemented next year, so I think that had an effect on attendance. Plus I think there is also a sense of despondency.

I know that from talking with a number of fishermen afterwards.

I did make a few phone calls, and it's an unfortunate attitude that they don't think that whatever ASMFC does will have much of an affect on them as fishermen.

I'm speaking specifically about commercial fishermen and not recreational. They didn't think that it would have much of an impact because, again, it's what happens in the EEZ is really what affects the status of the resource.

That's, I think, a conclusion that this board reached not too long ago, and I suspect it's still our conclusion. So those, I think, were overriding factors that had such a dramatic effect on our attendance.

CHAIRMAN BORDEN: Pat Augustine.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. I chaired our meeting in East Setauket, New York, and we had a good turnout at fourteen people.

Again, comments were very specific from several organizations, and I think in highlighting it the way it is written up, it appears that -- and no offense to the CCA Organization, but I think other organization's comments were as pertinent.

In this particular document that represents New York's fourteen people, or fourteen attendees, it appears that CCA's comments controlled the whole of the meeting, and I don't think that is a correct characterization.

I think some of the comments that were made by CCA in particular -- and I'm not taking sides because in one of my other hats I am affiliated with the Sports Fishing Federation, but charter boat folks, party boat folks, had comments to make that were quite common also.

I'm not sure if it's necessary to change this, but I think some note should be made in the minutes of the meeting that all of the groups that made comments, including CCA, the party boat/charter boat folks, and the Federation had some common concerns and common recommendations, but this says every line item is CCA oriented. Thank you.

CHAIRMAN BORDEN: All right, Lydia, to that point.

MS. MUNGER: Thank you, Pat, for pointing that out. I would just like to point out that at the end of the public hearing summary, there

were a number of prepared statements read at the New York hearing and those statements are included in the written public hearing summary. If the comments don't show up in the summary, the actual statements are included at the end.

MR. AUGUSTINE: I only mention it for fairness to the other organizations. Thank you.

CHAIRMAN BORDEN: Any other comments or observations? Anyone in the audience? If not, we'll move on to the next agenda item, which is the advisory panel report.

I asked Bud, who chairs the advisory panel, to make some general comments under this agenda item. And then as we get to the next item, which is really the action item for the board meeting, I'll be asking his and the committee's specific guidance on each item as we go through. He'll make some overarching comments at this point.

MR. BUD BROWN: Thank you. We had six attendees: two from New Jersey, two from New York, one from New Hampshire, and one from Maine. We spent a considerable amount of time talking about the status of the stocks in our various states.

Essentially, except for New Jersey, where both the commercial and the recreational people felt that their stock is in pretty decent shape, everyone else had the same song, which is that we don't have those inshore stocks.

Steve Correia was there as well, and we spent a considerable amount of time getting educated on and basically trying to get an understanding of what goes on with the stock assessment and why it can show what it showed in an overarching form whereas we were seeing these distinct differences. Please correct me if I misstate anything here.

A thread through all the public comment and what we were talking about today was that people believe that there are lots of small, distinct stocks and that what may be true for one place, like what was true for New Jersey is not true for Maine and what may be true off of the north coast of Massachusetts may not be true for New Hampshire or Maine.

Steve explained to us that originally there was a Mid-Atlantic stock, a Southern New England stock,

a Northern Massachusetts stock and a Gulf of Maine stock, something along those lines, but no matter what, the specifics were that in order to do a statistically valid stock assessment, they had to do some groupings.

MR. STEVE CORREIA: Do you want me to explain that?

MR. BROWN: Yes. go ahead, please.

MR. CORREIA: When ASMFC started developing the winter flounder plan, the initial idea was that we were going to try and have these very regional stocks.

So, when the plan was first in development, we had a stock from New Jersey, we had a stock from Western Long Island Sound, we had a stock from Eastern Long Island Sound, we had a stock from Rhode Island, we had one from Massachusetts, what we called south and east, and we had one in the Gulf of Maine, and then you had Georges Bank, which the plan wasn't going to deal with because that was completely in the EEZ.

The initial idea behind that was we were looking to try and set up these stocks based on what we thought the growth and mortality rates for these stocks were. As more information came in, we started to realize that the growth rates for a lot of these stocks were much more similar than was originally thought.

We looked at some of the tagging data and we realized that they were overlapped. So when we finally got to the plan, we came out with three stocks, which was the Mid-Atlantic stock, a Southern New England stock, and a Gulf of Maine stock.

When we went to do the assessment, we could not assess the Southern New England and Mid-Atlantic stocks and so those two stocks had to be combined. We looked at the growth rates of those two stocks and we realized that they were very similar and it was very easy to lump those together.

So Southern New England and Mid-Atlantic got lumped together. The Gulf of Maine has different growth rates and also they don't overlap in movement, so that was separated off. Georges

Bank is another stock that has separate growth rates and that plan didn't deal with it.

So that's the reason why we went from having all these little stocklets, which we could not assess the F on, we could not set reference points or biomass targets, and we ended up with a system where we could assess the stocks, and that's how we got to where we are today.

MR. BROWN: But that didn't prevent us from coming out with a recommendation that we want to have a lot of stocks because, clearly, I think, you know, the potential exists, and kind of like what John talked about where you could have a biomass target based on where they do have information, but we could still never have any fish where I live or somewhere like that and the stock would be declared recovered, and we still wouldn't have any fish and we find that unacceptable on the AP.

Really, the rest of the time was spent going through the machinations of how to come to consensus as much as we could for the nine issues, and we will make those recommendations.

I think the final thing is that I have been re-elected chair and Charlie Witek has been elected vice chair of the AP. We'll make the rest of our comments issue by issue.

CHAIRMAN BORDEN: Thank you, Bud. First off, congratulations and congratulations to Charlie. Welcome back. Any questions for Bud on any aspect? As I said, I'm going to ask for his input as we go through the next document.

So moving right along here, we're on Item 6, and let me just characterize where this item actually is. The board has a plan in place, and the issue before the board is whether or not the board wants to amend that plan to bring that plan into conformance essentially with what is taking place at the federal level.

For those of you that are not familiar with it, the New England Fishery Management Council is in the process of proposing Amendment 13, which will require changes in the fishing mortality targets for some of these stocks, particularly the stocks in Southern New England and the Mid-Atlantic.

Given the fact that the stock is distributed both in the nearshore waters and the offshore waters, the initial discussions that the board had was that they felt that we should have uniformity in those regulations and try to tie our goals and objectives as closely as we could with the goals and objectives that the New England Council was advancing.

So as a result of that, the board basically decided to move forward with a PID, which we have done, and you have heard the report on that. The intent now is to have Lydia on an item-by-item basis go through the issues that have been distilled from the PID document and the public comments.

As I indicated before, we will ask Bud for the advisory input and then it's up to the board to decide. At the conclusion of this process, what I would hope is we would have one motion and that motion would be to move forward with the development of an amendment to the plan as reflected by the discussions which precede this item, or that motion.

Then as a result of that, the PDT basically will move forward and flesh out all of the items that the board decides on and put them into a document.

Now what I would propose is that they have that document available and distributed at some point in November, which would be several weeks prior to the formal commission meeting in December.

Then at the commission meeting in December, we would have a full board meeting and authorize that document for public hearing purposes. Is there any disagreement with that strategy or any changes that anyone would like to consider? Bruce.

MR. BRUCE FREEMAN: My comments aren't contrary, David, to what you have been saying, but it's really a question to Steve. You indicated early on we had these seven different areas and that boiled down to basically two that we had jurisdiction, Gulf of Maine and the Southern New England/Mid-Atlantic.

Since that time in the plan, there has been additional collection of information, biological information and catch information. Do we still not have sufficient information to break those areas down into smaller sub-areas?

CHAIRMAN BORDEN: Steve.

MR. CORREIA: I haven't seen a breakdown on a smaller fine scale. I suspect that the answer will be that you do not have that information at this time. I mean, at the time that we made the decision to do this, sampling actually went downhill a bit after that.

So my answer, without looking at it, is I do not think that we have the information to even break off Mid-Atlantic from Southern New England, and never mind breaking it into units that are much finer than that.

MR. FREEMAN: Well, the reason that I raise the issue, I know in the beginning I think New Jersey had very little or no information, but we have since that time carried out a program to monitor several locations so far as spawning is concerned and also had tagged a considerable number of fish.

I'm assuming that we have considerably more information. Now whether we have enough or not, I really don't know, and that's the reason for my question. But I would suggest, Mr. Chairman, the technical committee make a quick review to see if that is the case.

It would seem to me that if what Steve says is correct, then we have very little choice. But, if that information is available, it would seem that also would modify perhaps our desire to move forward without using the best information we have.

