

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

**June 9, 2003
Doubletree Crystal City
Arlington, Virginia**

ATTENDENCE

Board Members

| | |
|---|---|
| Lew Flagg, Maine DMR | Eric Smith, Connecticut Marine Fisheries |
| Dennis Damon, Maine State Senate | G.L. Gunther, Connecticut Senate |
| Douglas Grout, New Hampshire Fish & Game | Lance Stewart, Connecticut Gov. Appointee |
| David Pierce, Massachusetts DMF | Brian Culhane, proxy for Senator Johnson (NY) |
| Dennis Abbott, New Hampshire Leg. Proxy | Pat Augustine, New York Gov. Appointee |
| Vito Calomo, proxy for Rep. Verga (MA) | Bruce Freeman, New Jersey F&W |
| Bill Adler, Massachusetts Gov. Appointee | John DePersenaire, New Jersey Leg. Proxy |
| David Borden, Chair , Rhode Island DEM | Tom Fote, New Jersey Gov. Appointee |
| Gil Pope, Rhode Island Gov. Appointee | Harold Mears, NMFS |
| Jerry Carvahlo, proxy for Rep. Naughton (RI) | Bill Cole, USFWS |

Ex-Officio Members

Bud Brown, AP Chair

ASMFC Staff

| | |
|---------------|--------------|
| Lydia Munger | Vince O'Shea |
| Nancy Wallace | Mike Howard |
| Bob Beal | |

Guests

| | |
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| Kurt Blanchard, ASMFC LEC | Mitch Needelman, Florida State Representative |
|---------------------------|---|

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

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MOTIONS

1. Move to approve PID without objection

Motion made by Mr. Borden on behalf of the Board. Motion carries.

2. Move to approve Bill Hubbard, Ken Ketchum, Art DeFrancisco, and George Allen to the Winter Flounder Advisory Panel.

Motion made by Mr. Borden on behalf of the Board. Motion carries

ATLANTIC STATES MARINE FISHERIES

COMMISSION

WINTER FLOUNDER MANAGEMENT

BOARD

DoubleTree Hotel Crystal City
Arlington, Virginia

June 9, 2003

The meeting of the Winter Flounder Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the DoubleTree Hotel Crystal City, Arlington, Virginia, on Monday, June 9, 2003, and was called to order at 8:30 o'clock, a.m., by Chairman David V. D. Borden.

WELCOME & INTRODUCTIONS

CHAIRMAN DAVID V. D. BORDEN: Welcome to the Winter Flounder Board meeting of June 9th. My name is David Borden. If you are not familiar with me, I'm the chairman of the board. We have an agenda that has been circulated. Are there any comments on the agenda; any preferences to take issues out of order? If not we'll take the items in which they appear.

BOARD CONSENT

As far as our quorum, I would note for the record -- and the staff will circulate a sign-up sheet -- we do have a quorum for this meeting. In terms of the order of business, I would ask you that we'll take these items in the order in which they appear and try to stay right on the agenda.

The proceedings from February 24th have been distributed. Any comments, corrections, additions, deletions? Any objection to approving them as submitted? If not, the minutes of February 24th stand approved as

submitted.

PUBLIC COMMENT

We always offer the public an opportunity to comment. Are there any members of the public who wish to make a public statement? We will allow members of the audience to make statements throughout the meeting. Anyone in the audience? No hands up.

REVIEW/APPROVE THE PUBLIC INFORMATION DOCUMENT FOR PUBLIC COMMENT

The main item of business here is the review of the public information document, and I'm going to ask Lydia to give us a short PowerPoint presentation. She'll walk us through. Now before she does this, I want to emphasize one point.

Public information documents are exactly that. What you do is you take out a wide range of issues to stimulate public discussion, so the issue here is not for us to debate the merits of a particular strategy, rather it's to make sure that we have enough of the alternatives in the document.

We do not have to have preferences or anything like that at this stage. The real issue that I'd like everyone to focus on, as she goes through her PID, is there something that's missing in the document? So with that, Lydia.

MS. LYDIA C. MUNGER:

Thank you, Mr. Chairman. This presentation will provide a brief run-through of the draft public information document with a brief overview of each issue covered in the document.

We begin with the introduction where the PID announces the commission's intent to develop Amendment 1 to the Winter Flounder FMP.

The two main reasons listed for developing this amendment are; Number 1, that the Winter Flounder FMP was written before the ACFCMA was implemented; and, Number 2, that the FMP

needs to be updated based on the results of the recent stock assessment.

The purpose of the PID is to inform the public of the commission's intent to gather information concerning the winter flounder fishery. The PID is meant to facilitate public comment on the issues in the document framed by the underlying question, "How would the public like the winter flounder population and fishery to look in the future?"

Here is a diagram of the commission's process for development of the amendment. Currently, the commission is at the step highlighted in yellow, "development of the PID." And, if the PID is approved, we will be in the next step which is public information meetings.

