Atlantic States Marine Fisheries Commission

Winter Flounder Management Board

February 2, 2021
1:45 – 2:30 p.m.
Webinar

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1.	Welcome/Call to Order *(D. Borden*)	1:45 p.m.
2.	Board Consent • Approval of Agenda • Approval of Proceedings from October 2020	1:45 p.m.
3.	Public Comment	1:50 p.m.
4.	Consider Specifications for the 2021 Fishing Year **Final Action** (*D. Colson Leaning*) • Technical Committee Report • Advisory Panel Report	2:00 p.m.
5.	Other Business/Adjourn	2:30 p.m.

This meeting will be held via webinar, click here for details.

MEETING OVERVIEW

Winter Flounder Management Board
Tuesday February 2, 2021
1:45 – 2:30 p.m.
Webinar

Chair: David Borden (RI)	Technical Committee Chair: Paul Nitschke (NEFSC)	LEC Representative: Kurt Blanchard
Vice Chair: William Hyatt (CT)	Advisory Panel Chair: Bud Brown	Previous Board Meeting: October 19, 2020
Voting Members: ME, NH, MA, RI, CT, NY, NJ, NMFS, USFWS (9 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2020

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider Specifications for the 2021 Fishing Year (2:00 – 2:30 p.m.)

- The Technical Committee met on January 6th to review the Gulf of Maine and Southern New England/Mid-Atlantic stock assessments, New England Fishery Management Council recommendations for federal specifications, and commercial and recreational fishery trends. After reviewing these items, the TC recommended no changes to the state water specifications for the 2021 fishing year. **(Supplemental Materials)**
- The Advisory Panel met on January 14th to discuss current management issues and provide recommendations for state water specifications for the 2021 fishing year. **(Supplemental Materials)**

Presentations

- Technical Committee and Advisory Panel Meeting Summary by D. Colson Leaning.

Board Actions for Consideration

- Consider GOM and SNE/MA winter flounder specifications for the 2021 fishing year.

5. Other Business/Adjourn

Atlantic States Marine Fisheries Commission

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Winter Flounder Technical Committee
Call Summary

January 6, 2021

Technical Committee Members in Attendance: Paul Nitschke (Chair, NEFSC), Timothy Daniels (NJ), Paul Nunnenkamp (NY), David Ellis (CT), Alex Hansell (MA), Tony Wood (NEFSC), Richard Balouskus (RI)

ASMFC Staff: Dustin Colson Leaning

The Winter Flounder Technical Committee (TC) met via conference call to review the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stock assessments, New England Fishery Management Council recommendations for federal specifications, and commercial and recreational fishery trends and to discuss whether adjustments to state water specifications should be made for the 2021 fishing year.

Stock Status

The Winter Flounder TC began by reviewing stock status information for both the GOM and SNE/MA stocks. Based on the 2020 management track assessment, the GOM stock biomass status is unknown and overfishing is not occurring. Biomass (30+ cm mt) in 2019 was estimated to be 2,862 mt. The SNE/MA stock is overfished, but overfishing was not occurring in 2019. The SNE/MA spawning stock biomass (SSB) in 2019 was estimated to be 3,959 (mt) which is 32% of the biomass target (12,261 mt), and 64% of the biomass threshold (6,130.5 mt) for an overfished stock. The stock is in a rebuilding plan with a rebuild date of 2023. However, a projection using assumed catch in 2020 and F = 0 through 2023 indicated about a 5% chance of reaching the SSB target. Both the SSC and the stock assessment peer review panel discussed the need to better characterize the role that environmental indicators and climatic shifts play in the SNE/MA stock's depleted stock status. Fishing pressure on the stock has significantly decreased, but recruitment has continued to decline and remains at time series lows.

NEFMC Recommendations for Specifications

Table 1 displays the sub-ACLs and corresponding state sub-components for both the GOM and SNE/MA stocks. A comparison of the 2020 to the 2021 fishing year sub-ACLs reveals that the GOM sub-ACL was adjusted down by 2% and the SNE/MA sub-ACL was adjusted down by 47% to reflect the results of the 2020 management track stock assessments. The state sub-component is an estimation of what the state recreational and commercial fisheries will harvest each year based on status quo state regulations, however, it is not an allocation. The commercial portion of the state sub-component is caught by vessels that do not hold federal Northeast multispecies permits, and the recreational portion is based on calibrated Marine Recreational Information Program catch estimates. The TC noted that there are no accountability measures associated with the state waters sub-component, meaning there is no payback if the state waters sub-component is exceeded. Table 1 displays the state subcomponents for both the GOM and SNE/MA stocks were set equal to average catch for the years 2017-2019. For the GOM state sub-component this represents a 40% increase, and for the SNE/MA state sub-component this represents a 42% decrease relative to the 2020 fishing year values.