Then another question, Steve, deals with the Gulf of Maine, and it is just something that was of interest to me, although we have no interest in the Gulf of Maine, direct interest, is that in the records we heard, particularly from the advisory committee, is that the inshore abundance of winter flounder is very, very poor or non-existent.

Yet the stock analysis that we got from the SARC process indicates that the Gulf of Maine stock is doing very well or doing all right. I'm not sure very well, but it is adequate and I'm just trying to reconcile that difference.

It seems like one is diametrically opposed to the other, and how do we reconcile that? How do we hear from the advisors that we don't have an

inshore fishery in the states and yet stocks seem to be doing great?

MR. CORREIA: I think the answer to that is because the assessment is a relatively recent one. It goes from I think 1982 to the present or 1980 to the present.

The assessment is heavily weighted towards what is going on in the Southwest Gulf of Maine, up in Cape Cod Bay, Stelwagen, and Massachusetts Bay because that's where the bulk of the catches come from.

That's where the Massachusetts Survey does its survey. And as you move further north, the landings become much smaller proportion during that time period. Now it just so happens that down in that region, there were a whole series of management measures that went in place relative to Gulf of Maine cod.

So you had these rolling closures that lasted from — they're called rolling, but they lasted from January through April in that area and also in October and November and those months, October, November, March and April, were the big months where the winter flounder fishery used to occur.

So I think that stock was hit and the management really did a lot for that stock in addition to the current measures that Massachusetts had put in place, including spawning closures from like February, March, and April.

So you had a whole series of things where the inshore waters were closed, and then you had spawning closures. Then the offshore waters were closed when the flounder are out there; and since that makes up the bulk of the assessment, that's why those results have come out the way they have.

Now, New Hampshire and Maine and their winter flounder landings, they have been very small, and so that signal is not in the assessment. If you had the assessment going back dating into the 1960's and you had the information on that catch, things may not look as rosy as what is coming out of the assessment now. But it's a function of the time period and where the catch is coming from.

MR. FREEMAN: I appreciate that, Steve. It's just something that seemed contradictory. I

would just offer a comment from the board's perspective, that if we move forward with a plan and indicate that the Gulf of Maine is doing well when we're hearing information that in certain areas it is very poor, it's going to — there needs to be an explanation.

Otherwise, there's going to be a great misconception as to what we're doing and why it needs to be done because what people are seeing and what we're doing may not be the same. It just concerns me.

MR. CORREIA: I agree and I think the — you know, if you read the SARC report, I think they had an appropriate caveat about that assessment relative to the whole range of the winter flounder. Now the reference points that were proposed by the SARC represent thresholds and so it's really a threshold — it's the mortality rate or threshold not to be exceeded.

There is no reason why you can't set your target fishing mortality rates well below that. So, for instance, I have this assessment, you could try to get more information from the part of the range that may not be sampled as well and you say until then we want to hold the mortality rates down.

CHAIRMAN BORDEN: Bruce, are you finished? I don't want to cut you off.

MR. FREEMAN: No, those observations. And as I indicate, we in New Jersey are particularly concerned. It was expressed at the public hearing that we seem for the last several years to have been harvesting greater numbers, both commercially and recreationally; and from our standpoint I think people are saying, great, what you did is wonderful. We're seeing more fish; and now we're saying, by the way, we're going to have to restrict it more. They just don't understand.

CHAIRMAN BORDEN: Well, I guess to the first point you made, Bruce, my observation would be that the board has to move forward based on the information that it has, which is essentially the SARC information.

As this new information that you're kind of reflecting on becomes available, the board certainly has the option to change the plan or do an addendum or whatever. If it becomes available

during the timeframe that we're going through this amendment, we can certainly consider it or have the PDT consider it.

So I think we have to base our decisions based on the information that we have and not something that might be in the works, so to speak. George, do you have your hand up?

MR. GEORGE LAPOINTE: I did, thank you, Mr. Chairman. The job we have today is to direct the PDT on which issues need to be included in Amendment 1, and it strikes me that within the context of this stock definition, management unit definition, it would be my hope that we could direct the PDT to look at ways of addressing that as we move forward.

We're not trying to redefine what the stock assessment is, but in fact recognizing some of the issues that clearly people have raised in Maine and New Hampshire and elsewhere and try to craft options within the amendment so that as we move forward we can try to fine tune the management to address that issue.

CHAIRMAN BORDEN: Okay. I would really like to move on. I have Dave Pierce and then Gil Pope and then I'm going to move on to the next item.

DR. PIERCE: Just one quick point with regard to some of the comments that have been made by the advisors and by others about Gulf of Maine winter flounder. In looking at the last assessment that resulted in a SARC document produced in December of 2002, for the Gulf of Maine there is a special comment.

It indicates that -- this is the last comment in the entire advisory: "However, recent spatial distribution of both commercial landings and survey catches indicates that most of the recent stock rebuilding has taken place off the Massachusetts coast with little evidence of rebuilding off the Maine coast."

So, I mean, it does appear that the observations that have been made by the industry, especially off the state of Maine, are borne out by what the assessment indicates; that, as indicated by Steve, there is a belief that many of the regulations that have been in place for a few years now, these

dramatic closures for long periods of time, have had a dramatic impact on rebuilding of winter flounder in the Gulf of Maine, at least off of Massachusetts.

There is less regulation off the Maine coast in terms of closures. Therefore, perhaps the response hasn't been the same, but who knows. That is just speculation on my part.

CHAIRMAN BORDEN: Gil.

MR. GIL POPE: Thank you, Mr. Chairman. I just wanted to reiterate the problem that we have with trying to have a single F fits all areas, or a single reduction that we were all looking for, say, a 20 or a 30 percent reduction, some states may need it and some states may not. Some areas may need it.

So when we're talking about area specific and trying to get it down to smaller units of management, I think one of the problems we had in Rhode Island is we were asked to take a 40 percent reduction when we had already had a moratorium and so it was a difficult issue.

I think this needs to be taken into consideration in this document, that certain states, certain areas, do need special attention and certain other areas do not, because in Rhode Island we've been working on this for fourteen years in Narragansett Bay and we haven't had much luck.

We've been doing it strictly through fishing, but there are other things that we can do, and there's other things that we can't do anything about. Thank you.

ADVISORY PANEL REPORT

PROVIDE DIRECTION TO PLAN DEVELOPMENT TEAM ON DRAFT AMENDMENT 1

CHAIRMAN BORDEN: All right, we're going to move on. The next item is the Action Item Number 6, which is provide direction to the PDT.

Lydia has prepared a document which outlines some of the alternatives that she has distilled from the PID process. As I announced before, the procedure here will be she will outline those, we're

going to ask for an advisory committee recommendation on it, and then it goes to the board.

We don't need motions at this point. We simply need a consensus as to what the range of options are that should be included and then they will go off and do their work and come back, and at that point you will have to make formal motions. So without further discussion, Lydia.

MS. MUNGER: Thank you, Mr. Chairman.

DR. PIERCE: Mr. Chairman, just a clarification.

CHAIRMAN BORDEN: David.

DR. PIERCE: Just so we know from whence this information comes, this is board direction to the plan development team. We're not responding to any specific guidance from the plan development team at this time.

We're responding to information that we have obtained from all of the public hearings that we had on the PID. We need to recognize that it's a relatively small universe that we're drawing upon since the attendance was pathetic when you look at what happened regionwide.

That needs to be remembered. This is not the — again, Lydia, correct me if I am wrong here, because I may be, this is going to the PDT for them to work on. We're not working on a document that has been generated by the PDT. This is an outgrowth of what happened from the public hearings.

MS. MUNGER: That's correct, David. Thank you for pointing that out. I do address this in my presentation.

CHAIRMAN BORDEN: George, a quick point.

MR. LAPOINTE: It would normally be information that was obtained at the PID meetings, but in fact other information that we have from our states as well. I mean, it strikes me as being entirely appropriate. I mean, all the public information we've gathered, not just the public

comments and not just the information from the PID meeting.

MS. MUNGER: Thank you. Let me explain a little bit about what this presentation is about. Basically what staff has done is outline basic options for the board to discuss in relation to providing direction for the plan development team for Amendment 1.

This isn't a document that the plan development team has already worked on. It's just basic outline of options for the board to discuss in providing direction to the plan development team.

Many of the options included in this presentation are based upon public comment and it's simply intended to be a starting point for the management board in your discussions to provide direction to the PDT in beginning to Draft Amendment 1.

CHAIRMAN BORDEN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. In a follow up with that, Lydia, can we then assume that the advisory panel did look at your program to come up with what their recommendation is going to be in addition to — what was the other one you presented?

I just wanted that clear because my concern was like yours, David. Our state was very fortunate and we had a good turnout, but some of the states had none.