The PID gives a bit of background into the purpose of the FMP which was management of inshore stocks of winter flounder and also to consider habitat and environmental quality. In 1992 the FMP and Addendum I were approved to create reductions in fishing mortality.

The 1997 stock assessment is discussed in the PID and as well as Addendum II to the FMP, which was approved in 1998 and had plans to reach F 40, and that was to be implemented by May 1, 1999.

The PID gives a brief description of the fishery, the commercial and the recreational fisheries, a description of landings in both the Southern New England-Mid-Atlantic and Gulf of Maine stocks and talks about trends in landings, gives landings for the most recent fishing year, which is 2001, the most recent year we have data for, and talks about the fact that the majority of commercial landings come from the EEZ.

It discusses the recreational fishery, again giving trends and landings and discusses the percentage of total winter flounder landings that come from the recreational fishery. The PID gives an update on the status of the stocks based on the most recent stock assessment, which was completed in 2002.

The PID gives a table under Issue 1, but I'm

going to show it to you first here, that summarizes the current fishing mortality, FMSY, F-rebuild, current spawning stock biomass and SSB/MSY for the Southern New England-Mid-Atlantic stock.

The board was shown these numbers at the previous board meeting, but I can go through them again if you'd like. Then for the Gulf of Maine stock, it's not overfished and overfishing is not occurring according to the stock assessment so it lists some more numbers.

At this point the PID moves on to the public comment issues. So starting with Issue 1, as defined by the board, which is redefine targets, thresholds and rebuilding goals, this is where these tables appear in the public information document.

And, for each issue, staff framed a question that should guide public comment as they go through this document. So the question for Issue 1 was what are the public's recommendations for reducing fishing mortality in the Southern New England and Mid-Atlantic winter flounder stock?

Issue 2 was to standardize parameters between the ASMFC and New England Fishery Management Council plans. The section under Issue 2 discusses the differences in how the ASMFC and the Council manage winter flounder and discusses Amendment 13 to the New England Groundfish Plan and ends with two questions.

What are the public's suggestions for coordinating management between the ASMFC and the Council? And, should the ASMFC utilize the same goals and targets as the federal government when it comes to setting goal and target fishing mortality and spawning stock biomass levels for the winter flounder fishery?

Issue 3 is predation, and the PID briefly discusses that predation on winter flounder by animals such as cormorants, seals and striped bass has been listed as a potential factor that may influence stock recovery and has a question for the public, which is what suggestions does

the public have regarding predation on winter flounder and the extent of the impact of predation on fish populations?

Issue 4 of the PID covers conservation equivalency. The definition of conservation equivalency as used by the ASMFC is in the document and is on the slide in front of you. This section goes into a more detailed discussion of conservation equivalency in the document.

And it ends with the question, should all states be required to have consistent regulations and requirements regarding the winter flounder fishery or should the ASMFC allow conservation equivalency for states to achieve the goals and targets set by Amendment 1 to the FMP?

Issue 5 is habitat. The ASMFC Habitat Committee will provide input on winter flounder habitat issues for Amendment 1, and that's discussed briefly in the PID.

And, the question here is, are there any winter flounder habitat issues you are concerned about and do you have any recommendations to address or further evaluate these issues?

Issue 6, do depressed stocks still demonstrate the same nearshore/offshore movement as healthy stocks? This section of the PID discusses the seasonal migrations of winter flounder and ends with the question, have you noticed changes in migration patterns of winter flounder at different levels of abundance?

Issue 7 that's covered is identification of stock components and discusses that within the stock groups winter flounder move across state boundaries and between state waters and the EEZ.

And, it also notes that the extent of this movement is not fully documented and ends with the question, should the ASMFC continue to manage winter flounder as two separate stocks or should the stock be managed on a coast-wide basis or as smaller stocks?

Issue 8 covered in the PID is recruitment issues.

It discusses the recruitment in both the Southern New England-Mid Atlantic and the Gulf of Maine stocks.

It notes that the recruitment in the 2001 year class for the Southern New England-Mid Atlantic stock is estimated to be the smallest in 22 years and that the recruitment in the Gulf of Maine's stock has been above or near average since 1995.

It has two questions for the public. In recent years what changes have been observed in the abundance of small winter flounder and what solutions can the public identify for the declines in recruitment in the Southern New England-Mid Atlantic winter flounder stock?

There are two issues that were outlined on the original list that the board came up with at the 1999 meeting -- nearshore dependency and temperature dependency -- that are not addressed in the draft PID because they're considered scientific issues that could be discussed by the technical committee and that do not easily lend themselves to public comment.

However, if the board would like to see these included in the PID, feel free to say so and I'll go right ahead and include them. That concludes the presentation and at this time any questions?

