

Atlantic States Marine Fisheries Commission

**DRAFT ADDENDUM I TO AMENDMENT 1 TO THE
INTERSTATE FISHERY MANAGEMENT PLAN FOR INSHORE
STOCKS OF WINTER FLOUNDER FOR PUBLIC COMMENT**



Approved for Public Comment on March 30, 2009

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

Draft for Public Comment

Public Comment Process and Proposed Timeline

In February 2009, the Winter Flounder Management Board (Board) approved a motion to initiate the development of Addendum I to Amendment 1 to the Interstate Fishery Management Plan (FMP) for Inshore Stocks of Winter Flounder. The motion was “to initiate a “fast track” addendum for winter flounder for final action at the May 2009 Spring Meeting Week. Included in the draft addendum will be a provision for zero possession limits, trip limit measures that reduce the fishery as low as possible, options for bag/size limits, season limits, and measures to prevent an influx of effort in state waters for Southern New England/Mid-Atlantic (SNE/MA) and Gulf of Maine (GOM) stocks.”

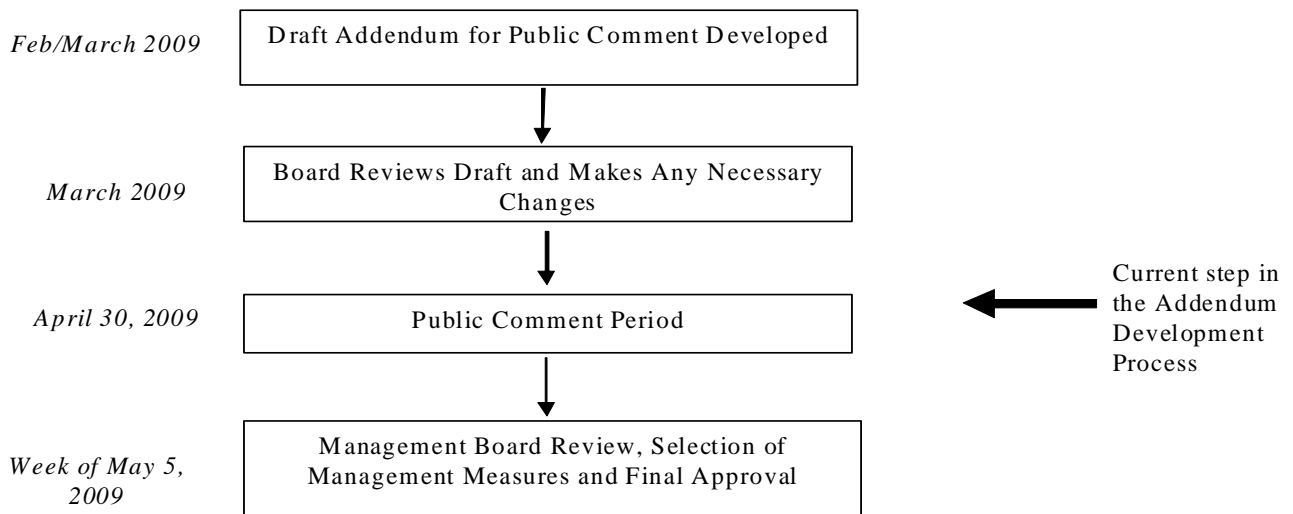
This draft addendum presents background on the Atlantic States Marine Fisheries Commission’s (ASMFC) management of winter flounder, the addendum process and timeline, and a statement of the problem. This document also provides options of winter flounder management for public consideration and comment.

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5:00 pm (EST) April 30, 2009**. The Board will be considering final action on this addendum during the week of May 4th at the Commission’s Spring Meeting.

Comments may be submitted by mail, email, or fax. If you have any questions or would like to submit comment, please use the contact information below.

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1.0 Introduction

In February 2009, the Winter Flounder Management Board (Board) approved a motion to initiate the development of Addendum I to Amendment 1 to the Interstate Fishery Management Plan (FMP) for Inshore Stocks of Winter Flounder. The motion was *to initiate a “fast track” addendum for winter flounder for final action at the May 2009 Spring Meeting Week. Included in the draft addendum will be a provision for zero possession limits, trip limit measures that reduce the fishery as low as possible, options for bag/size limits, season limits, and measures to prevent an influx of effort in state waters for SNE/MA and GOM stocks.*

2.0 Background

The Atlantic States Marine Fisheries Commission (ASMFC) and New England Fishery Management Council (NEFMC) have had complementary management plans for winter flounder since 1992. 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, making it easy for anglers to locate and remove a substantial portion of them. Concentrated fishing effort on spawning females, which are the most productive part of the population, can result in a larger net loss to the population than the landings may suggest. These nearshore grounds are also vulnerable to water pollution and habitat loss. Recent tagging studies have shown spawning-site fidelity in winter flounder, meaning that individuals will often return to the location where they were hatched, or close by. What this suggests is that subpopulations of winter flounder may be vulnerable to localized depletion.