I know everyone had a chance to put in a document representing what their thoughts were on it. But, I was concerned at making sure that what Mr. Brown presents is in addition to what you put together and in reference to what you put together, so they will be driven by this guideline. Okay, thank you.

CHAIRMAN BORDEN: All right, let's move on. I think as we to start to work through this, some of these issues will get clarified. Lydia, if you could take the first issue, please.

MS. MUNGER: Thank you, Mr. Chairman. I would just like to point out that the advisory panel was presented this — I did give this presentation to the advisory panel this morning and they were able to comment on it, so Bud will be

interjecting with the comments of the AP issue by issue.

Issue 1 deals with plan objectives and each of you have a copy of this presentation. It has been handed out to the board. What staff has done is included the issue as it was presented in the public information document; and then following the questions that were in the PID to solicit public comment, there are a number of options proposed.

So moving on to the options -- I believe you all have seen the issues as presented in the PID. So moving on to the options, for Issue Number 1 with regard to plan objectives, the board has a number of options before them, including to incorporate the proposed objectives with no changes, to incorporate the proposed objectives and add an objective regarding the restoration of traditional abundance as was discussed in the public information document.

The board may create additional objectives, the board may remove one or more proposed objectives and the board may also make editorial changes to existing proposed objectives.

CHAIRMAN BORDEN: All right, Bud, do we have a recommendation from the advisors?

MR. BROWN: The advisory panel recommended that the fishery be restored so that inshore recreational and commercial fishermen can access it throughout its historical range.

We had had some discussion about historical catches, traditional catches, and all that, but I think that by simply going to its historical range, that it captures all of our issues.

CHAIRMAN BORDEN: So if I understand that correctly, to basically incorporate the proposed objectives with that change; is that correct?

MR. BROWN: Correct.

CHAIRMAN BORDEN: All right, comments on that suggestion? Eric.

MR. ERIC SMITH: I agree.

CHAIRMAN BORDEN: That's what we like is brevity. Any other proposals? John Nelson.

MR. NELSON: Thank you, Mr. Chairman. I'll agree also, but I would like to see -- and I think the advisory board said not to include historic catch because it's hard to define that, and I agree with that.

But, I think the PDT probably should consider both the historic range and the age structure because age structure certainly is something that they can monitor and get a handle on.

CHAIRMAN BORDEN: All right. I just want to make sure, Steve, do we know what the historic age structure was?

MR. CORREIA: As far as I know, we have an age structure that goes back to 1980, and I'm not sure we know anything about the age structure prior to that.

But the one thing that we can do is by looking at a target fishing mortality rate, we can generate what the expected age distribution is. It's going to vary somewhat depending as year classes move through, but you get a general idea of what the proportion of different ages ought to be. So you can do that, but, again, it's going to be loose.

CHAIRMAN BORDEN: All right, so it sounds like it is doable, what John suggested. Any objections to that? No objections. Any other suggestions? Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. Are you asking for additional comments on the objectives?

CHAIRMAN BORDEN: Yes.

MR. MEARS: I would like to see a linkage between Objective 1 and 3 since arguably you can't do either in isolation.

CHAIRMAN BORDEN: Okay, any other comments? Dave Pierce.

DR. PIERCE: I'm not clear on the exact language that Bud, representing the advisory panel, has offered up as an added objective. Could you give that to us again, Bud?

MR. BROWN: The advisory panel recommends that the fishery be restored so that inshore recreational and commercial fishermen can access it throughout its historical range, and that was modified by John Nelson to include age structure.

DR. PIERCE: I'm especially interested in the age structure, and I think that is an objective that we should consider to recover the stocks to the point where we can have an age structure similar to what existed in previous years when we had a more robust set of stocks, I guess you could say.

I don't have that data before me and I don't have it easily accessible, and I assume that Steve and the rest of the technical committee will produce that for us.

With regard to the other objectives, the ones that we brought out to public hearing, they all seem to be appropriate. They all seem to be responsive to our need to maintain and rebuild spawning stock spawning potential.

I just need to make sure that I understand our intent with regard to Plan Objective Number 3, and that's the one that would establish a management program that complements the management system for federal waters. I assume complement doesn't mean adopt as is the same rules.

We have flexibility here and we have specific state concerns that need special state treatment, and that should come about through further discussion amongst ourselves, plan development team, and then, of course, through public hearing. We all need to understand that we're not going to necessarily parrot the federal system, that there will be flexibility.

CHAIRMAN BORDEN: All right, I think the intent there all along, David, was to have compatible regulations in state and federal waters and not necessarily identical regulations, but compatible, recognizing that point. So anything new to add to that? Harry.

MR. MEARS: One more comment on Objective Number 2. I think at least for the record it would be helpful to have some discussion up front, just to clarify the intent of the term "control

rule" as it will be used in development of the amendment.

CHAIRMAN BORDEN: Okay, did you get that?

MS. MUNGER: Yes.

CHAIRMAN BORDEN: Thanks, Harry. Then we'll move on. Lydia.

MS. MUNGER: Thank you, Mr. Chairman. The next issue, Number 2, with relation to targets, thresholds, and rebuilding goals, this issue was intended to especially apply to the Southern New England/Mid-Atlantic stocks since it was determined to be overfished and overfishing is occurring.

However, comments are not limited to simply the Southern New England/Mid-Atlantic stock. The public was asked what are their recommendations for reducing fishing mortality in the Southern New England/Mid-Atlantic winter flounder stock.

The board has a number of options before them for Issue Number 2. First of all, the board will need to determine whether they would like to reduce fishing mortality for the winter flounder stock; and if so, to what level.

The board may implement measures to reach the F 40 percent fishing mortality target in Addendum II. The board may implement a longer range rebuilding target than the ten-year target used by the SARC assessment.

The board may implement reductions in fishing mortality consistent with the recommendations of the SARC. The board may decide not to place additional restrictions on fishing mortality. The board's options are not limited to what appears on those slides before you.

Certainly, the plan development team is open to other suggestions from the board. Once the board decides on how much to reduce fishing mortality, there are a number of ways to do so.

The board may apply reductions to commercial and/or recreational sectors using input controls such as gear restrictions, effort quotas, limited licenses,

or output controls such as trip limits, total allowable catch, minimum size, and time and area closures.

The board may decide to address improving of enforcement of existing measures. Also, it was discussed in the public comment to reduce bycatch of winter flounder.

CHAIRMAN BORDEN: All right, comments? Dave Pierce.

DR. PIERCE: This gets very tricky. Lydia, could you, assuming you have it in your presentation, bounce back to the previous slide regarding Issue 2? Maybe this is a modified version of your presentation.

Issue 2, Targets, Thresholds, and Rebuilding Goals. Okay, here is a statement of fact, and it's problematic. Southern New England/Mid-Atlantic stock, overfished and overfishing is occurring. That's not necessarily so.

I am guided by what is in Amendment 13 that obviously is going to go to public hearing; and after public hearings in New England and in the Mid-Atlantic, there will be some fateful decisions made in November.

There are a number of options in Amendment 13 that relate to Southern New England/Mid-Atlantic winter flounder; and depending upon the option that is eventually selected for formal rebuilding programs, we're either overfished or we're not overfished for Southern New England/Mid-Atlantic winter flounder.

Therefore, I just want to make everyone aware of the fact that it's not necessarily a done deal. It depends upon what the New England Council does after public hearings. Therein lies our problem as a board attempting to move along and do what is necessary to respond to these resource issues for winter flounder in the Gulf of Maine and elsewhere.

I'm at a bit of a loss regarding how to proceed here since I still say that much of what we do will be contingent upon what happens at the council level, what happens in the EEZ where most of the catch comes from.

So that's just a clarification for everyone's benefit, that that is not necessarily factual. It depends upon

what the eventual council decision will be, and it will be a highly controversial decision. Clearly, that is the case.

The question is still appropriate. What are some recommendations for reducing fishing mortality in the Southern New England/Mid-Atlantic winter flounder stock as the mortality still can be reduced. It's still relatively high. So that is just an issue I wanted to raise. So, thank you, Mr. Chairman, for bearing with me.

CHAIRMAN BORDEN: George, did you have your hand up?

MR. LAPOINTE: It strikes me if we're going to produce a document in November -- isn't that the time frame you were talking about a draft document?

CHAIRMAN BORDEN: Yes.

MR. LAPOINTE: That would be right about the time when the New England Council is deciding on those final management measures for Amendment 13.

CHAIRMAN BORDEN: That will be prior to the point where we will sign off.

MR. LAPOINTE: Right, and I guess we could just put a footnote that the PDT should look at that information and just adjust for the next time we see a document and give us guidance about what our options may be based on what the New England Council does. I mean, there is not a lot else we can do but acknowledge that at this point.

CHAIRMAN BORDEN: Let me go back. I was remiss in not asking Bud for the recommendation of the advisory committee. Bud.