CHAIRMAN BORDEN:
Questions? Any questions? There are no hands up. Anyone in the audience? No hands up. Let's just take these one at a time. I'm not going to try to stretch this out.

On Issue Number 1, any comments on that? Is that an adequate enough range? Bill Adler.

MR. WILLIAM A. ADLER:
Thank you, Mr. Chairman. This is pretty much a general one on all the issues that go down here. As I mentioned to you earlier, I'm just wondering if it would be helpful to the public if there was, in some of these, an example of what you're looking for in comment rather than just a straight question.

I'm just offering this as a possibility, just trying to think of what it's like at a public hearing or a scoping meeting where people say, "Well, what do you mean by this"?

If there was an example in some of these, an example of do you think something like this, if that would be helpful to the public if there was an example next to the question on some of these.

And I do have -- are you going to go through these issues one by one?

CHAIRMAN BORDEN: Yes.

MR. ADLER: Okay, that's a general comment.

CHAIRMAN BORDEN: All right, any objection to Bill's suggestions; where we can build in a specific example to try to stimulate discussion, we'll do that and cite it as an example so that it doesn't take on a life of its own.

Eric. And before he speaks, I'd like to welcome the new acting director of fisheries from Connecticut, Mr. Smith.

MR. ERIC SMITH: Thank you for the bulls eye, Mr. Chairman. Now I'm "the new kid on the block." I agree with Bill on his comment, and I almost wonder if Issue 1 shouldn't be separated into two because they are two different issues.

One is the targets, thresholds and rebuilding goals, and it might be useful for the public to comment on those, but in a lot of cases the public may not have the experience and the knowledge of the issue to be able to comment.

I think we should ask them anyway, but that's separate from the one that Bill asked. I'm reminded that other scoping documents or council plans often do have a list of potential measures that could be used to accomplish something.

We might benefit from making a separate issue

out of the question in the document, "What are your recommendations for reducing fishing mortality?" And then have the list of -- you could do it by trip limits; you could do it by quotas; you could do it by closed areas and so forth.

So I think to some extent there are two different issues in Issue 1, and we might benefit from a separation. Thank you.

CHAIRMAN BORDEN:
Thanks, Eric. I think that's along the same line as what Bill was suggesting. Any objection to doing that? We'll include a list of management options that people can look at here. Other comments on Issue Number 1? All right, any comments on Issue Number 2? Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. The crux of Issue Number 2 obviously, as stated, is the fact that there is both the council and commission which manage winter flounder through their respective fishery management plans.

And, in an attempt to keep this section brief, the third sentence in the opening paragraph indicates that while the council and the commission manage different stock of winter flounder, many agree it is preferable to coordinate regulations between the two jurisdictions.

While the intent of this sentence is appreciated, I think it tends to add to the confusion rather than clarify it. The fact is that the council does get involved in both stocks, particularly where those stocks each have portions in federal waters.

This has been the topic of discussion I believe before this board for a number of years, since the plan was originally approved and subsequently amended. So I think there needs -- and I can't come up with a suitable replacement at this point.

It just seems to be there needs to be another paragraph to compare and contrast the different ways that the council and the commission are involved in winter flounder management with regard to the Gulf of Maine complex and then

the Southern New England-Mid-Atlantic complex. Thank you.

CHAIRMAN BORDEN: All right, I think we can do that. Any other comments on Number 2? Number 3, predation issues, any comments? All right, Number 4, any comments? Number 5, habitat issues.

Now, this goes back to the point that Lydia noted in her PowerPoint, Gordon Colvin at the last meeting relayed certain concerns about habitat degradation. Gerry Carvalho raised the issue of chlorine impacts.

And let me just ask it this way -- do we have any objection if we can raise some of those as issues so that the public can comment on it? Any objection? We'll weave those into it.

I think Lydia's characterization is correct, that the PID and the technical and scientific group really have to decide what can be done about those, if anything. But, still, I think the public is going to want to discuss those issues. Bruce.

MR. BRUCE FREEMAN: Dave, in the original plan habitat was an important consideration and letters went out to each of the states or state agencies that regulated habitat that often was not the fisheries group. It may be useful to get a brief report back from each state as to what impacts they felt that letter had, whether there was an increased awareness by the state in protecting the habitat or it's just business as usual. I think this was an important issue in the original plan, and yet it's very difficult to implement, to actually change state policy if in fact policies needed to be changed.

CHAIRMAN BORDEN: Okay, thanks, Bruce, we'll have the staff send a letter out. Lydia can send a letter out to all the states and frame a question along those lines. Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. I'm bringing this up mainly because I think that this habitat thing is so important that we're stopped on this for a second, and that's good. I've heard the comments that, well, we

can't do anything about what the other agencies do with regard to habitat degradation.

But, I mean, we're trying here to manage a fishery and it seems we always end up managing the fishermen. And in some case -- and I'm particularly in winter flounder, a situation where if there is this problem with the habitat and the water quality or whatever, it has a direct impact on us trying to manage this fishery.

