

Atlantic States Marine Fisheries Commission

**ADDENDUM II TO AMENDMENT 1 TO THE INTERSTATE
FISHERY MANAGEMENT PLAN FOR THE INSHORE STOCKS
OF WINTER FLOUNDER: *GULF OF MAINE COMMERCIAL
AND RECREATIONAL FISHERY MEASURES***



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
October 22, 2012**

1.0 Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) and New England Fishery Management Council (NEFMC) have had complementary management plans for winter flounder since 1992. ASMFC manages winter flounder under Amendment 1 and its Addendum (I). The NEFMC manages winter flounder under Amendment 17 and Framework 47 to the Northeast Multispecies Fishery Management Plan (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 Bight (SNE/MA), and Georges Bank (GB). 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 response to updated stock status information and federal action to substantially increase the GOM winter flounder state waters annual catch limit subcomponent, the Board initiated Addendum II to Amendment 1 of the Winter Flounder Interstate FMP. This Addendum changes commercial and recreational management measures for the state waters component of the GOM stock only. Specifically, it increases the maximum possession limit for non-federally permitted commercial vessels to 500 pounds. It also removes the 11% reduction in F for the recreational fishery and allows states the option to open their recreational fishing season year-round.

2.0 Background

The ASMFC FMP for Inshore Stocks of Winter Flounder was last modified in 2009 through Addendum I to Amendment 1. The addendum responded to the results of the 2008 GARM III assessment, where the review panel found it was highly likely that the GOM stock was overfished and subject to overfishing. Correcting this required an overall 11% reduction in fishing mortality (F) on GOM winter flounder to reach maximum sustainable yield.

The Board selected 2006 – 2007 as the reference period in Addendum I to determine reductions for the fishery in state waters. Addendum I required Maine, New Hampshire, and Massachusetts to implement a 250 pound commercial possession limit (estimated to reduce 2006 – 2007 commercial harvest levels by 31% for state water fishing vessels that did not hold a federal permit) and implement recreational regulations to reduce the fishery's F by 11%. The three states selected state-specific closures to achieve the required recreational reduction: Maine - October 1 through June 30; New Hampshire - May 15 through May 24; and Massachusetts - September 1 through October 31.

Addendum I’s requirements were also intended to complement the federal reaction to the GARM III results. At the time, the NEFMC was developing Amendment 16 to the Northeast Multispecies FMP, and requested that NOAA Fisheries intervene with interim measures for the groundfish complex for the May 1, 2009 – April 30, 2010 federal fishing year (FY). The final interim rule included a scheduled 18% days-at-sea (DAS) reduction that was estimated to reduce F on GOM winter flounder by 16%. The target total allowable catch (TAC) adopted for GOM winter flounder was 379 mt.

With the implementation of Amendment 16 in FY 2010, target TACs were replaced by “hard” annual catch limits (ACLs); and DAS management, with its associated trip limits and seasons, was replaced by annual catch entitlements and sectors. State water fishermen without federal permits primarily fish under the state waters ACL subcomponent. As a species of concern (due to the GARM III findings), GOM winter flounder was placed under an ACL substantially less than recent catch levels (Table 1). Sixty metric tons of the ACL were apportioned to the state waters ACL subcomponent.

Table 1. FY 2010 and FY 2011 (Initial) Gulf of Maine Winter Flounder ACL, Sub-ACLs, and ACL-Subcomponents

	Total ACL	Sector Sub-ACL	Common Pool Sub-ACL	State Waters ACL-Subcomponent	Other ACL-Subcomponents
FY 2010	231 mt	133 mt	25 mt	60 mt	12 mt
FY 2011	231 mt	150 mt	8 mt	60 mt	12 mt

Unlike state waters fishermen, federal waters fishermen were not subject to a recreational bag limit and season closure or commercial trip limit – with the exception of a 250 pound commercial trip limit for common pool fishermen that continue to operate under DAS management. This trip limit was implemented by the Northeast Regional Administrator on May 27, 2010 in recognition of catch monitoring that indicated over 33% of the common pool sub ACL had been taken less than three weeks into the fishery.

A new peer reviewed stock assessment (SAW/SARC 52) of GOM winter flounder was completed in 2011, which changed the stock’s status to not experiencing overfishing, but the overfished status could not be determined. NOAA Fisheries took emergency action to more than double the ACL for the remainder of FY2011; and for FY 2012, the ACL was nearly doubled again (Table 2). The state waters ACL subcomponent for FY 2012 had increased to 272 mt.