MR. BROWN: I think that our recommendation may help this discussion. The advisory panel recommends that the technical committee review the targets and consider targets applicable to regional stocks.

CHAIRMAN BORDEN: It seems to me, to go back to Dave Pierce's problem, which I think is a realistic problem, the way you do that is you craft this document so that it recognizes those, and at the December meeting what you end up doing then is

kind of matching our objectives with the objective that gets selected by the New England Council.

Obviously, they will make their selection prior to our December meeting, and then it's up to us to reflect on that and decide whether or not we want to adopt similar recommendations or slightly different recommendations. Steve.

MR. CORREIA: Just to give you a little more information relative to what Dave was mentioning, relative to the biomass target, it would have an impact in terms of whether the stock was overfished, and that sets the rebuilding time frame.

But relative to the two mortality rates that are on the table right now, on the ASMFC, the current mortality rate, you would need about a 60 percent reduction in F to achieve that, to get down to F 40. Relative to if you use the council's threshold reference point, that would be about a 40 percent reduction.

Without even looking at whether the stock is overfished or not, you're looking at a 40 to 60 percent reduction, depending on which reference point you chose.

If you go with what the rebuilding would be for the ten years under the New England Amendment 13 biomass reference point, that would be about a 50 percent reduction in F. So given that kind of spread, you're looking at between a 40 and a 60 percent reduction in F needed.

CHAIRMAN BORDEN: Thank you and that kind of emphasized the point that I was making. It seems to me what you want to do is craft the document so that it reflects that range of options. Then at the point where we have to make a decision, we will know which one of the options the New England Council has selected. Dave Pierce.

DR. PIERCE: That's fine, Mr. Chairman. May I also suggest that we treat winter flounder like fluke, scup, and sea bass and we have a board meeting at the same time as the New England Fishery Management Council, and there has to be motions made by both groups before we can move forward? I am only being mildly humorous, but where is the difference?

CHAIRMAN BORDEN: Humor is not allowed at this meeting.

DR. PIERCE: I know, but, again, where is the difference? We do it on fluke, scup, and sea bass, but with winter flounder it's not going to work that way.

It's just an interesting deviation from the norm where ASMFC is not going to have the same power and prestige on winter flounder as it has with fluke, scup, and sea bass and sea herring.

Should that be corrected? Should we do business differently with winter flounder? Well, obviously it becomes a bit ridiculous because we're talking a mixed bag of species in the Gulf of Maine for groundfish, so you can't really make it work, but I just had to say it.

CHAIRMAN BORDEN: Bruce.

MR. FREEMAN: David's point raises an interesting concept. It was just reported by Steve, and I guess David as well, that the major increase is really dictated by the southern part of the Gulf of Maine, primarily Massachusetts Bay, and Dave indicated -- I think it was Dave indicated the various closures you have which appears to have a tremendous impact.

Now, if for some reason those closures are modified or reduced, the question I would have is would we anticipate that we would see a decline in the winter flounder? That seems to be the major factor attributing to the increase. If you went the other way, would that be a decrease and then what control would the states have?

I mean, obviously, Massachusetts has control of the spawning in their area and their waters, but David raises a good point and I agree.

I mean, how are you going to deal with these multiple species but yet the decisions made by the New England Council will have and continue at least to have a very important impact on the resource. Yet, it appears to me we're going to be backstopping what they're doing. We're not going to be leading the charge.

CHAIRMAN BORDEN: Gil Pope.

MR. POPE: Thank you, Mr. Chairman. That leads to me to are we going to then develop our own definitions of what it means when the stock is overfished and overfishing is occurring or are we going to just go with what the New England Council has decided?

CHAIRMAN BORDEN: Well, we have the option to have our own overfishing definition if that's the preference of the group. We had a suggestion for F 40 percent that came out of an earlier document.

MS. MUNGER: The issue of coordination between the ASMFC and the New England Council is addressed in Issue Number 3, so we could take that as a separate issue or the board could decide to address it with Issue Number 2.

CHAIRMAN BORDEN: All right, so right now the tasking to the PDT is to come back to us with a range of estimates that match up with the New England Council. In terms of the timeframe, right now the New England Council is considering 2014, I believe, as the timeframe, just so everyone is clear on that. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Why back into it that way? Why not go ahead and just put a date certain on here based on our understanding of this stock, it's overfished and overfishing is occurring as of this date, and then we're looking at a range within our objectives, say, from 40 to 60 percent reduction as opposed to locking into what the New England Council wants to do.

I think that then allows the board to pick which one they want. And you're right, in December we'll have gotten the information from the New England Council Amendment 13 and I think we can move forward. But by doing it that way, I think we cover ourselves and it gives us a reference point in time.

CHAIRMAN BORDEN: Any objection to that? So we're going to come back with a range. They'll come back with a range of options and the fishing mortality reduction will be 40 to 60 percent. Gil.

MR. POPE: Should we really tie into 40 to 60 or should it be 20 to 80?

CHAIRMAN BORDEN: Well, I guess the only point there is either we're going to try to be compatible with the federal reductions or not; and if the federal reductions are targeting a range of 40 to 60 percent, it seems to me then that's a range.

If you're not going to do that, then what you're saying is up front we don't want to be compatible, and the board can do that. It's just you have to make a conscious decision to do that. Pat.

MR. AUGUSTINE: Mr. Chairman, I think if we're going to try to be seamless, so to speak, with the feds and with New England Council, I think Steve pointed out that there is a range from roughly 40 to 60 percent; and our F would be about 50 you said. So it seems it would be safe to lock into that; and, again, it gives us the flexibility.

Now let's assume that we get further information that says it has to be higher than that or lower than that. It still gives the board the option to use that as a guide. I think it's important that we do lock in, instead of being nebulous and out there in the wind somewhere picking a number out of the air.

CHAIRMAN BORDEN: All right. Dave Pierce and then Steve and then we're going to move on.

DR. PIERCE: With regard to the 40 to 60 percent, would that pertain both to the Gulf of Maine and to Southern New England/Mid-Atlantic? I can't recall --

CHAIRMAN BORDEN: No.

DR. PIERCE: Okay, so this could be for the Southern New England, or the type of mortality reduction that we would need for Southern New England/Mid-Atlantic winter flounder and not for Gulf of Maine winter flounder?

MR. CORREIA: That's correct, that's Southern New England. I guess the comment that I was going to put in there, since I've been doing this for a while, is to remind the board how we got to the place where we are going to do an amendment, the reference points, and that is that we've been chasing each other.

When we started, the New England Council had F 20 percent as an overfishing definition. The

ASMFC, when we did the plan, we had an F 25 percent definition with an F 40 rebuilt.

One of the problems that we ran into was that the inshore waters are the tail of the dog. Most of the landings are coming from the EEZ, and so it would be difficult, outside of setting a quota, to really limit landings in terms of trying to achieve that goal by doing something to the inshore waters.

Then what happened was we had Amendment 9, and the council in Amendment 9, their overfishing definition got more liberal. So, the distance between ASMFC and the council got wider, which made it even more difficult because at that point they thought that the stock overfishing wasn't occurring, and yet on the ASMFC overfishing was occurring and we needed to reduce the F.

Then when the new reference points came out, the FMSY that came out under the new reference points is very close to the F 25 percent that we had under ASMFC. That is pure luck. It was done under a different type of assumptions, and it just so happens that our F 40 rebuilding lies very close to what the F that you need to rebuild in 2014 is.

But that is just the stuff converging now and that could diverge later on down the road either because FMSY gets re-estimated or ASMFC changes their definition to something else, and you could end up once again reaching the point where things may look fine on the one system and need further reductions under the other.

CHAIRMAN BORDEN: Everybody comfortable with where we are on this? They're going to come back to us with a range of options. Any objection? No objection. Then we're going to move on. Next issue.

MS. MUNGER: Thank you, Mr. Chairman. Issue Number 3 deals with standardization between the ASMFC and New England Council plans. In the PID it was noted that there are differences in winter flounder management between the commission and the council and a number of options are put forth before the board.

This has just been discussed, but I am just going to go through them quickly. The ASMFC could

implement the same goals, targets, and regulations as the New England Council for winter flounder.

The ASMFC has the option of implementing complementary goals, targets, and regulations for winter flounder, and the ASMFC may also decide to implement winter flounder goals, targets, and regulations that are independent of those put forth by the New England Fishery Management Council in Amendment 13.

CHAIRMAN BORDEN: It seems to me the option that we've already agreed to is the middle option, but let me ask Bud. What was the advisory committee recommendation on this?

MR. BROWN: We came to the same agreement, that based on watching the council work to having complimentary goals is better.

CHAIRMAN BORDEN: Okay, any objection to that? Dave Pierce.