So this is why I've stopped on this and made a point, once again in a public forum here, of this type of a problem. We've got to do something.

I don't know how the Atlantic States gets some teeth into saying you will not disturb the water with whatever because we're trying to bring the fishery back and what good does it do if the fish can't grow?

And there are so many cases -- not only chlorine in Boston Harbor but other nutrient problems -- and all these things have a definite effect on winter flounder.

I think we need to get a lot stronger in this department with regard to controlling as best we can mosquito spraying, those type of things. So, I'm just making a point of this.

MR. GIL POPE: Yes, I want to strengthen that position and totally agree with that. I think that in the long run that the commission would be very well served in trying to join with the councils and the service in trying to strengthen our hand in some way and in trying to have these issues settled by the commission so that when we go and say, you know, that we have a problem with this and you have to do something about it, it just doesn't stop there. We need to figure out a way to strengthen our hand on this issue. Thank you.

CHAIRMAN BORDEN: All right, anyone else? Harry.

MR. MEARS: Mr. Chairman, a response and a follow up to Bill's and Gil's comments on habitat and the involvement of particularly fishermen on the water front

addressing some of the habitat issues, we've agreed have been so important for a number of years.

As I indicated at the last board meeting, habitat research is about to become a major research thrust under the Northeast Region's Cooperative Research Partners initiative.

In fact, within the next ten days there will be a solicitation on the street for research proposals. And, again, the key emphasis here is to identify key habitat research issues and especially come up with innovative approaches for involving fishermen and gathering that data and doing the research.

We've held two public scoping meetings in the last 30 days, and it is about to be one of our most highly funded initiatives. It's to be a \$2 million program. The window of opportunity is very brief.

As I indicated at the last board meeting, when I wasn't really aware of what that timeframe would be, but, chances are, as I indicated, the announcement for research will be announced within the next ten days. There will be only an open period of about 15 to 20 to 30 days -- not sure yet. We have to meet some fiscal year funding deadlines -- for proposals to come in.

So now is the time to put your ideas in motion, to get those proposals off the shelf and hopefully address some of these long-standing habitat issues we've talked about for years concerning winter flounder biology and winter flounder management. Thank you.

CHAIRMAN BORDEN:
Thanks, Harry. Lance.

DR. LANCE STEWART: Yes, Dave, just to amplify what I said at the last meeting and also just to solidify what has been said by the previous three speakers, it is somewhat apparent in the time cycles. And if you look at winter flounder recruitment failure for the inshore stocks, this 5-year interval, it almost parallels lobster.

But, some of the concerns I think for habitat are parasitic incidents that occur and that are in the literature that have really proven the inshore stocks are hit harder than the offshore stocks.

Another thing is the issue of not playing habitat as physical, if the fishermen could show us relationships, but the real bio-chemical nature of what is going on, organic chemicals. I think we need some real attention to that as far as how it affects not only these species, the prime species, but the prey organisms that may be really critical to the recruitment phase such as apoliscids, when the winter flounder young of the year are about 2 centimeters.

And if you have pesticide mortalities in that critical prey species, where it's almost a one-to-one relationship, those are things that I think the habitat focus should be concerned with.

EXECUTIVE DIRECTOR
JOHN V. O'SHEA: Thank you, Mr. Chairman. You know, given these concerns -- and I've heard some sort of a theme here that's saying our hands are tied because so much of this problem may be caused by habitat, that there's an underlying theme here as well that says because of these habitat problems, the capacity of the stock is a lot less than what it could be otherwise, which is then going to point us in the direction -- has implications about what the exploitation rate is and what we're going to be able to get out of the stock.

So, I think this is a useful discussion to say, yes, maybe we do have these documented habitat problems, but the conclusion should not be that we can't do anything. It's just that we're not going to get the fish out of the stock that we thought. We have to be even more conservative. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Pat.

MR. PATRICK AUGUSTINE:
Thank you, Mr. Chairman. No one has said anything about the estuary program, National Estuary Program, particularly those along the East Coast. I know I'm involved with both the South Shore Estuary Reserve Program and the

Long Island Sound Study Program.

And, there are, I want to say, millions of pounds of chlorine and other product being put in the water, removing nutrients of all sorts which we know have had a very detrimental effect on shellfish.

And, in some of our back bays estuaries, we've seen a great loss of eel grasses and other flora fauna, so to speak, that have actually had an impact on the clarity of our waters. Our nutrient load has gone way down.

I'm under the impression that, I know in our groups, the Long Island Sound Study Group, we've got a living marine resources subcommittee that would probably participate in and interact with Lydia or whoever else is involved from here as I think we should reach out to those national estuarine programs on the East Coast and use that as an initial source to find out what's happening in those estuaries.