The NEFMC manages winter flounder under Amendment 13 and Framework 42 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. Winter flounder are managed as part of the large-mesh Northeast multispecies group employing seasonal closures, gear restrictions, minimum size limits, trip limits, limited access, and days-at-sea restrictions to reduce fishing pressure on the stocks.

The ASMFC’s Amendment 1, passed in November 2005, focuses on complementary management between the ASFMC and the Council. It is intended to rebuild and then maintain spawning stock biomass at or near target biomass levels by controlling fishing pressure on spawning fish. In addition, Amendment 1 prioritizes restoration and maintenance of essential winter flounder habitat. Specific provisions of Amendment 1 include a maximum 60-day recreational fishing season with 12” size limits and a 10-fish creel limit for the Southern New England/Mid-Atlantic (SNE/MA) stock; and an 8-fish creel limit and 12” size limit for the Gulf of Maine (GOM) recreational fishery. ASFMC commercial regulations in both the GOM and SNE/MA specify a 12” minimum size and 6.5” minimum mesh size.

Current state regulations are listed in Table 1 and 2.

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Table 1. Current state recreational regulations for winter flounder.

	Stock Unit	Creel Limit	Size Limit	Season
Maine	GOM	8	12"	N/A
New Hampshire	GOM	8	12"	N/A
Massachusetts	GOM; SNE/MA	8, 4	12", 12"	N/A; April 22 - May 22, and Sept. 23 - Oct. 22
Rhode Island	SNE/MA	4	12"	April 22 - May 22, and Sept. 23 - Oct. 22
Connecticut	SNE/MA	10	12"	April 1 - May 30
New York	SNE/MA	10	12"	April 1 - May 30
New Jersey	SNE/MA	10	12"	March 23 - May 21
Delaware	SNE/MA	10	12"	Feb. 11 - Apr. 10

Table 2. Current state commercial regulations for winter flounder.

	Stock Unit	Size Limit	Mesh Size (in cod end of net)	Trip limit if mesh < 6.5"
Maine	GOM	12"	6.5"	N/A
New Hampshire	GOM	12"	6.5"	N/A
Massachusetts	GOM SNE/MA	12", 12"	6.5", 6.5"	N/A, 100 lb.
Rhode Island	SNE/MA	12"	6.5"	No
Connecticut	SNE/MA	12"	6.5"	100 lb.
New York	SNE/MA	12"	6.5"	100 lb.
New Jersey	SNE/MA	12"	6.5"	100 lb.
Delaware	SNE/MA	12"	Trawling Prohibited	Trawling Prohibited

3.0 Statement of the Problem

In August 2008, the Groundfish Assessment Review Meeting (GARM III) groundfish assessment estimated SNE/MA spawning stock biomass (SSB) at only 9% of the target biomass with fishing mortality (F) at 260% of the target and GOM winter flounder to be likely overfished with overfishing probably occurring. The new stock determination in the GOM and record low levels in the SNE/MA stock were not anticipated by managers because the previous management measures were designed and projected to reduce F to a level that would rebuild/maintain the SSB of winter flounder stocks.

These low SSB and high F estimates were due to retrospective patterns from the previous two winter flounder assessments which significantly underestimated biomass and led managers to believe that the stock was healthier than it really was. GARM III addressed this retrospective pattern for the first time.

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In response to findings of GARM III, NOAA Fisheries Service published a proposed groundfish interim rule on January 16, 2009. The proposed rule is to implement interim measures for the 2009 fishing year while the Council continues its work on Amendment 16 to the Northeast Multispecies FMP, which will institute measures for 2010. The proposed rule aims to reduce fishing mortality by 11% in the GOM stock and 100% in the SNE/MA stock to rebuild to target biomass levels (Table 3.) See Appendix A for a summary of the rule or visit <http://www.nero.noaa.gov/nero/hotnews/multipir/> to download a full copy.

Table 3. Fishing mortality reduction objectives for the proposed interim action.

	2008 F	Fishing Mortality Rate Goal	Value Associated With Fishing Mortality Rate Goal	Fishing Mortality Rate Reduction Objective
GOM	0.317	Fmsy	0.283	-11%
SNE/MA	0.265	Frebuild	0	-100%

This draft Addendum includes measures to achieve the fishing mortality rate reductions in the proposed interim action in order to rebuild the stocks to the target biomass levels. These measures should prevent excessive fishing effort from shifting to state waters when the interim action begins on May 1, 2009.