Table 1. GOM and SNE/MA Specifications and State Sub-component Average Catch.

	Sub-ACLs		State Sub-component		
Stock	FY20 (mt)	FY21 (mt)	FY20 (mt)	FY21 (mt)	2017-2019 average catch (mt)
GOM	287	281	139	194	195.6
SNE/MA	539	288	36	21	19.9

Technical Committee Recommendations

The TC did not recommend any changes to the state waters specifications for the 2021 fishing year. The TC reasoned that any adjustments to commercial or recreational measures would invalidate the Groundfish PDT's state sub-component analysis of recent catch, which was based off of the assumption that the current effort control measures would remain in place. The commercial and recreational measures listed in tables 2 and 3 have been in place since 2014. To change the measures would alter the state sub-component catch projection that the Groundfish PDT already accounted for in the setting of federal waters specifications. The TC also commented on the recent downward trend in the SNE/MA state sub-component catch. This trend suggests that state catch is unlikely to contribute to a sub-ACL overage for the 2021 fishing year.

The TC also highlighted the SNE/MA commercial trip-limit analysis that was conducted in 2018, which further supports the recommendation to leave measures unchanged. The 2018 TC analysis revealed that relatively few trips appear to be exclusively targeting winter flounder, and very few trips were at or near the trip limit of 50 lbs. This indicates that a reduction in the SNE/MA trip limit is unlikely to decrease total catch. The analysis suggests that the 50 lb trip limit is achieving its stated goal of solely accounting for bycatch. The TC reasoned that if the 50 lb trip limit were reduced, it could convert incidental catch of winter flounder from landings to discards. In other words, the TC was concerned that reducing the trip limit would not achieve a reduction in F, but would instead create a wasteful regulatory discarding issue under limited monitoring One TC member also shared the view that the current commercial and recreational limits allow for the collection of valuable scientific information. If instead fishermen were required to discard the winter flounder they caught incidentally due to more restrictive limits, there would be less data on winter flounder landings with increased unknown mortality through discards, which would likely result in higher uncertainty in the stock assessment.

TC representatives from SNE/MA states shared stakeholder comments who say that the recreational bag limits are often not being met and thus are not limiting because winter flounder abundance is so low. Additionally, commercial fishermen say that there are no directed state permit commercial fisheries for winter flounder and so the commercial trip limits are not being met frequently either. The TC noted that there is a mismatch between the recreational measures in federal versus state waters (table 3). The bag limit is unlimited with a year round open season in federal waters, while much more restrictive measures are in place in state waters in the GOM and SNE/MA. The TC clarified that even if anglers fished in federal waters, they would need to abide by the stricter regulations when traveling back through state waters. In effect, recreational anglers are beholden to the state water measures so the mismatch between state and federal water recreational regulations is not an issue.

Lastly, the TC cautioned about the SNE/MA stock's low probability of rebuilding to the biomass target by 2023 and the resulting consequences that could occur. If the stock is not able to meet the biomass target by the end of the rebuilding plan, there may be further reductions in fishing mortality, which

could result in a lower ABC. However, the TC is more concerned that fishing mortality may not be the cause of the stock's inability to rebuild since fishing mortality has been low for over a decade. More analysis is needed to better understand how environmental indicators play a role in winter flounder recruitment. This will likely need to be addressed through the next research track stock assessment.

Table 2. Commercial Fishery Winter Flounder Regulations.

State	Stock Unit	Size Limit	Trip Limit	Seasonal Closure (dates inclusive)	Min. Mesh Size
Maine	GOM	12"	500 lbs	May 1 – June 30	6.5"
New Hampshire	GOM	12"	500 lbs	April 1 – June 30	6.5"
Massachusetts	GOM	12"	500 lbs	Open all year	6.5"
	SNE/MA	12"	50 lbs	Open all year	6.5"
Rhode Island	SNE/MA	12"	50 lbs	Open all year	6.5"
Connecticut	SNE/MA	12"	50 lbs or 38 fish	March 1 – April 14	6.5"
New York	SNE/MA	12"	50 lbs	June 14 – Nov 30 (for all gear besides fyke nets, pound and trap nets)	6.5"
New Jersey	SNE/MA	12"	38 fish	June 1 – Nov 30 (all gear except for fyke nets) Feb 20 – Oct 31 (Fyke net)	6.5"

Table 3. Recreational Fishery Winter Flounder Regulations.