Long Island Sound is 120 miles long. We see a complete difference in water makeup from the Hudson River coming out of the New York area out to Montauk. You can actually see the change in quality and clarity.

And, the question is what do people want. So I think we're dealing with fisheries and how do we prevent them from being wiped out, year of the young and so on, at the same time allowing enough nutrients in the water to make that happen and also satisfy the other user groups who want clarity of water.

So, I think this is a much, much broader picture than we're touching on here. I don't think we're looking at the tip of the iceberg.

I think we should reach out to the estuary program people, see what those subcommittees have been involved with, and add their information to our base and then go forward from there. But this is an issue that's got to be addressed on an ongoing and continuing basis. We can't walk away from this one.

CHAIRMAN BORDEN:

Thanks, Pat. Bud.

MR. BUD BROWN : I would just point out for the record that there are vast stretches of the coast of Maine where there are no wastewater treatment plants at all and on the offshore islands as well where we see the same phenomenon in the absence of the inputs of these sorts of chemicals.

CHAIRMAN BORDEN:
Thank you. All right, anything else on 5, then? Lydia, a question.

MS. MUNGER: A question of clarification from the board. The PID briefly lists in the second paragraph under Issue 5 on Page 8, briefly lists some habitat concerns.

I know that it was mentioned that the board would like to see greater detail of these concerns. Is this sufficient or would the board just like to see greater detail in the PID?

CHAIRMAN BORDEN: More detail, that's the word that I'm getting. Bill.

MR. ADLER: No, I think here you've done a good job of pointing out what you mean by habitat because a lot of times when they talk "habitat", all of a sudden we get into human destruction usually by fishermen of the habitat.

And that's not what we're talking about here. We're talking about the water quality. We're talking about the sediments, that type of stuff. I think you've led them that way in that paragraph, and I think in this case that's sufficient. That will get enough comments.

CHAIRMAN BORDEN: All right, Item Number 6, comments. No hands up. Item Number 7, stock components, any comments on that? Lew Flagg and then Harry Mears.

MR. LEWIS FLAGG: Thank you, Mr. Chairman. Just a point I wanted to bring up to reiterate something that Bud Brown mentioned earlier.

I think this is a really important thing that really needs some work; because, with respect to the Maine coast, the mid-coastal area, there is just no winter flounder, essentially no winter flounder at all in those areas.

I get concerned when we talk about the fact that the Gulf of Maine winter flounder are considered to be restored and that they're not overfished nor is overfishing occurring, because I think we have to look at these stocks on a more stock-specific basis rather than looking at them as an overall complex because I think we have some real serious localized depletion problems. I don't know what causes them but I think we have them and I think it's something we need to address. Thank you.

CHAIRMAN BORDEN: All right, any objection to beefing up that section the way Lew characterized? No objection? Harry.

MR. MEARS: A related observation, as Lew just described, the preface to this public information document indicates that one of its purposes is to go out to the public for observations and information, which I think is a really good, positive movement toward how we involve the public in discussions as we prepare new FMPs and addenda and amendments to those FMPs.

This one, I have some concern over the way it's presently worded, "identification of stock components." We start out by saying that there is primary stock units which are predicated on similarities and biology, and that's why we have two stocks.

And then the keynote question to the public is, well, should we continue managing them as two stocks or as a single population. And, it's almost like giving the indication that we're real shaky on the background and purpose, why we've separated winter flounder into two stocks.

So I think what's needed at the very least would be prior to the time the question is raised or perhaps after it, would be, again, a couple sentences of pros and cons on why we would

even consider doing that and perhaps some equal narrative on why we would have apprehension about managing winter flounder differently than we are now. That was one comment.

My second one is the concluding sentence on certain states having more restrictive regulations than in other states -- and, again, I understand the intent.

I'm not so sure whether it's first and foremost a conservation equivalency issue or whether it does have some stronger tie-in than I can presently make between the more restrictive scenario and the fact that winter flounder are currently managed through a Gulf of Maine and a Mid-Atlantic-Southern New England stock approach.

It's a dangler to me. And either, I would hope that sentence could be moved to sit by itself to talk about the nature of how state regulations may differ from each other and perhaps even from federal regulations and raise the question in that regard; or, to provide some additional background why that statement is in there and what in fact its association is with the stock question being raised. Thank you.

CHAIRMAN BORDEN: All right, any other points on Number 7? Number 8, recruitment issues. Comments. No comments. Eric.

MR. SMITH: Similar to the comment that I had on Issue 1, I'm not sure the second sentence of the question, the underlying question, is something -- I guess I question if that's a fair question to ask the public. I'm not sure what else to ask.

We could ask them if they've observed changes in the abundance of small winter flounder, but a solution to identify for the declines, I don't know, that one kind of left me cold.

I'm struggling with a lot of these to try and figure out what we really want to get; what's our expectation from the public versus what do we need to convey in a public information document?