DR. PIERCE: I just don't want us to get to the point where we find ourselves at odds with the New England Council if, for example, we decide to set a different biomass target than what the New England Council sets for, let's say, Southern New England/Mid-Atlantic winter flounder.

If we did set a different target, we would not be compatible. We would not be complementary. The only reason why I say this is that the debate is still ongoing about what the targets will be.

As we all know, those associated with the New England Council, there is a 25 percent increase in the status quo target, and moving it up steadily towards higher and higher biomass levels as we achieve those levels with strict controls on fishing mortality.

Then there is the other approach where we immediately adopt the SARC-recommended, GOM-recommended biomass targets that, you know, for Southern New England winter flounder, Southern New England/Mid-Atlantic winter flounder is much larger than status quo.

I think right now it's around 17,000 metric tons, and the recommendation is to go to 30,000 metric tons, which is quite high relative to the sorts of

biomass levels we've seen over the last thirty years or so.

So I just wanted to make that point that with the middle option, implementing complementary goals, targets, and regulations for winter flounder, that might put us in bind if we go in a different direction with the targets.

I'm not saying we will, but we might. So the third bullet, I would prefer that there be two options to be pursued in this by the PDT that makes sense because of where we're going right now with Amendment 13.

The second and the third option seem to be the two sorts of options that are being considered by the New England Council. In other words, we go with the complementary goals, targets, and regulations – and, of course, I'm speaking specifically now to such things as biomass targets, and that is near and dear to my heart.

Then the other option is that we implement goals, targets, and regulations independent of one another. Not necessarily what we want to do, but still there is an option in that Amendment 13 that potentially could lead us in that direction.

CHAIRMAN BORDEN: All right, comments on that suggestion? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. We're using the word "should." So to the extent possible, I think it's incumbent upon us to come up with a common plan. That seems to make sense. It doesn't say we will, and I think it does give us the flexibility in the event we cannot and rather than having -- I agree with what you're saying, David.

The problem is by giving each of us a separate opportunity to put in independent regulations, I think we're right back to where we are right now; and if the goal is to get all fisheries plans somewhat compatible with each other up and down the coast, council wise, I just think that "should" is a word that gives us the flexibility. I would still suggest we only go with the middle one. Thank you.

CHAIRMAN BORDEN: Other comments? David.

DR. PIERCE: That is a good point, Pat. It is "should" and not "will", so it does provide us with some flexibility. If indeed we don't like the outcome of what the New England Council does, then we might want to go in a different direction, might. So with that understood by the board, I would feel comfortable with the second choice.

CHAIRMAN BORDEN: All right, any disagreement to proceed under the second option there? Vince.

EXECUTIVE DIRECTOR VINCE O'SHEA: Mr. Chairman, just to make it clear, what you're doing is giving us direction on what options you would like us to analyze and come back to you with.

CHAIRMAN BORDEN: Right.

EXECUTIVE DIRECTOR O'SHEA: So the gist of what I'm hearing is you want to delete that first option from analysis and for consideration?

CHAIRMAN BORDEN: That is correct.

EXECUTIVE DIRECTOR O'SHEA: And just do the second and the third one.

CHAIRMAN BORDEN: Well, actually what David just said was he is comfortable with the second one with the understanding that "should" is going to be interpreted the way he characterized.

EXECUTIVE DIRECTOR O'SHEA: Well, I guess my observation is that I think the more flexibility you have at this point and the more flexibility you give us to analyze things, then you can probably make a more informed decision when you come back to it. I get nervous when you start to make decisions at this stage without having any sort of analysis here. Thank you.

CHAIRMAN BORDEN: All right, so they'll proceed on that basis. Any comments from the audience? Next item.

MS. MUNGER: Thank you, Mr. Chairman. The next issue is Number 4, which is predation, and it was noted that predation by animals, such as cormorant, seals and striped bass, does affect winter flounder populations.

It is recognized that the ASMFC has limited authority to handle predation. However, there were some suggestions provided in public comment, such as the board should account for predation as a source of natural mortality.

The board may decide to keep predation separate from natural mortality in calculating stock status. The board may also decide to include predation under research needs, for example, to quantify the effects of predation on winter flounder and add predation to the other sources of natural mortality for winter flounder.

CHAIRMAN BORDEN: All right, George.

MR. LAPOINTE: Thank you, Mr. Chairman. It strikes me that -- I mean, what we're trying to do is -- you can call it what you want, it's still natural mortality and it's partitioning it, and what the document should do is discuss from a management perspective what we can do about it.

We've all tried a million times to change the Marine Mammal Act, and that's a hell I don't think we want to enter. But, it strikes me that in regard to cormorants, the Fish and Wildlife Service has a cormorant management plan that in fact allows control, and the document to be useful should discuss what that really means.

You know, first what the options are and then what affect they might have on natural mortality. The striped bass predation issue is a multi-species question that I don't have a clue how to address, so I would just as soon punt on that one. I'll let Pat handle that one. But the point is not to argue about how we partition natural mortality, but what we can do about the respective issues.

CHAIRMAN BORDEN: Bud, advisory committee recommendation.

MR. BROWN: We have none.

CHAIRMAN BORDEN: Thank you. Preference here? Do we have a preference? Steve.

MR. CORREIA: Just to let you know that whatever group looks at this, whether it's the PDT or the technical committee, they're going to come

back to you and they're going to say we haven't got the information to do this sort of stuff, and it's just going to be a future research need.

I know that between now and December you are not going to get information in terms of what predation rates are, what the impact of cormorants and seals are, even what the changes would be in terms of natural mortality. That information is not available at this time.

CHAIRMAN BORDEN: Let me just state that if that is going to be the case, then I think it would be helpful if we had the PDT flesh out what the research needs are on these items so that it then becomes an action item for the board with a set of particular tasking.

If we're concerned about predation by cormorants, then maybe we should be identifying that as a future research need until we get the information in the future. Any objection to doing that? Eric, no objection?

MR. SMITH: No objection. A related comment, though. George hit the nail on the head, and it might -- at the expense of some additional writing on the part of the staff, it might be helpful in this particular case to write a brief paragraph of what the implications are.

If you think marine mammals are depressing the stock of winter flounder, seals, for example, what it would mean from a management point of view to change that.

And, if you think striped bass abundance being so high is having an adverse affect on winter flounder abundance, then what would you do? Well, you would fish striped bass at a higher rate. Are we going to do that and violate the goal of the striped bass plan? No.

So, it might put the issue to rest. Again, it's at the expense of some writing, but this does come up a lot, and even cormorants, which, you know, aren't as sexy as striped bass and seals, you're still going to have a tiger by the tail if you say let's eradicate cormorants.

I think we would benefit in the public eye by putting the issue to rest only in the sense of saying here is what you would have to do in order to

accomplish a solution to that particular problem, and at the end of the day we're probably going to sit there and say there is nothing you can do about it.

CHAIRMAN BORDEN: Yes, I agree with that observation. But even there, they may not be able to quantify that. They may not be able to say what they can do to affect a --

MR. SMITH: My point was separate from Steve's. I agree with him, too. The research isn't there and we should devote at least an intent to try and get it. My point was the managerial useful comment, which is what do you do now.

CHAIRMAN BORDEN: Byron.

MR. BYRON YOUNG: Thank you, Mr. Chairman. I just want to add to what Eric and George said. I think we need to look at more than just cormorants. I think we need to look at a host of other species as best we can in the research needs and encourage research into the predator/prey relationship between those species.

It could be bluefish, striped bass, summer flounder, seals, cormorants, all of them, the whole host of them. I think we need to begin to build that information base. Whether we can address anything at this point in time, as Eric was suggesting, that helps us, maybe we can and maybe we can't, I'm not sure. But certainly the research needs could be broader than just the one or two species that have been mentioned.

CHAIRMAN BORDEN: All right, Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. Are you saying that there is no way to count in the predation rate into the natural mortality when you calculate stock status? You can't do that, is that what the situation is?

CHAIRMAN BORDEN: Go ahead, Steve.

MR. CORREIA: In this kind of -- they've done it for some species that have very simple dynamics. You know, you have herring and cod. That is what is in the system; and if they can get an idea of what the predation rates are on those species, they can start to work those into a multi-species assessment.

Because it's so much more complex up here, we don't know what these predation rates are. We don't know, for instance, like if cormorants eat winter flounder and they eat something else that eats winter flounder, what does that do relative to the predation rates? That information is not there.

If you knew it, if you actually had an estimate of what natural mortality was, you could fold that into the assessment, but we really don't have that. That's the first issue.

The second issue is you have a life history on winter flounder that says, well, we're designed to live about eighteen to twenty years, and so that's what their life history is based on.