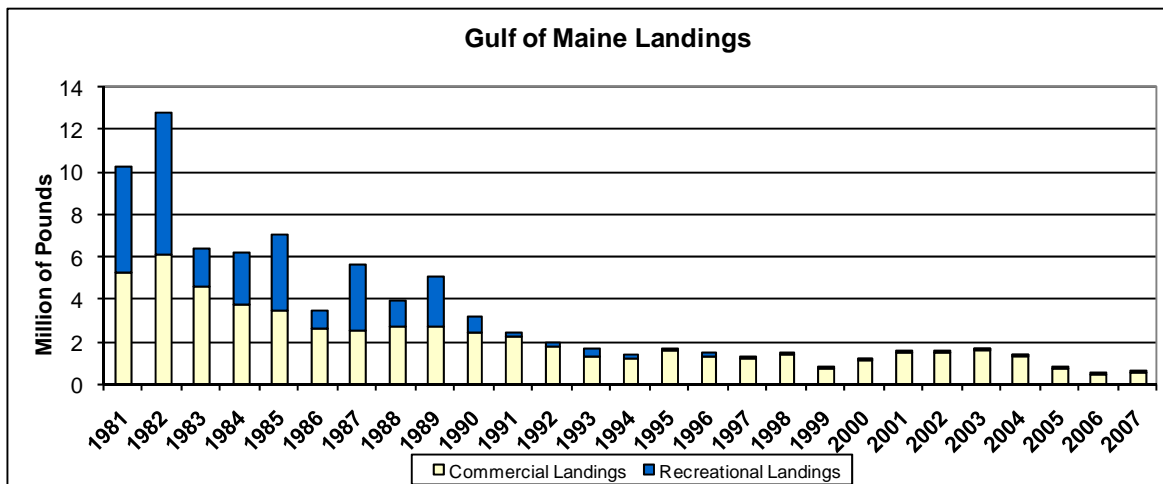
4.0 Management Program

4.1 Gulf of Maine

The options for the GOM stock are designed to reduce fishing mortality. The GARM III identified a number of concerns with the assessment model for the GOM however the peer reviewers did determine that the stock is *likely overfished with overfishing probably occurring*. Despite this uncertainty, all models (VPA and SCALE) used in the assessment suggest spawning stock biomass is below SSB_{MSY} and there is a substantial probability that it is below $\frac{1}{2} SSB_{MSY}$.

GOM recreational landings have decreased significantly since 1981 (Figure 1 & Table 4).

Figure 1. Gulf of Maine commercial and recreational landings 1981 - 2007. Source: GARM III 2008



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1981	71,659	178,360	6,469,581
1982	4,417	49,024	9,540,471
1983	17,525	100,361	3,445,721
1984	9,180	142,267	2,763,059
1985	10,321	32,350	4,028,544
1986	83,498	47,707	1,219,220
1987	2,432	24,457	3,264,897
1988	296,732	32,320	1,309,770
1989	445,725	40,279	2,353,075
1990	547,497	14,091	406,248
1991	39,731	4,224	241,977
1992	25,320	17,854	205,797
1993	118,533	23,077	397,553
1994	6,186	29,098	313,275
1995	375	13,302	209,102
1996	390	12,842	214,953
1997	26,820	21,435	231,724
1998	1,032	40,620	154,032
1999	943	16,565	106,449
2000		15,814	173,790
2001	3,958	15,438	158,017
2002	377	18,289	86,795
2003	1,367	9,758	74,804
2004		4,651	57,270
2005		5,777	81,189
2006	1,154	14,193	78,481
2007		22,632	53,173
2008	1,424	12,996	218,470

Table 4. Historical catch (A + B1 + B2) for all states in GOM stock unit. Landings for Massachusetts include catch from SNE/MA stock unit. Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, Silver Spring, MD

ISSUE 1. GULF OF MAINE RECREATIONAL MEASURES

If approved, this addendum may require states to implement regulations to reduce fishing mortality rate (F) in the recreational fishery. Recreational fisheries reductions may be achieved through possession limits, seasons, or a combination of both. States that can achieve the necessary reduction in F using management measures other than bag limits and seasons may get credit through conservation equivalency measures pending Board approval.

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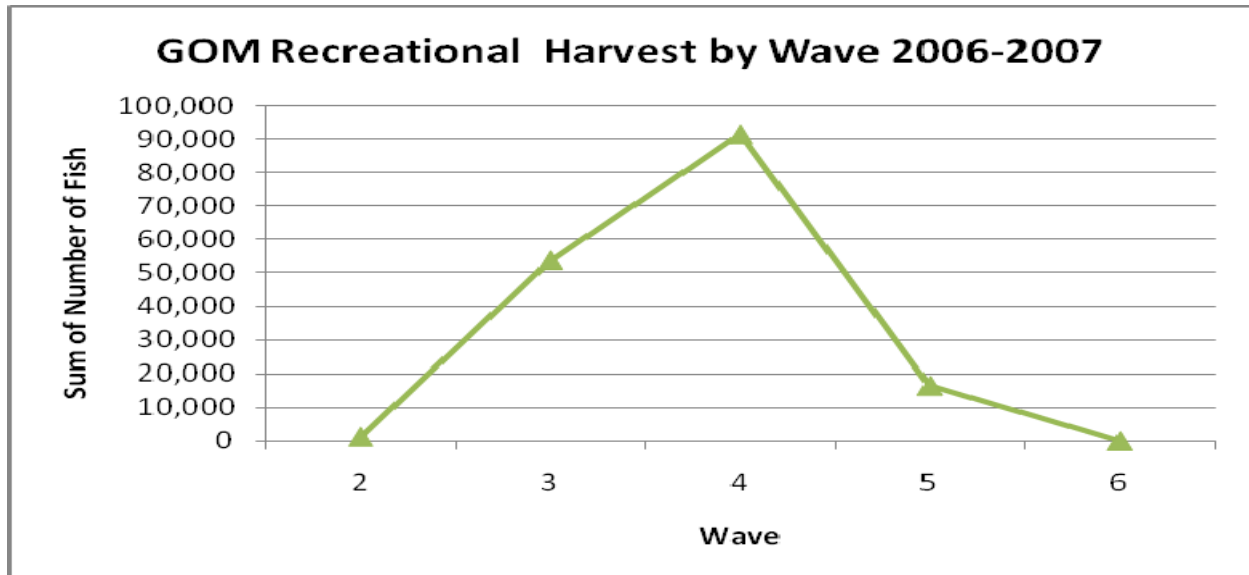
Table 5 shows estimated reductions in F rate for the GOM stock based on a recreational trip analysis using MRFSS data from 2006 and 2007. Amendment 1 established an 8 fish bag limit for recreational fishermen in the GOM beginning July 2005.