It seems to me we need to explain that one of the stocks is overfished and overfishing is occurring, and we need to talk to them about the solutions to that problem.

And the other thing is this species more than most is really tied to inshore habitat effects, like we just spent a lot of time on Issue 5.

The other ones I almost think are more of a communication tool rather than asking for them to answer something that they may not really have what they need to answer that.

So, I'm taken by Harry's comment that it is good to communicate with the public and get as much of what they'd like to tell us of their concerns, and I understand that. That question, though, I'm not sure that's a good one to ask. I'd just leave it at that and see if anybody else agrees or not. Thank you.

CHAIRMAN BORDEN: Any objections if we delete that question? Yes, Vince.

EXECUTIVE DIRECTOR O'SHEA: I guess I think there are some good points there, but I guess the other side, if you had a recreational sector and the recreational sector said, gosh, we see a lot of small fish during x-time of year, why are we allowing people to fish on those fish in this area at that time of year, would that be a useful comment?

Or, if somebody else says we have another fishery that has a certain size mesh with it and they're catching an awful lot of small fish, why are we allowing that to happen when there's a lot of small juvenile flounders around?

And, I mean, it seems to me both of those comments might be helpful. I'm not sure what you're avoiding by asking the question from the public for ideas on how to get your hands around a fundamental issue here, and that is mortality on small fish. Thank you, Mr. Chairman.

CHAIRMAN BORDEN: Eric.

MR. SMITH: Good point. I guess it's the words then because I agree with your point. What solutions can you identify to reverse the declines? I mean, it's the tone rather than substance thing, really.

CHAIRMAN BORDEN: Okay, anything else on this item? Vito.

MR. VITO CALOMO: Mr. Chairman, it has nothing to do with eight but I have a question, if it's all right to go back on one.

CHAIRMAN BORDEN: Certainly, just for you, Vito, I'll make an exception.

MR. CALOMO: Well, I appreciate that. Harry Mears would not let me have a second cup of coffee this morning so I'm a little sluggish here.

On Page 5, Mr. Chairman, along with the doom and gloom that we always go, I thought there would be maybe a good idea that on Issue 1, after the 2013, it says "Since the Gulf of Maine stock is not currently overfished and overfishing is not occurring, the stock does not need to be rebuilt and thus no FRB is given for this stock."

I'd like, Mr. Chairman, for the public to see that in bold print and underlined as we have done in other parts of this document. I think that is great information for the public to have because most of the documents that we send out are always doom and gloom, and I think this information is a tribute to the fine job we're doing in the Gulf of Maine on this stock.

CHAIRMAN BORDEN: All right, thank you, Vito. Bud.

MR. BROWN: Well, I guess I will make the point that the inshore trawl survey that the Department of Marine Resources conducted in the state of Maine -- I think Lew will verify this -- has shown the absence of winter flounder in the inshore stocks up there.

Certainly, the recreational fishermen in the state

of Maine, because I conducted a survey, said that they are not catching winter flounder. The MRFSS Survey in the state of Maine says that they are not catching winter flounder.

The commercial AP representative in the state of Maine says we are not catching winter flounder. So there certainly is room for doom and gloom in that Gulf of Maine assessment contrary to what the stock assessment says.

It comes from many different directions, not simply anecdotal but from surveys, from AP members and from that sort of thing. So I think there is no room there to underline that positive news when it may not well be there.

CHAIRMAN BORDEN: Well, you know, let me just offer this comment, that I think you're both right. And the reason I say that, I think that it would be helpful here to characterize stock status and what we know about stock status in terms of the stock.

The offshore components of the stock are in relatively good shape on Georges and the Gulf of Maine. But, clearly, the inshore components are in a completely different state. And this whole section I think would benefit from exactly the two points that you're making. We just have to weave them together in a discussion.

Anyone object to trying to do that? No. So, I mean, we'll try to make some of the points that Bud is making and we'll try to beef up the positive stock status results that Vito is talking about in the offshore areas. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. In terms of bolding and underlining, though, at least in this document, the only thing that is bolded and underlined is action that we're asking something directly from the public.

To do that within the document itself, I think gets us on a slippery slope because if you're going to bold and highlight good news, quite frankly, I think you're opening the door to bolding and highlighting bad news as well to prevent a --

CHAIRMAN BORDEN: But I took Vito's comment more along the lines of he wants to have more emphasis on some of the positive news. That's the way I read what he was saying.

EXECUTIVE DIRECTOR O'SHEA: That's fine. I was just commenting about the bolding and highlighting. Thank you.

CHAIRMAN BORDEN: All right, anything else on the document? Is there a need to include in this document objectives -- Gordon, I'll get to you in a second -- the objectives from the old plan and solicit comments on the objectives?

They're not in this document, per se. Comments on that thought, on that subject. No. Do you want to do it or don't want to do it or is it too early in the morning? Gil.