If they go through a period of time where all of a sudden they are having much higher natural mortality rates, their life history is based on Z and not just F, and so if natural mortality is going through the roof, what is going to happen is the only way to compensate, if you can't kill, say, seals, is that you're going to have to lower the fishing mortality rate until you get a total mortality rate that is in sync with the life history of the stock.

CHAIRMAN BORDEN: Bill.

MR. ADLER: If I may, I just think that since this seemed to be an issue with a lot of people, the predation issue, that I don't think we can dispense with it in an amendment by simply saying, oh, we're going to look at this.

Although I agree with Number 3 here, the research needs, I agree with taking a look at, you know, how many spiny dogfish and striped bass and the rest of them kill all these winter flounder and I agree with that.

But I also think that -- it's like I would like to see some way of accounting some figure that it wasn't fishing that brought this down. It's something else.

I think you do need to leave this somewhere in there or it is going to raise its head at the public hearings about, well, why didn't you do something about the predation, because I can hear that coming and I'll shut up. Thank you.

CHAIRMAN BORDEN: Gil.

MR. POPE: Thank you, real quick here. I think you really need all three. I think they're all three important, but I wouldn't put it as an immediate action type of item. I would just say just to include the three as things that we need to look at further as the information comes through because we don't have the information now.

CHAIRMAN BORDEN: All right, so we're going to proceed and essentially the tasking is for the PDT to take this as far as they can. If there is a lack of information, then what they will do is come back to us with some research recommendations that would try to address some of the uncertainties. Next item, conservation equivalency.

MS. MUNGER: Thank you, Mr. Chairman. The slide before you on conservation equivalency is the slide of the information taken from the public information document.

Moving onto the options before the board regarding conservation equivalency, the board may allow conservation equivalency for winter flounder management.

The board may require consistent regulations and requirements across all states for winter flounder. The board may also consider conservation equivalency on a regional basis, for example, for bodies of water such as Long Island Sound. The board may also come up with additional options for conservation equivalency.

CHAIRMAN BORDEN: All right, advisory committee recommendation?

MR. BROWN: Well, we couldn't come to a consensus on this, basically ranging from those who wanted consistency up and down the coast to those who wanted conservation equivalency on a regional basis. We have no specific recommendation.

CHAIRMAN BORDEN: An observation given the comments that have been made here repeatedly today, my suggestion would be that we draft the document so it allows conservation equivalency. I think most of the states have spoken in favor of that. Byron.

MR. YOUNG: Thank you, Mr. Chairman. One concern I have on the regional basis, it's not so much with Long Island Sound as the example, but for a number of states you've got borders on both sides.

The region has to be a little bit broader than just some body of water or some harbor or something. Conservation equivalency across lines is fine; but when you break it down to too small a unit, you run into problems.

CHAIRMAN BORDEN: Well, this is an issue that I think is going to come up with some other stocks at this meeting. I think what we can do is leave the issue somewhat open for the technical people to look at that issue and kind of give us some guidance as to whether or not conservation equivalency should apply on a state-by-state basis or it should apply on a regional basis; and if it's the latter, what they think appropriate regions are based on the biology of the stock. Eric.

MR. SMITH: Yes, I agree. The unfortunate thing here, although Lydia did a masterful job trying to summarize all of this, the use of that particular example raises a red flag.

If you were to say stock-defined areas, Southern New England/Mid-Atlantic versus Gulf of Maine versus Georges Bank, which we don't deal with, I think there would be more buy in.

The question is are the states that fish on the same stock, do they have the same relative regulations in order to provide equivalent conservation values, and are those regulations as close to one another as possible? So, that's the concept of the regional, not water body specific, but stock specific.

CHAIRMAN BORDEN: All right, Gil.

MR. POPE: Thank you, and a point I brought up in Jamestown was also pro conservation efforts in states such as our own, especially that have been at this for fifteen years already and trying to figure out our various flounder problems.

I had mentioned it before, pro conservation, and I didn't see it in here. It's something that has always been kind of near and dear to my heart on winter flounder and tautog and so on.

CHAIRMAN BORDEN: Steve.

MR. CORREIA: Just from a technical issue, because I've always had some great difficulties with this, when you have it on very small regional, like the way that we did it before where state by state were coming up with conservational equivalency, from a technical perspective what it means is that we try to bring information forth to say we think this is how this will work, and then the board either approves or disapproves it.

But the trouble is we can never go back and figure out whether it actually is working because all we have to work with is the stock unit. So, you can change meshes, say, in one state and a different state has a different mesh.

But when you do the assessment, the only thing you get is one partial recruitment vector that incorporates all the fisheries, all the different meshes, all the different geographic areas, all the different recreational. So we can say we think this might work, but it's very difficult for us to show that it actually is working.

CHAIRMAN BORDEN: George.

MR. LAPOINTE: Mine was a follow up on Eric's question. Within the regional basis, I think we have to tie it into what we decide on the inshore stock definition as well -- I mean, the management unit definition because with people's concerns about management units within a stock unit, and Steve's comments notwithstanding, we would want to allow that under conservation equivalency as well. So it's a bit more narrow of a definition than you were talking about, but broader than Long Island Sound potentially.

CHAIRMAN BORDEN: Harry.

MR. MEARS: I would like to suggest a subtle modification in the wording to read "allow consideration for conservation equivalency." That way it would be across the board whether it's coastwide or region by region.

At the same time, it would not make it a requirement for Amendment 1 up front to have all of the technical analysis that could extend over a very extended period to come up with the actual

way that such a management proposal may be analyzed. I believe this would cover everybody's objective or intention to at least have it as a possibility as the plan evolves.

CHAIRMAN BORDEN: It seems to me where we are here is that the tasking to the PDT is fairly broad, that they will go forward and look at this issue of conservation equivalency and come back to us with recommendations as to whether or not it should be on a state-by-state basis or a regional basis or a stock basis and why and what the implications are.

I think Harry's point is correct that just because we discuss it at public hearings doesn't necessarily mean we're going to do it. It just is an item that is going to get discussed, that's all. Any objection? If not, we'll move on. Next item.

MS. MUNGER: Thank you, Mr. Chairman. Issue Number 6 deals with habitat, and it's noted that the ASMFC has limited authority to address habitat issues. However, they may provide a number of research needs.

The habitat issues brought forth in the PID were augmented at public hearings. You have the list before you on the slide. And as I stated earlier, this may simply provide a list of research needs for the board to consider, and the board may also discuss what else can be done about habitat.

CHAIRMAN BORDEN: Bud.

MR. BROWN: The advisory panel recommends that a suite of mitigation measures be identified for the issues of concern.

CHAIRMAN BORDEN: Preference as a committee? Gerry.

MR. GERALD CARVALHO: Thank you, Mr. Chairman. I would like to see the term "chlorine" and "chlorinated byproducts" included.

CHAIRMAN BORDEN: Any objection? No objection. Other comments on this? Gil.

MR. POPE: One quick comment. As policy, should the ASMFC in the future choose to possibly ask for more authority on this issue with state, local, and federal governments? Should we

bother to ask or should we just continue on the way we're going? Thank you.

CHAIRMAN BORDEN: I don't necessarily have an answer for that, but fairly quickly you would get -- just thinking through it, if the commission had more flexibility to declare some items critical habitat areas where certain economic development activities couldn't take place, you might generate some territorial imperative there on the part of certain states. Harry.

MR. MEARS: Mr. Chairman, I think it would be helpful to give the PDT a little more direction. I'm not sure where we're heading with this habitat issue.

It's much like the predation issue, perhaps, where these may be identified as research needs somewhere in the context of the plan. But where it sits by itself as an issue, what are our expectations from the board to the PDT for addressing habitat? I raise the question.

CHAIRMAN BORDEN: I guess my response to that is the PDT would have a free-ranging discussion of whether or not there are critical habitat issues that ought to be addressed in the plan in terms of making specific recommendations to the states that they preserve critical habitat, cut down on impingement, a whole range of issues.

All of that presupposes that there will be some kind of factual basis for that. Lacking that, it seems to me that they may end up with a series of research recommendations on documenting what different impacts are of some of these habitat changes. Harry, go ahead and follow up.

MR. MEARS: Just as a footnote, we do have some experience and a track record from the shad and river herring plan that we might look back on where we have gone through some of this type discussion that might streamline the way that we frame habitat issues in this particular plan.

CHAIRMAN BORDEN: Lance.

DR. LANCE STEWART: Specific to winter flounder, I mentioned it before, but I think we have a series of kind of telltale events and local

conditions that highlight some critical habitat investigations, one being that in many cases in Long Island Sound there is tremendous young of the year production, in the millions and millions, yet they fail to recruit into the fishery.

So it's not a failure of spawning stock biomass. It's a failure of the habitat to allow the consistency of the year-long survival rate.