Table 5. Estimated reductions for GOM stock for reduced bag limits. General PSE's for this data can be found in the appendix.

Number of fish caught during trip	% Reduction Achieved at or Below Trip limit
1	62.14
2	36.27
3	19.17
4	5.81
5	3.16
6	0.94
7	0.25
8	0

Currently there are no recreational seasons for the GOM. Figure 2 and Table 6 show recreational harvest in the GOM for 2006 & 2007.

Figure 2. Gulf of Maine recreational landings by wave, sum for 2006 and 2007. Applies a 15% discard mortality rate to B2 fish.



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Table 7. GOM sum of total harvest (A + B1 + 0.15*B2) from 2006 – 2007 in numbers of fish and percent of catch. Applies a 15% discard mortality rate to B2 fish. General PSE’s for this data can be found in the appendix.

WAVE	MAINE		NEW HAMPSHIRE		MASS GOM		GOM Total	
	Harvest	%	Harvest	%	Harvest	%	Harvest	%
2	0	0.0%	0	0.0%	193	0.4%	193	0.3%
3	173	100.0%	9,804	40.1%	10,759	21.3%	20,736	27.6%
4	0	0.0%	13,702	56.0%	32,181	63.6%	45,883	61.0%
5	0	0.0%	962	3.9%	7,453	14.7%	8,415	11.2%
6	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total Harvest or % of Stock Catch	173	0%	24,468	32.5%	50,586	67.2%	75,227	

To calculate potential seasonal reduction that could be achieved for each state, divide total percent harvest for a wave by the number of days that the states season is open during that wave. Reduction per day = % harvest in wave/number of days open in that wave. The values in Table 5 & 6 are not additive.

Option A. Status quo. States are not required to make reductions in their recreational fishery for the GOM stock.

Option B. States are required to implement regulations that reduce fishing mortality in the recreational fishery by 11%. An 11% reduction in F is estimated to achieve Fmsy for GOM winter flounder.

Option C. States may be required to implement recreational regulations to reduce fishing mortality a different amount than 11%.

Option D. States that implemented restrictions to the recreational fishery that were more restrictive than those required by Amendment 1 (bag limit, season, size limit) *and* accounted for less than 1% of recreational catch for the GOM stock for 2006 – 2007 are exempt from further recreational reductions from Addendum I. This Board may select this option in conjunction with Option A, B, or C of Issue 1. *De minimis* guidelines from Addendum I are listed in the Appendix. The Board will monitor the landings in all states that are exempted to determine if additional restrictions are necessary.

ISSUE 2. GOM COMMERCIAL POSSESSION LIMITS

Currently there are no commercial possession limits for winter flounder in the GOM. A possession limit analysis for non-Federally permitted vessels estimated that the following reductions would be achieved by establishing the possession limits listed in Table 6.

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Landings of winter flounder by non-federally permitted vessels were allocated to states using the state of the dealer reporting to SAFIS. For all states but Massachusetts, state water’s landing can be allocated to stock unit. For Massachusetts, state water’s landings can come from either the GOM stock (North and West of Cape Cod) or the Southern New England Stock (South and East of Cape Cod). Massachusetts’s landings cannot be allocated to stock unit as the proportion of landings in a port by stock area is not known. In the Federal permits, landings are allocated to stock area using a proration algorithm using both the dealer and VTR reports. The distribution of trip landings by states is similar enough to pool (four states with similar 1st and 3rd quartile ranges, and range of outliers and one state with higher 1st and 3rd quartile values but with fewer outliers). For the large reductions initially requested by the Board (25%, 50%, 75%, 100%), pooling states is not likely to have a large impact.

