

*Atlantic States Marine Fisheries Commission*

**ADDENDUM III TO AMENDMENT 1 TO THE INTERSTATE  
FISHERY MANAGEMENT PLAN FOR THE INSHORE STOCKS  
OF WINTER FLOUNDER: *COMMERCIAL & RECREATIONAL  
SPECIFICATION PROCESS FOR GULF OF MAINE AND  
SOUTHERN NEW ENGLAND/MID-ATLANTIC STOCKS***



*ASMFC Vision Statement:  
Healthy, self-sustaining populations for all Atlantic coast fish species or successful  
restoration well in progress by the year 2015*

Approved on  
May 2013

## **1.0 Introduction**

The Atlantic States Marine Fisheries Commission (ASMFC) and New England Fishery Management Council (NEFMC) have managed winter flounder with complementary plans since 1992. ASMFC manages inshore winter flounder under Amendment 1 and its Addenda I and II. The NEFMC manages winter flounder under Amendment 17 and Frameworks 47, 48, and 50 to the Northeast Multispecies FMP, which focuses on offshore commercial fisheries and aims to rebuild overfished fisheries by reducing fishing mortality and minimizing adverse effects on all essential fish habitat. The resource is assessed and managed as three stocks: Gulf of Maine (GOM), Southern New England/Mid-Atlantic (SNE/MA) Bight, and Georges Bank. Cooperative management between state and federal waters is necessary because of the unique migration patterns and spawning site fidelity of this species. When winter flounder migrate to inshore state water spawning grounds, they become concentrated in certain areas. This makes it easy for fishermen to locate and remove a substantial number of spawning fish without adequate regulations. Concentrated fishing effort on spawning females can result in a larger impact on the population than the landings may suggest, due to the loss of spawning potential. Nearshore fishing grounds are also vulnerable to water pollution and habitat loss which are threats to winter flounder stocks.

In August 2012, the Winter Flounder Management Board initiated the development of an addendum to the Interstate Fishery Management Plan (FMP) for winter flounder to consider changing commercial trip limits and recreational measures through an annual specification process for the Gulf of Maine and Southern New England/Mid-Atlantic winter flounder fisheries. The Board also tasked the Plan Development Team to propose in- and post-season harvest control measures for the winter flounder fishery.

## **2.0 Overview**

### ***2.1 Statement of the Problem***

Since the approval of the FMP, the Commission has approved changes to the commercial and recreational measures through the addendum process. Addendum I to Amendment 1 made changes to measures in for state water management in both GOM and SNE/MA stocks. The measures were developed and approved in response to findings of the most recent stock assessment at that time (GARM III). Addendum II made changes to the GOM commercial and recreational measures in response to the most recent stock assessment and specifications for GOM winter flounder finalized by NOAA Fisheries. Changes to the measures have been in response to updated stock assessments or changes in federal specifications. The timing of the addendum process has not allowed for the Board to timely respond to specification changes. For the most recent fishing year, concerns were raised that without changes to commercial and recreational measures, state water industry will not be able to fully utilize the estimated state water harvest.

In reviewing the available data for specifying commercial trip limits in Addendum II, the Winter Flounder Technical Committee (TC) recommended the Board adopt in-season accountability

measures such as trip limit triggers, trip limit adjustments, and/or season closures, because the TC cannot predict possible changes in effort. Harvest control measures would prevent large overages of the estimated state waters harvest if significant increases in effort were to occur. In order to establish accountability measures, states would need to implement timely reporting in order for in-season harvest control measures to be effective, particularly in Massachusetts where the majority of the commercial harvest is occurring. The TC also recommended the Board adopt a payback provision. In order for the Board to adopt a payback provision, a quota would first need to be established.

## ***2.2 Background***

The New England Fishery Management Council (NEFMC) makes recommendations to NOAA Fisheries to set specifications for the winter flounder stocks. Specifications are set every 3 years and are subject to review. For each winter flounder stock, NOAA Fisheries establishes an annual catch limit (ACL) and accountability measures (AMs). The ACL is divided into various sub-components of the fishery (allocation of quota to those sub-components). The federal sub-components of the ACL are subject to the established AMs. AMs can include season closures and payback of quota overages. In order to set an ACL, NOAA Fisheries must account for all winter flounder harvest, therefore state water harvest is estimated in the federal specification process. The state water sub-component, however, is not an allocation (ACL or a target), but an estimate of catch based on the state water landings history and state regulations in both the commercial and recreational fishery. The Commission plan has not adopted an allocation for winter flounder. The plan controls harvest through commercial and recreational measures, including trip limits, seasons, size limits, and possession limits. The ASMFC Winter Flounder FMP allows for changes in the commercial and recreational measures via the addendum process.

## **3.0 Management Changes**

The below management program is for the GOM and SNE/MA winter flounder fisheries.

The Winter Flounder Board may set annual specifications based on the federally established state-waters sub-component using on the following procedure:

The Winter Flounder TC annually reviews the best available data including, but not limited to, NOAA Fisheries specifications, commercial and recreational catch/landing statistics, current estimates of fishing mortality, stock status, survey indices, assessment modeling results, and target mortality levels. Based on their data review, the TC makes recommended changes to commercial and recreational specifications to the Board.

The Board may annually set commercial and recreational specifications based on the TC recommendation through Board action. Specifications may be set for up to 3 years with the option to review the trip limit if new information is released within the 3-year period. States may provide an opportunity for public input before the Board sets the specifications.

Commercial measures that could be adjusted through Board action:

1. Trip limits
2. Trigger Trip Limits
3. Size limits
4. Season
5. Area closures

Recreational measures that could be adjusted through Board action:

1. Size limits
2. Bag limits
3. Season

The Board considered, but did not approve, setting a trigger for state waters commercial trip limits that would reduce the trip limit when a percentage of the state-water sub-component is reached.

#### **4.0 Compliance**

The measures contained in section 3.0 would become effective on May 20, 2013.