There are things of timing synchronies that have occurred in the '90's that suggest -- and, again, I don't want to point my finger at pesticides or chlorinated biphenyls or anything else like that, but there are some '90's depressions in stocks that seem to be reproducing properly.

Yet, either it's an effect on the young-of-the-year stage, that critical transition when they become more of an aggressive predator, or it's the prey stocks themselves that may be depressed at a certain time. So, you know, suggesting what the plan team does is to really try to focus on things that are specific to this species that focus in on more evolving habitat changes.

For example, I could say that there should be more coordination with the states in knowing what your pesticide application rates are, your inventories, your areas of application, your time series, and it should be a fisheries shared bank of information, not only public health.

These are ways of linking what you do in environmental management to some of the effects we see in fisheries and try to explain by numerous things, whether it's habitat, predation, or everything else.

So I think we should really focus in on some of the events that depress the fishery that we know exists and try to link them to certain changes in processing, for example, chlorinated -- sewerage treatments changed from a gas to chlorine liquids in the '90's.

The residuals involved in that amplification in the environment should be addressed in research needs and specifics like that. I will leave it at that.

CHAIRMAN BORDEN: Dave Pierce.

DR. PIERCE: Yes, this is I think a bit of

an easy one since, after all, let's not forget this ASMFC winter flounder plan was first crafted back in the late '80's, and at that time one of the priorities, if not the priority, was habitat concerns.

I recall my staff devoting a tremendous amount of time to assisting ASMFC staff on these issues. Steve Correia may have been involved at that time and certainly Ernie Howe was. Ernie Howe was head of our resource assessment program, recently retired, and I look at the document that I always tend to bring with me from February 1998.

This is Addendum II and it reminds me that the purpose of the plan in 1989 was to prominently consider habitat and environmental quality as factors affecting the condition of the resource.

So, a lot has been written, a lot has been done and I expect the PDT will have to reflect back on the plan as it was originally crafted, and that we can be provided with a description of progress made in these last twelve years or so, thirteen years or so, to address our habitat issues identified back then.

I suspect there will be a lot to say about lack of progress, especially in light of the conversations we've had around the table. This comes up time and time again and not just on winter flounder. So progress, lack thereof, new issues — some things are new and need to be addressed by the PDT.

So, it's got to be not just Issue 6, as listed here, but one of the first issues on the list of priorities for this addendum to address, and certainly the Habitat Committee of ASMFC can play a role here, too.

We've talked about SAV and this SAV policy and other policies as well. So, let's just reflect on what we've done, assess what has been accomplished since 1989, and that would be an important charge to the PDT.

CHAIRMAN BORDEN: Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. Do you envision in an amendment like this, which is basically setting up some policy on the winter flounder, do you anticipate that there would be just some statement somewhere in the amendment that says we know that this is a problem and we don't know what to do about it, we can't do anything

about it, we know it's a problem and we're going to keep looking at it?

Is there somehow in an amendment, when it finally comes through, that says that besides coming up with fishing rules and besides coming up with these other things, that we're going to take a stand in some way towards improving these things. Is that something that goes into an amendment or can go into an amendment that puts some fire that we're going to do something? Can you do that?

CHAIRMAN BORDEN: My response to that is kind of what I responded before. What I envision taking place under this is that the PDT will look at this range of habitat issues and what is known about those habitat issues; and basically if something is definitively known, as David was indicating, if in fact we have a great deal of information on one particular aspect of this, then they have the flexibility to come back to us with a recommendation that may be binding on the states if it went through the public process and got adopted.

So that would be an actionable item, right, where it might say don't do this or do something else. For the ones that you don't have a great deal of information, then they kind of fall into two categories.

One would be items that the PDT might come forward with a recommendation of we need more research on this; or, two, go back to the point that Lance made, which is these are items that we need a better characterization of what is going on in the states on these items.

So, to me, the items kind of fall under those three categories, and I can't predict the outcome of that review. But, that's kind of what I end up.

I would imagine that most of those will fall into those last two categories where either there will be something that should get documented in the states; or, two, that it's something that requires more research and we're requesting states, through appropriate channels, whether it's a state or a university or whatever, to do the research and raise that within their state priorities to try to do research on those items. That's my view of how it sorts out.

MR. ADLER: I mean, I would like to see

something to the effect that if it is determined that any one of these in an area or in a state or off a state is causing some decline, that that state's marine fisheries or whatever will aggressively pursue stopping it, basically.

In other words, give them something that they'll say they'll have to try, they'll have to try to stop it. I don't know how that would work, but, I mean, that's what needs to get done.

If you've got, for instance, pesticides streaming into certain areas, it's not adequate to have the Atlantic States say, oh, well, you know, we know it's a problem and we can't do anything about it because it's their problem and not ours.

I think we still need, since we're working on fisheries -- and if one of these or any of these things are a problem with returning the fish, that the Atlantic States, with their states, needs to gang up on the perpetrator and do something about it rather than just saying we can't do anything about that, but we can control how many fish you take and what size, but we can't control the other thing. I just wish it could be something with some teeth in it, some maybe soft teeth, but teeth in the amendment. Thank you.

CHAIRMAN BORDEN: Soft teeth. Let me give you an example, Bill. The PDT might review this issue of entrainment and impingement; and if their conclusion is that that is having a major impact on a population, they might come back to you with a recommendation that the states take steps to attempt to reduce that by some percent, and that would be something that the board could put in the plan not necessarily as a compliance requirement, but ask the states to work within their own agencies to affect that type of change within state waters. I think that's what you are saying.

MR. ADLER: Yes, I think you're on the right path, something in the amendment that would trigger that, like you said. That would be good.

CHAIRMAN BORDEN: All right, do we need any more discussion on this? Gil.

MR. POPE: I think the point here is that we need to find the agencies that can do something about it, and we need to convince those agencies -- because we've spent a lot of time, research money

and ASMFC states have instructed all their people to come up with all these great issues on habitat.

But now we need to find the agency or agencies that we can go to and we can tell them what we would like for them to do about it. That's because obviously we can't, but we need to find the people that have the power that can do it.

CHAIRMAN BORDEN: Bud.

MR. BROWN: I work in the permitting arena and I can tell you that if agencies come for any one of these sorts of things, waste discharge permits, you know, 401 discharges or FERC licensing or whatever, it's really a matter of having your finger on the trigger and having the agencies be there and make comments.

I can tell you in general they don't, particularly the marine resource agencies. So, the opportunities are there. It's simply that they don't avail themselves of that opportunity to comment on permits when they are put in place.

CHAIRMAN BORDEN: Vito.

MR. VITO CALOMO: I know you want to move along, Mr. Chairman, and I appreciate that, but I think this is a very important issue because the public has perception that fishermen are always the cause of destruction of biomasses of fish, and a lot of us have looked at the ocean and have been around it for years, Mr. Chairman, and know that there are other effects that reduce the biomasses of fish.

I think this is very important that the Atlantic States Marine Fisheries Commission lead the charge instead of just saying, well, we can't do nothing about it. I think we should lead the charge in this. The pollutants are tremendous. I could go on, Mr. Chairman.

I think the point is well made, and I'll cut myself short instead of you cutting me short. I think this is very problematic, and I think it's up to the Atlantic States Marine Fisheries Commission to take charge and be the leader in this area. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: All right, so the charge to the -- let me repeat this. The charge to

the PDT is to review these items and see whether or not there is a good scientific basis for them to come forward with a recommendation on any one of them or a number of them; and if that is the case, they'll come back to us with a recommendation for certain action, and that may mean nothing more than recommending that the states do review permits or whatever.

Then, in addition to that, as part of that, they will look at what other activities should take place on habitat, whether that's research or qualifying what is taking place in the states on pesticides, as Lance had spoken, and so forth. Any objection to that? If not, that's what the charge is. Bill.

MR. BILL COLE: Thank you, Mr. Chairman. I think we all recognize that if the feds are going to amend their plan, they're also going to have to update their EFH documentation.

I think it behooves all of us sitting around this table to make sure that that documentation is correct and is adequate, and I think -- like we're trying to do in a couple of other areas of the country, what can we as agencies up and down the coast do to make those identifications work for the stock and its recovery.

CHAIRMAN BORDEN: Next item, Lydia.

MS. MUNGER: Thank you, Mr. Chairman. The next issue put forth in the public information document dealt with nearshore and offshore stock movements. It was determined through public comment that this poses a series of research needs that the management board may wish to consider within Amendment 1, such as determining if winter flounder do change their migration patterns at lower levels of abundance or possibly to determine what other factors contribute to changes in winter flounder migration patterns and timing.

CHAIRMAN BORDEN: Bud, advisory committee.

MR. BROWN: We have no further recommendations.