A trip limit of 1000 lbs approximately corresponds to an 11% reduction. A trip limit of this magnitude only affects 46 trips (<1% of all trips). This method assumes that all of these large trips occurred in the Gulf of Maine. Considerable uncertainty exists in the analysis as any increase in the distribution of landings per trip for the remaining 99% of the trips would negate any reduction to the trip limit.

Table 7. Possession limits for state waters vessels (non-federally permitted vessels). . These are based on selected quantiles of landings per trip from non-Federally permitted vessels for 2005-2008 combined.

Winter flounder landings per trip (lb.)	Percentage of total trips at or above landings per trip	Percentage of total landings from trips at or above landings per trip	Percent reduction
1000 or greater	0.4%	18%	11%
250 or greater	5.0%	51%	31%
100 or greater	12.5%	72%	50%
50 or greater	25.0%	85%	65%
0	100.0%	100%	100%

Option A. Status Quo. There are no required commercial possession limits in the GOM stock area.

Option B. Commercial fishermen may possess a maximum of 1,000 lbs of winter flounder. This possession limit is estimated to reduce fishing mortality by 11% consistent with Fmsy for the GOM stock. Fishermen who catch winter flounder in federal waters are not exempt from this restriction and are prohibited from transporting more than 1,000 lbs of winter flounder through state waters.

Option C. Commercial fishermen who do not hold a federal groundfish permit may possess a maximum of 1,000 lbs of winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted to the 1,000 lb possession limit. This possession limit is estimated to reduce fishing mortality by 11% consistent with Fmsy for the GOM stock.

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Option D. Commercial fishermen may land a maximum of 250 lbs of winter flounder. This possession limit is estimated to reduce fishing mortality by 31%. Fishermen who catch winter flounder in federal waters are not exempt from this restriction and are prohibited from transporting more than 250 lbs of winter flounder through state waters.

Option E. Commercial fishermen who do not hold a federal groundfish permit may possess a maximum of 250 lbs of winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted to the 250 lb possession limit. This possession limit is estimated to reduce fishing mortality by 31%.

Option F. Commercial fishermen may land a maximum of 100 lbs of winter flounder. This possession limit is estimated to reduce fishing mortality by 50%. Fishermen who catch winter flounder in federal waters are not exempt from this restriction and are prohibited from transporting more than 100 lbs of winter flounder through state waters.

Option G. Commercial fishermen who do not hold a federal groundfish permit may possess a maximum of 100 lbs of winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted to the 100 lb possession limit. This possession limit is estimated to reduce fishing mortality by 50%.

Option H. Commercial fishermen may land a maximum of 50 lbs of winter flounder. This possession limit is estimated to reduce fishing mortality by 65%. Fishermen who catch winter flounder in federal waters are not exempt from this restriction and are prohibited from transporting more than 50 lbs of winter flounder through state waters.

Option I. Commercial fishermen who do not hold a federal groundfish permit may possess a maximum of 50 lbs of winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted to the 50 lb possession limit. This possession limit is estimated to reduce fishing mortality by 65%.

Option J. Zero Possession Limit. Commercial fishermen in the GOM stock area are prohibited from possessing winter flounder. Fishermen who catch winter flounder in federal waters are not exempt from this regulation and are prohibited from transporting winter flounder through state waters.

Option K. Commercial fishermen who do not hold a federal groundfish permit are prohibited from possessing winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted by the zero possession limit.

4.2 Southern New England / Mid Atlantic

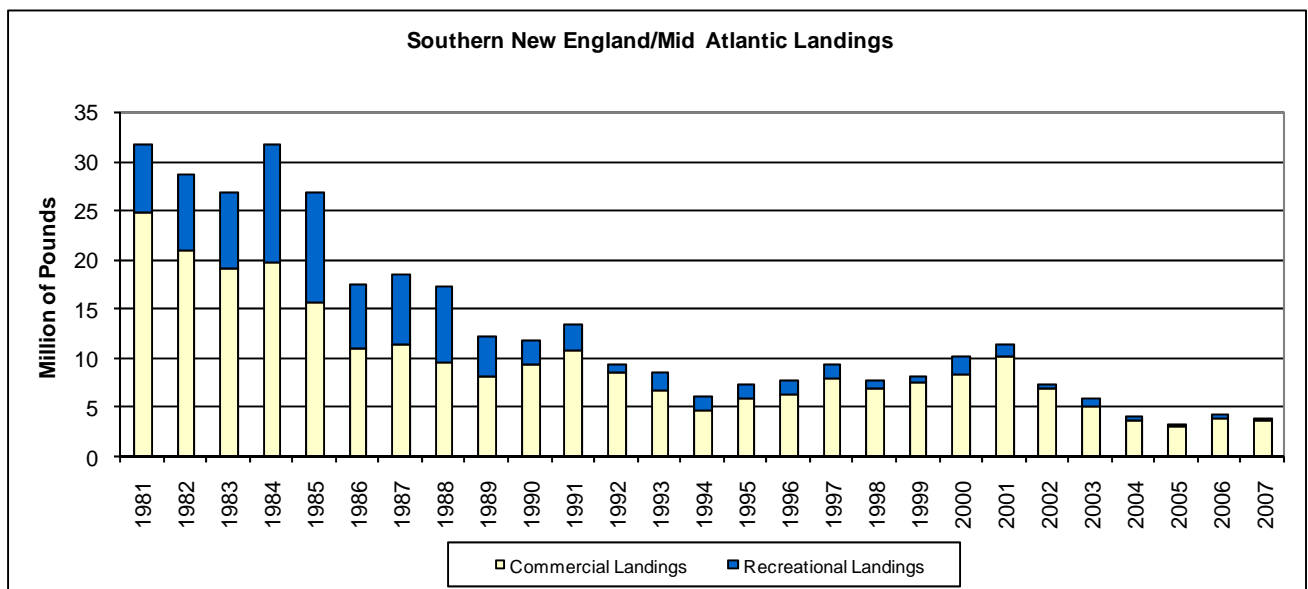
GARM III estimated that the SNE/MA winter flounder stock is overfished with overfishing occurring. The stock is heavily overfished with SSB in 2007 estimated at 3,368 mt or only 9% of $SSB_{MSY} = 38,761$ mt. Fishing mortality in 2007 was 0.649 which is 262% higher than target of $F_{MSY} = 0.248$.