State	Stock Unit	Creel Limit	Size Limit	Seasonal Closure (dates inclusive)
Maine	GOM	8	12"	Open all year
New Hampshire	GOM	8	12"	Open all year
Massachusetts	GOM	8	12”	Open all year
	SNE/MA	2	12"	January 1- February 28
Rhode Island	SNE/MA	2	12"	January 1 – February 28
Connecticut	SNE/MA	2	12"	January 1 – March 31
New York	SNE/MA	2	12"	May 31 – March 31
New Jersey	SNE/MA	2	12"	January 1 – February 28
Federal Waters	GOM & SNE/MA	Unlimited	12”	Open all year

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Winter Flounder Advisory Panel
Call Summary

January 14, 2021

Advisory Panel Members in Attendance: Bud Brown (Chair, ME), David Goethel (NH), Charles Witek (NY)

ASMFC Staff: Dustin Colson Leaning

Others in Attendance: Richard Balouskus

The Winter Flounder Advisory Panel (AP) met via conference call to review the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stock assessments, provide recommendations for 2021 specifications for state waters, and to comment on any other current fishery management issues of concern to them.

The AP members on the call were concerned about the overfished status of the SNE/MA winter flounder stock especially considering the low likelihood of rebuilding by the target date of 2023. Two AP members agreed that the SNE/MA stock was fished to such low population levels back in the 80s that it now struggles to rebound due to natural mortality through predation. One AP member also cited stressors such as rising temperatures, hypoxia, and the introduction of new species into winter flounder habitat. Another AP member said that he does not believe water temperatures are an issue, and thinks fishing mortality should be reined in.

The AP members were also concerned about the GOM stock and commented on the significant reduction in winter flounder availability compared to previous decades when fish were abundant in many inshore areas. One AP member suggested that local depletion is also a big issue considering recent scientific tagging studies that suggest winter flounder have complex stock dynamics. A commercial representative on the AP agreed that there are at least two distinct groups in the GOM. He said that one stock tends to remain offshore year round, which can be found around Jeffrey's ledge. He thought that this population seemed to be pretty healthy and produces winter flounder weighing up to 4 lbs. The same AP member pointed to recent tagging studies that indicate that there is a second stock which tends to migrate inshore during the spawning season.

The AP affirmed that from their experience, the recreational winter flounder fishery is almost non-existent. Two members of the panel thought it was ridiculous that some states' recreational fishing season overlaps with the spawning season. They were supportive of a complete moratorium on recreational fishing of winter flounder throughout the GOM and SNE/MA to allow for winter flounder abundance to rise to more sustainable levels. One AP member cautioned against a complete moratorium and said that this might have some unintended negative economic consequences, especially for party and charter boat operators whose customers are still interested in targeting winter flounder. One AP member suggested a commercial closure of fishing in state waters during the spawning season from December through April. The AP member from the commercial sector thought that the current commercial measures were adequate at least in the GOM.

The advisory panel also provided comments on research recommendations for consideration through the next research track stock assessment. One AP member thought that genetic testing to analyze natal homing in the inshore stock would be worthwhile. This AP member also thought that the nearshore environment has undergone some significant changes since times of high abundance, which may have altered natural mortality. In addition, studies of eggs, larva, and young of the year should be conducted to check for fatal abnormalities. Traditional nutrient pollution caused by raw sewage has largely been eliminated but has been replaced by more insidious and potentially harmful chlorine discharges from treatment plants and insecticides from runoff. In short, the AP member recommended research into the pollution of the nearshore environment and the effects on winter flounder. Another AP member thought that sonic tag tracking studies could be useful in improving our understanding of winter flounder life history.

Lastly, the advisory panel requests that each state on the Board review their advisory panel membership and redouble efforts to appoint representatives with special attention paid to younger members of the fishing community to ensure adequate and sustained stakeholder participation in the management process.