CHAIRMAN BORDEN: Anyone have a recommendation on this? Is there any need for the PDT to flesh this out in the document? I don't see any hands going up. Anyone in the audience? If

not, there's no action on this by the PDT. Next item.

MS. MUNGER: Thank you, Mr. Chairman. Issue Number 8 deals with inshore stock definition. The board has a number of options before them to consider for inshore stock definitions.

There are the options of managing winter flounder on a coastwide basis; continuing to manage winter flounder as two stocks, the Gulf of Maine and Southern New England/Mid-Atlantic stocks; managing winter flounder as three stocks, the Gulf of Maine, Southern New England, and Mid-Atlantic winter flounder stocks.

The board may wish to consider managing winter flounder as a number of smaller management units, and the board may also wish to consider putting research needs into the plan with regard to stock definitions such as gathering data to enable an assessment based on smaller management units.

CHAIRMAN BORDEN: It seems to me we're going to get guidance on this as a result of what we concluded on conservational equivalency and what is the appropriate scale for that, whether it should be state specific.

The basis for that is obviously how should you manage these stocks, how can you effectively manage the stocks, and what is the smallest unit you can reasonably be expected to manage the stocks on. I think to some extent we have already answered this. George.

MR. LAPOINTE: I would agree, Mr. Chairman. I would recommend elimination of the coastwide assessment because nobody has discussed that. Steve talked about growth differences between the two, so we might as well take one option off there.

CHAIRMAN BORDEN: Any objection to taking out coastwide for this? Then there will not be a coastwide basis, and this will be handled under conservation equivalency discussion. Harry.

MR. MEARS: Thank you, Mr. Chairman. I would strongly urge that the board request the PDT to change the wording of Issue 8 to "Definition of Management Units" versus

“Definition of Stocks.” We already know there’s only two inshore stocks, and what we’re really talking about is definition of the management units themselves.

CHAIRMAN BORDEN: Any objection to that? No objection. Are there any other points here? Bruce.

MR. FREEMAN: I asked Steve early on if there was sufficient information to perhaps look at these on a smaller geographical basis. He indicated that would be something — or someone indicated that it would be something that would be looked at if there is additional information and if there is an argument made for a smaller management unit, that would be raised, and I’m just assuming that would be the case?

CHAIRMAN BORDEN: Right. Okay, Bud.

MR. BROWN: The advisory panel recommends that efforts be made by the technical committee to identify the total number of stocks, and really management units is right, necessary to achieve all of the plan objectives identified in Issue 1. I think implicit to that is a lot more management units, smaller ones.

CHAIRMAN BORDEN: So any objection to the PDT looking at this whole issue in the context, as Bud has suggested, of future research needs, what research needs to get completed in order to do that? No objection? No objection. Next item.

MS. MUNGER: Thank you, Mr. Chairman. This is the last issue that was put forth in the public information document. Issue Number 9 deals with recruitment, especially noting that in the Southern New England/Mid-Atlantic winter flounder stock recruitment has declined considerably in the last twenty years.

In order to address recruitment in Amendment 1, there were a number of options proposed through public comment for the board to consider, such as increasing monitoring of young winter flounder, investigation of hatchery programs, keeping fishing mortality rate low to allow spawning stock biomass to recover from overfished levels, and protecting

winter flounder spawning areas and juvenile feeding grounds.

CHAIRMAN BORDEN: All right, Bud.

MR. BROWN: No further recommendations.

CHAIRMAN BORDEN: Board comments on this? George.

MR. LAPOINTE: Mine relates to the second one, investigating hatchery programs. Our discussion of this should be just about as much discussion as we put into how much we can affect marine mammals.

You know, we’ve had a lot of comments saying in Maine that we’re producing small winter flounder and we’re not getting recruitment and elsewhere, so we shouldn’t spend a lot of time on hatchery programs.

CHAIRMAN BORDEN: All right, but once again, just to repeat, for instance that first bullet, this issue of increased monitoring of young winter flounder, that’s something that the PDT already has the ability to do.

They can look at this and look at what takes place up and down the coast; and if they want to come back to us with a recommendation to do that, it certainly seems appropriate.

And the SSB issue, they’re going to be involved in that when they talk about targets and thresholds and so forth; and the protection of winter flounder spawning areas and juvenile feeding grounds, it may be a habitat issue.

I think most of these have already been included with the other items that we have discussed. Anyone see a requirement to deal with these individually as opposed to dealing with them as part of the other sections? There is no formal action required. Anything else, then, on this? Yes, Dave Pierce.

DR. PIERCE: Just again to get the facts straight. The previous slide mentioned something about — in the Southern New England/Mid-Atlantic area, winter flounder stock recruitment has declined considerably in the last twenty years.

In looking at the assessment information for that particular stock or groups of spawning aggregations, it's interesting to note that really the recruitment has been fluctuating up and down, and no real obvious trend since, oh, let's say the late 1980's.

It was in the early to mid-80's when recruitment was on the high side, so it's not as if we've had a steady decline. It seemed to decline rather dramatically from 1980, the first year that we have in the time series, down to about, oh, let's say the mid-80's.

Then since the mid-80's to the current time, it's been up and down about some average level and no obvious wide swings in recruitment. So that's just a point for us to reflect on, what is different now versus the late '80's and prior to the '80's to the mid-80's?

CHAIRMAN BORDEN: All right, what other items do we need to discuss today? Steve.

MR. CORREIA: I guess my concern is I've seen a very long list with some very complicated issues. I hear a due date of November, and I reflect that there's two technical people on the PDT plus a staff member. That seems to me an awful ambitious timeframe for three people to come up with this in that timeframe.

CHAIRMAN BORDEN: Which reminds me that we have solicited nominations for the PDT several times -- and I think Vince brought this up at a previous meeting -- and we need to add to the staff there in order to get this job done.

I won't ask anyone to nominate now unless you know who you want to nominate, but we will be back to you one more time asking for nominations. Failure to get the nominations is probably going to jeopardize the time schedule. Eric.

MR. SMITH: You just reminded me that I had e-mailed you after the June meeting and recommended one of my staff members to be a member, and I don't know the process here, whether there is a formal nomination or --

CHAIRMAN BORDEN: No.

MR. SMITH: I mean, it's a staff member who works on our survey and does flounder assessments.

CHAIRMAN BORDEN: Which staff member is that, Eric?

MR. SMITH: Deb Pacileo.

CHAIRMAN BORDEN: All right, any objections to adding that staff member? No objections, the staff member has been added. I would note that we have had a 35 percent increase in staff. Anyone else? Dr. Pierce.

DR. PIERCE: I'm glad Steve spoke up. If other states don't volunteer staff for this effort, then it won't be done by November. Steve has other responsibilities that have recently been given to him related to other species that are near and dear to ASMFC's heart.

I won't go over the list. But, anyway, he won't be able to focus all of his time on this issue. He is going to be off doing other things. So, either other states that value habitat inshore and value their commercial and recreational winter flounder fisheries step up or it just won't happen.

CHAIRMAN BORDEN: All right, I would ask the states to consider nominating people in the next week or possibly sooner at this meeting. Just think about it and talk to Lydia or myself or Vince. Jim.

MR. JAMES LOVGREN: Thanks, Mr. Chairman, Jim Lovgren. I just want to point out there that November might be -- I mean, you can consider it an aggressive timetable there.

In light of the development of Amendment 13 and its timeframe going on, you've got to consider that maybe you don't have to meet your timetable by November there, that a few months' delay in implementation of coming up with this plan isn't going to hurt anything.

It will allow Steve more time to work through these problems that we have, and it will allow us to find out what exactly the rebuilding target is going to be because the council hasn't decided that yet.

So just keep this in mind there. I don't know that you're actually tied down to doing this in any certain timeframe, but it might not be a bad idea to slow it down a little bit just so that you can get the information you need, the correct information you need, and the time spent that you need to spend on it.

CHAIRMAN BORDEN: Jim, to that point, it sounds like it may slow down under its own weight. But, in terms of the timeline, what we're trying to meet is really a December commission meeting deadline.

I'm setting November as the deadline so that we can circulate a document, start to get comments through e-mail and other things from the industry on what has been characterized so we don't just go right up to that deadline. But if we fall off that deadline, we'll just have to have another board meeting, that's all. Bruce.

MR. FREEMAN: Just on a note of advisors, we're in the process of getting a recreational advisor. It happens to be Captain Sean Bouchard, who we don't have the paperwork, but he has come down and he has spent the time on the committee, and we'll formalize his name so that the board can vote on it at the next meeting.

CHAIRMAN BORDEN: All right, anyone else? We don't need a motion. We're not going to have any motions at all. Any objection to proceeding the way we've outlined today? If no objections, then the PDT has been so tasked. The meeting is adjourned.

(Whereupon, the meeting was adjourned at 3:10 o'clock p.m., August 25, 2003.)

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