Table 2. FY 2011 Emergency and FY 2012 Gulf of Maine Winter Flounder ACL, Sub ACLs, and ACL Subcomponents

	Total ACL	Sector Sub-ACL	Common Pool Sub-ACL	State Waters ACL-Subcomponent	Other ACL-Subcomponents
FY 2011, Emergency Revision	524 mt	313 mt	16 mt	163 mt	32 mt
FY 2012	1,040 mt	690 mt	25 mt	272 mt	54 mt

Due to the change in GOM winter flounder stock status and the substantial (450%) increase in the state waters ACL subcomponent from 2010 to 2012, the Commonwealth of Massachusetts proposed the Board consider a change to the commercial and recreational measures established by Addendum I in 2009. Increasing the commercial trip limit would provide some relief to state waters groundfish fishermen that continue to be bound by groundfish rolling closures (lifted for sector fishermen), are bracing for an October – November gillnet closure in coastal GOM for harbor porpoise protection, and the more restrictive GOM cod measures due to its now overfished status. Removing the recreational closures implemented by Maine, New Hampshire, and Massachusetts would reinstate consistent GOM measures between the states (12” minimum size, 8 fish bag, open year-round), and improve compatibility and fairness with federal measures (12” minimum size, unlimited retention, open year-round).

2.1 Description of the Fishery

While the state waters subcomponent is a set-aside for all northeast states, the Commonwealth of Massachusetts accounts for more than 99% of the non-federal commercial groundfish landings in recent years. New Hampshire has landed less than 1% since from 2009-2011. Massachusetts state waters landings of GOM winter flounder in 2010 and 2011 were roughly 45 mt and 35 mt, respectively.

Prior to the 250 pound trip limit, about 43% of non-federally permitted landings came from the 7% of trips that landed more than 250 lbs; and about 19% of the landings came from the 2% of trips landing more than 500 lbs (Table 3). After the trip limit was implemented about 88% of trips landed less than 99 pounds accounting for 44% of the landings (Table 4). The trip limit essentially caused the fishery to switch from a directed fishery to a bycatch fishery. Note also that participation in Massachusetts’ commercial groundfish fishery cannot increase due to the limited entry nature of the state’s groundfish permit endorsement.

Table 3: Cumulative distribution of trips and landings by landings per trip bins for non-federally permitted vessels landing in Gulf of Maine states prior to the implementation of the 250 lb trip limit.

Winter flounder landings (per trip)	Cumulative percentage of trips (2005 – 2008)	Cumulative percentage of landings (2005 – 2008)
<50 lbs	67.1%	14.9%
50 – 99 lbs	81.0%	30.0%
100 – 250 lbs	93.3%	56.8%
251-500 lbs	98.1%	81.1%
>500 lbs	100.0%	100.0%

Table 4: Cumulative distribution of trips and landings by landings per trip bins for non-federally permitted vessels landing in Gulf of Maine states after implementation of the 250 lb trip limit.

Winter flounder landings (per trip)	Cumulative percentage of trips (2010 - 2011)	Cumulative percentage of landings (2010 - 2011)
<50 lbs	75.4%	24.3%
50 – 99 lbs	87.8%	43.8%
100 – 250 lbs	99.2%	92.2%
251-500 lbs	99.7%	96.0%
>500 lbs	100.0%	100.0%

On the recreational side, NOAA Fisheries harvest estimates averaged 55 mt/year since 2006 (Table 5). A doubling of the recreational catch is also unlikely given the expected reduction (11%) from implementing the closures.

Table 5. State Waters Recreational Harvest of Winter Flounder (NOAA Fisheries, MRIP Data)

Year	Maine		New Hampshire		Massachusetts		Total	
	Harvest (mt)	PSE	Harvest (mt)	PSE	Harvest (mt)	PSE	Harvest (mt)	PSE
2006	0.00	0	4.22	62	30.51	55.6	34.73	117.6
2007			6.37	40.5	23.12	40.7	29.48	81.2
2008	0.00	0	7.83	35.3	124.69	57.8	132.52	93.1
2009	0.00	0	5.54	52.1	55.24	36.3	60.78	88.4
2010			0.83	52.8	32.95	44.3	33.79	97.1
2011			7.89	71.6	30.24	54.8	38.12	126.4

3.0 Management Program

3.1 Commercial Measures

Trip Limits

Commercial vessels that have not been assigned a federal groundfish permit may possess a maximum of 500 pounds of winter flounder per vessel. Commercial vessels that have been assigned a federal groundfish permit are not restricted to the 500 lb possession limit.

3.2 Recreational Measures

Seasonal Measures

Addendum I required states to implement regulations to reduce the F in the recreational fishery by 11% from the average of 2006 – 2007 levels. States met the 11% reduction with closed seasons. The three states selected state-specific closures to achieve the required recreational reduction: Maine - October 1 through June 30; New Hampshire - May 15 through May 24; and Massachusetts - September 1 through October 31.

This Addendum removes the requirement that states must reduce the F in the recreational fishery by 11% and allows the states of Maine, New Hampshire, and Massachusetts to adjust their recreational regulations to open the season to a year round fishery. This measure will expire on June 1, 2013.

4.0 Compliance

Management programs established through Addendum II is effective on October 22, 2012.