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The options for the SNE/MA stock are designed to achieve the lowest possible F rate while minimizing economic and social impacts and dead discards, and preventing an influx of effort into state waters. Zero possession limits may be necessary to rebuild the stock, but may be problematic for two main reasons-- discarding may increase with zero possession limits and fisheries-dependent data beneficial to the assessment will be lost. Under zero possession limits, the catch-at-age used in the assessment would be solely based on estimation from sea sample. Unless sea sample coverage is adequate for estimating discards, the quality of the assessment is likely to degrade creating problems when trying to bridge GARM III with future assessments.

SNE/MA landings have decreased significantly since 1981 (Figure 3 & Table 8)

Figure 3. SNE/MA commercial and recreational landings 1981 – 1007. Source: GARM III 2008.



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Table 8. Historical catch (A + B1 + B2) for all states in SNE/MA stock unit. Landings for Massachusetts include catch from GOM stock unit. Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, Silver Spring, MD

	MA	RI	CT	NY	NJ	DE
1981	6,469,581	256572	763854	8518889	1200490	
1982	9,540,471	714928	1222655	3188178	3866859	
1983	3,445,721	687252	776492	6623844	1502275	
1984	2,763,059	614136	1325520	1.1E+07	3865736	
1985	4,028,544	1600494	1281784	8308568	6298618	
1986	1,219,220	2704935	646885	4874593	707260	
1987	3,264,897	706515	981655	6788537	415557	268
1988	1,309,770	455272	838014	6588454	1590235	1544
1989	2,353,075	291453	704319	3681622	536802	
1990	406,248	275860	572247	1942572	868816	2009
1991	241,977	138662	424153	2540918	1171769	273
1992	205,797	19497	144845	712774	417741	
1993	397,553	24783	87467	1356849	1572817	
1994	313,275	43240	93724	664327	1148277	722
1995	209,102	49966	218481	1136113	661189	1257
1996	214,953	73127	106086	1230679	1199621	
1997	231,724	88341	186006	614906	915447	263
1998	154,032	55378	320381	182232	362501	273
1999	106,449	105985	92121	287518	566589	
2000	173,790	67468	21653	473399	1521359	138
2001	158,017	99398	47401	518570	750308	260
2002	86,795	50100	25663	294930	332849	64
2003	74,804	8914	29227	306512	416701	
2004	57,270	11223	13442	291488	123920	211
2005	81,189	1267	4496	371896	88184	
2006	78,481	605	31756	299462	234884	1342
2007	53,173	3439	18258	29623	236189	449
2008	218,470	2006		91194	22269	232

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ISSUE 3. SOUTHERN NEW ENGLAND / MID-ATLANTIC RECREATIONAL MEASURES

If approved, this addendum may require states to implement regulations to reduce fishing mortality rate (F) in the recreational fishery. Recreational fisheries reductions may be achieved through possession limits, seasons, or a combination of both. States that can achieve the necessary reduction in F using management measures other than bag limits and seasons may get credit through conservation equivalency measures pending Board approval.

Table 9 shows estimated reductions in F rate for the GOM stock based on a recreational trip analysis using MRFSS data from 2006 and 2007. Amendment 1 established an 8 fish bag limit for recreational fishermen in the GOM beginning July 2005.