MR. POPE: Thank you. I just think that some of the questions that we do ask the public in these, and from what I've gathered around the room here, maybe they should be as simple as possible, in other words, not ask them any too complicated of a question and just said, you know, "identify this" or "do you have any ideas on this" and leave it a little more generic. It might help. Thank you.

CHAIRMAN BORDEN: On the issue of objectives, though, should we take out the old objectives that are currently in the plan and just offer the public an opportunity to comment on those? Not that we're going to add new objectives, it's just solicit comments from the public on what is on record right now.

That was the one comment that I had made in terms of it's relatively easy to do, and I think some of the discussion here highlights the need for doing that.

Bud has been talking about the need in the inshore Gulf of Maine area to address some of the stock declines to meet the needs of some of the recreational fishermen. He's been very consistent about that. That would allow that

constituency a bullet that they could speak to at the public hearing. Eric.

MR. SMITH: Thank you. I think that's a good idea, and I think we ought to ask the public to comment on those. I mean, when I think back to the introduction of this document, this plan was adopted over ten years ago.

It's a good time to say here were the objectives of the old plan, what do you suggest for new ones? I think this board ought to think about revising them also perhaps at our next meeting or perhaps after the public comment is in. I think that would be healthy. There may be some things we want to delete and there may be things want to add.

CHAIRMAN BORDEN: All right, Gordon, you had your hand up.

MR. GORDON C. COLVIN: Yes, and let me begin by apologizing for walking in in the middle of the discussion and perhaps going over old ground.

It just seems to me that in terms of the public's view of the winter flounder and the management situation that we're in, it's pretty simple. Inshore there are no flounder. There just aren't any, and they want to know why.

They want to know what we know about the causes for the collapse of winter flounder and for its failure to rebuild even while, frankly, fishing mortality rate has been reduced a lot — maybe not as much as we'd like to have, but we reduced it quite a bit.

So I think, you know, at the outset to be credible, we ought to try to take that question on because it's the truth. There just aren't any inshore, and I'm not sure that we do know why. I know there is a lot of theories out there, but I think we've got to address that.

CHAIRMAN BORDEN: All right, any objection to weaving that into the document? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. And back to Page 4, after reading the commercial fishery history, the last sentence in that first paragraph, it doesn't seem to flow.

We say after "commercial landings from the EEZ more than three miles average 86 percent of the total commercial landings from '89 to '93"; then we go on to say "state and federal management measures implemented since '93 are unlikely to have significantly changed the percentage of total commercial landings from the EEZ."

Why do we even have that sentence in there? And now I ask the question, can we find out whether it did have an effect or didn't have an effect? It's a point. It leaves another dangling thing out there. So if it may be clarified or just drop it unless other people think it should be in there. Thank you.

CHAIRMAN BORDEN: All right, Tom.

MR. THOMAS FOTE: Yes, what's truly amazing about this species, we're in the southern range of this species, yet our catch has pretty much remained the same or actually increased, and it just doesn't jive with the facts of what we usually see when a species is collapsing or when there's a real problem.

We go to our fishermen and tell them they have to be more restrictive, yet their catches really aren't declining and they're actually seeing some bigger fish than they've seen in a long time, so it's really strange. I mean, I can't explain it.

Nobody around the table can but it's one of the oddities of this fishery because most of the time when you look at stock collapses, usually it's the far reaches that collapse first and come inward, and it's not doing it here.

CHAIRMAN BORDEN: Any other issues for the PID? What I would suggest for a process moving forward, we've got a number of good suggestions, we'll work with Lydia to include those suggestions.

We'll then circulate a document to all the board members, provide them with a week or two weeks to comment, and then we'll go forth with a PID. Any objections? No objections. Okay, move on to the next agenda item. Yes, Eric.

MR. SMITH: Before we move from the PID, it may just be my newness to the process or the early hour but we did race through that. Would you entertain editorial comments to Lydia in the context of this review that you're going to do with her?

CHAIRMAN BORDEN:
Certainly.

MR. SMITH: I think a little organizational suggestion and a couple of things I'm not quite certain enough to speak up to now, I'd like to get those in and I would encourage anybody else to as well.

CHAIRMAN BORDEN:
Thank you, Eric, and we'll —

MR. SMITH: Or I could do it now but I sense that you'd rather move with the agenda.

CHAIRMAN BORDEN: Yes, we know that you're new to this process so we'll cut you a little bit of slack. Eric is making a good point. If you've got any editorial comments, those types of comments, please get those to the staff in the next week and we'll try to incorporate those.

**REVIEW/APPROVE NOMINATIONS TO
THE PLAN REVIEW TEAM, THE PLAN
DEVELOPMENT TEAM, AND THE
ADVISORY PANEL**

Moving right along to the review and approve the nominations. We've got Plan Review Team and there's a memo from Lydia. We have two nominations. Are there any other nominations to this Plan Review Team? Any objections to approving those as suggested? No objections, they stand approved.

Plan Development Team, we have two nominations for that. Any other nominations? Yes, Bud.

MR. BROWN: Yes, a question. I'd like to suggest that, I as the chair of the AP, be an authorized attendee to these PDT meetings so we can interface and use the AP to try to answer some of these questions of local stock abundance, et cetera.

CHAIRMAN BORDEN: I'll discuss that with Bob and Vince. I see no objection to doing that. It might aid in the discussions of some of the points here. Any other nominations for the Plan Development Team? Gordon.

MR. COLVIN: I don't have any other nominations, Mr. Chairman. There is certainly no objection to who has been nominated, but the question I have for the staff is these seem like very small plan development team/plan review team. Should we be trying to shake some additional nomination loose here today?

MS. MUNGER: If possible, that would be preferable.

MR. COLVIN: Good, lock the doors.

MS. MUNGER: This is what was submitted to staff by the states.

CHAIRMAN BORDEN: Any objections if we do another round of solicitations here? I know that everyone's staff is flat out with a multitude of issues, but we'll see if we can't get some additional nominations.

On the ones that have been submitted, any objections? If not, they're approved as submitted.

We also have advisory panel recommendations which are part of the packet.

MS. MUNGER: The advisory panel nominations that you are all showing in

the memo include Bill Hubbard, a recreational fisherman from New Hampshire; Ken Ketcham, a commercial fisherman from Rhode Island; and George Allen, a recreational fisherman from Rhode Island.

CHAIRMAN BORDEN: Any other nominations? If you do have nominations after this meeting, please bring them forward. We always try to improve the input of the public and this is the easiest way to do it, to make sure that we have the right advisory committee structure.

Any objections to the nominations or any comments on the nominations? Any objection to approving the nominees? No objections, the nominees have been approved.

OTHER BUSINESS

All right, I'm going to have Lydia go over the schedule and that will be the last agenda item unless someone else had something to discuss. Lydia.

MS. MUNGER: Thank you, Mr. Chairman. I just wanted to talk a little bit with the board about the timeline for this PID. I can have it back to the board for review within a week, and did the board want a week to comment on this?

CHAIRMAN BORDEN: Yes.

MS. MUNGER: Okay, a week to comment and then to move forward with public hearings. Is that acceptable to everybody?

CHAIRMAN BORDEN: Any objections to doing that? So let me reiterate that, there is going to be a week or two weeks to revise the document. We'll get it out and we'll allow a week or two weeks to comment on it and then we will move forward with the PID. Bob.

MR. ROBERT E. BEAL: The board's intent or schedule for this document was to have public hearings between this meeting and the August meeting. So, in order to make

that happen, we'll probably have to have a pretty quick turn-around now because we need to give 30-days notice before we have our first public hearing.

So if it is still the board's intent to have the review of the public comment in August, we probably can have public hearings in early August if we get the document finalized in the next couple of weeks.

CHAIRMAN BORDEN: Okay, any other business? Eric.

MR. SMITH: Bob, do you have to wait until you get the PID absolutely approved before you schedule the hearings, knowing that we're going to have them?

MR. BEAL: No. It's just we have to announce 30 days prior to the first public hearing have it published.

MR. SMITH: But it seems like, you know, it's going to be two or three weeks at a minimum before we get the PID done, but if you announce the hearings next week, you could have them in July.

MR. BEAL: Yes, we can do that. That's one way to do it. Lydia will contact each of the states and see who is interested in hearings and how many and when and where and those sorts of things.

MR. MEARS: Some of the issues we just reviewed in the public information document, particularly 5, 6, and 8, do ask for information from fishermen, opinions, ways in reaching out that I don't believe has been necessarily the norm when you look at past ways that we've done public information documents.

The point I'd like to make is that I think the advisory panel in this regard could offer some very valuable assistance during the public hearing process either in suggesting ways that we can phrase or highlight those questions that we feel might have most relevance to this category of getting additional information and observations and perhaps might even be able to

suggest ways in which we can use the public media attention to the public meetings to discuss the public information document to kind of give a heads-up that here's your opportunity, fishermen, to come and let us know some information that you know that we might not necessarily be aware of.

It just seems to me a golden opportunity where the advisory panel might be able to offer some valuable suggestions. Thank you.

CHAIRMAN BORDEN: I think we can try to accomplish some of that, Harry, as a part of the news release of the public meetings. Once we get a public meeting schedule, the commission normally puts out a news release, and we can emphasize that point.

ADJOURNMENT

Other issues? If not, I've got a brief announcement that there will be a manila envelope which will go to all commissioners.

It will contain a budget and the Pew Report, and that the budget will be discussed on Thursday at the Executive Committee meeting. Any other business? If not, the meeting is adjourned.

(Whereupon, the meeting adjourned at 9:30 o'clock, a.m., June 9, 2003.)