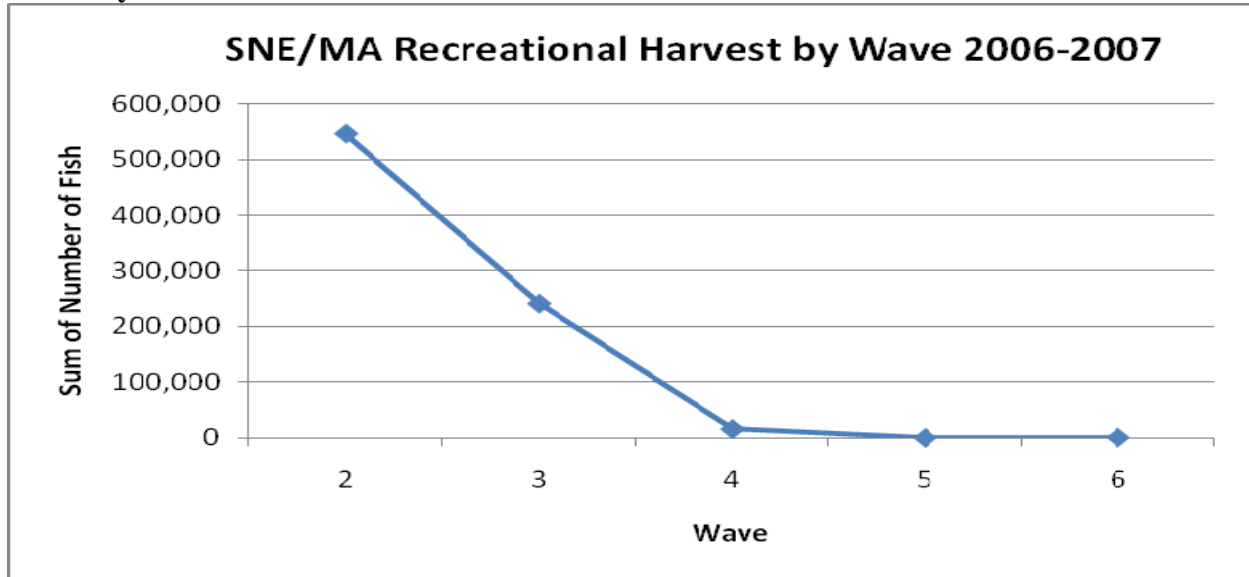
Table 9. Estimated reductions for SNE/MA stock for reduced bag limits. General PSE's for this data can be found in the appendix.

Number of fish caught during trip	% Reduction Achieved at or Below Trip limit
1	65.80
2	46.40
3	32.89
4	26.01
5	20.53
6	15.53
7	10.52
8	5.52
9	2.76

Current regulations under Amendment 1 require that states in the SNE/MA stock area may have a maximum 60-day open season for recreational winter flounder fishing. In addition, 20 days must be closed to recreational winter flounder fishing during March and April. The 60-day open season can be split into no more than two blocks. State recreational seasons are listed in Table 1. Figure 4 and Table 10 show recreational harvest in the GOM for 2006 & 2007.

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Figure 4. SNE/MA recreational landings by wave 2006 – 2007. Applies a 15% discard mortality rate to B2 fish



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Table 9. SNE/MA sum of total harvest (A + B1 + 0.15*B2) from 2006 – 2007 in numbers of fish and percent of catch. Applies a 15% discard mortality rate to B2 fish. General PSE's for this data can be found in the appendix.

WAVE	MASS SNE/MA		RHODE ISLAND		CONNECTICUT		NEW YORK		NEW JERSEY		DELAWARE		SNE/MA Total	
	Harvest	%	Harvest	%	Harvest	%	Harvest	%	Harvest	%	Harvest	%	Harvest	%
2	0	0.0%	0	0.0%	3,792	21.5%	84,425	35.8%	248,871	98.1%	0	0.0%	337,088	66.0%
3	794	100.0%	872	55.9%	13,159	74.5%	151,609	64.2%	3,387	1.3%	0	0.0%	169,821	33.3%
4	0	0.0%	87	5.6%	723	4.1%	0	0.0%	1,535	0.6%	660	79.6%	3,005	0.6%
5	0	0.0%	561	36.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	561	0.1%
6	0	0.0%	38	2.5%	0	0.0%	0	0.0%	0	0.0%	170	20.4%	208	0.0%
Total Harvest or % of Stock Catch	794	0.2%	1,558	0.3%	17,675	3.5%	236,034	46.2%	253,793	49.7%	830	0.2%	510,683	

To calculate potential seasonal reduction that could be achieved for each state, divide total percent harvest for a wave by the number of days that the states season is open during that wave. Reduction per day = % harvest in wave/number of days open in that wave. The values in Table 8 & 9 are not additive.

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Option A. Status quo. States are not required to make reductions in their recreational fishery for the SNE/MA stock.

Option B. States are required to implement regulations that reduce fishing mortality in the recreational fishery by 50%.

Option C. States are required to implement regulations that reduce fishing mortality in the recreational fishery by 75%.

Option D. States must close their recreational fishery in the SNE/MA stock.

Option E. States that implemented restrictions to the recreational fishery that were more restrictive than those required by Amendment 1 (bag limit, season, size limit) *and* accounted for less than 1% of recreational catch for the GOM stock for 2006 – 2007 are exempt from further recreational reductions in Addendum I. This Board may select this option in conjunction with Option A, B, or C of Issue 3. *De minimis* guidelines from Addendum I are listed in the Appendix. The Board will monitor the landings in all states that are exempted to determine if additional restrictions are necessary.

ISSUE 4. COMMERCIAL POSSESSION LIMITS

Currently there are no commercial possession limits for large mesh gillnets and a 100 lb trigger for small mesh gillnets in the SNE/MA area. A possession limit analysis for non-Federally permitted vessels estimated that the following reductions would be achieved by establishing the possession limits listed in Table 11.

Landings of winter flounder by non-federally permitted vessels were allocated to state using the state of the dealer reporting to SAFIS. For all states but Massachusetts, state water's landing can be allocated to stock unit. For Massachusetts, state water's landings can come from either the GOM stock (North and West of Cape Cod) or the Southern New England Stock (South and East of Cape Cod). Massachusetts's landings cannot be allocated to stock unit as the proportion of landings in a port by stock area is not known. In the Federal permits, landings are allocated to stock area using a proration algorithm using both the dealer and VTR reports. The distribution of trip landings by states is similar enough to pool (four states with similar 1st and 3rd quartile ranges, and range of outliers and one state with higher 1st and 3rd quartile values but with fewer outliers. For the large reductions initially requested by the Board (25%, 50%, 75%, 100%), pooling states is not likely to have a large impact.

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Table 10. Possession limits for state waters vessels (non-federally permitted vessels). These are based on selected quantiles of landings per trip from non-Federally permitted vessels for 2005-2008 combined.

Winter flounder landings per trip (lb.)	Percentage of total trips at or above landings per trip	Percentage of total landings from trips at or above landings per trip	Percent reduction
250 or greater	5.0%	51%	31%
100 or greater	12.5%	72%	50%
50 or greater	25.0%	85%	65%
0	100.0%	100%	100%

Option A. Status Quo. There are no required commercial possession limits in the SNE/MA stock area.

Option B. Commercial fishermen may land a maximum of 250 lbs of winter flounder. This possession limit is estimated to reduce fishing mortality by 31%. Fishermen who catch winter flounder in federal waters are not exempt from this restriction and are prohibited from transporting more than 250 lbs of winter flounder through state waters.

Option C. Commercial fishermen who do not hold a federal groundfish permit may possess a maximum of 250 lbs of winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted to the 250 lb possession limit. This possession limit is estimated to reduce fishing mortality by 31%.

Option D. Commercial fishermen may land a maximum of 100 lbs of winter flounder. This possession limit is estimated to reduce fishing mortality by 50%. Fishermen who catch winter flounder in federal waters are not exempt from this restriction and are prohibited from transporting more than 100 lbs of winter flounder through state waters.

Option E. Commercial fishermen who do not hold a federal groundfish permit may possess a maximum of 100 lbs of winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted to the 100 lb possession limit. This possession limit is estimated to reduce fishing mortality by 50%.

Option F. Commercial fishermen may land a maximum of 50 lbs of winter flounder. This possession limit is estimated to reduce fishing mortality by 65%. Fishermen who catch winter flounder in federal waters are not exempt from this restriction and are prohibited from transporting more than 50 lbs of winter flounder through state waters.

Option G. Commercial fishermen who do not hold a federal groundfish permit may possess a maximum of 50 lbs of winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted to the 50 lb possession limit. This possession limit is estimated to reduce fishing mortality by 65%.

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Option H. Zero Possession Limit. Commercial fishermen in the SNE/MA stock area are prohibited from possessing winter flounder. Fishermen who catch winter flounder in federal waters are not exempt from this regulation and are prohibited from transporting winter flounder through state waters.

Option I. Commercial fishermen who do not hold a federal groundfish permit are prohibited from possessing winter flounder. Commercial fishermen who hold a federal groundfish permit are not restricted by the zero possession limit.

5.0 COMPLIANCE SCHEDULE

State management programs must have regulations to implement Addendum I by the dates indicated in order to be in compliance with the Fisheries Management Plan for Inshore Stocks of Winter Flounder.

XXXXXX: Due Date for states to submit proposals to meet fishing mortality target.

XXXXXX: Management Board will review and take action on final state proposals.

XXXXXX: States implement regulations to meet fishing mortality target.

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Appendix:

The following is a summary of the proposed interim action for Northeast Multispecies Fishery as it pertains to regulation of SNE/MA and GOM winter flounder stocks. These are proposed rules and are not finalized. They do not apply to non-federally permitted vessels that fish for winter flounder within state waters.

- I. Commercial GOM
 - a. A DAS (days-at-sea) cut 18% for federally permitted groundfish vessels.
 - b. Differential DAS counted 2:1 within entire stock area for federally permitted groundfish vessels.
 - c. Incidental total allowable catch (TAC) set at 19 tons with 100% allocated to regular B DAS program.
 - d. Stock classified as stock of concern and is no longer allowed as a target in B DAS program.

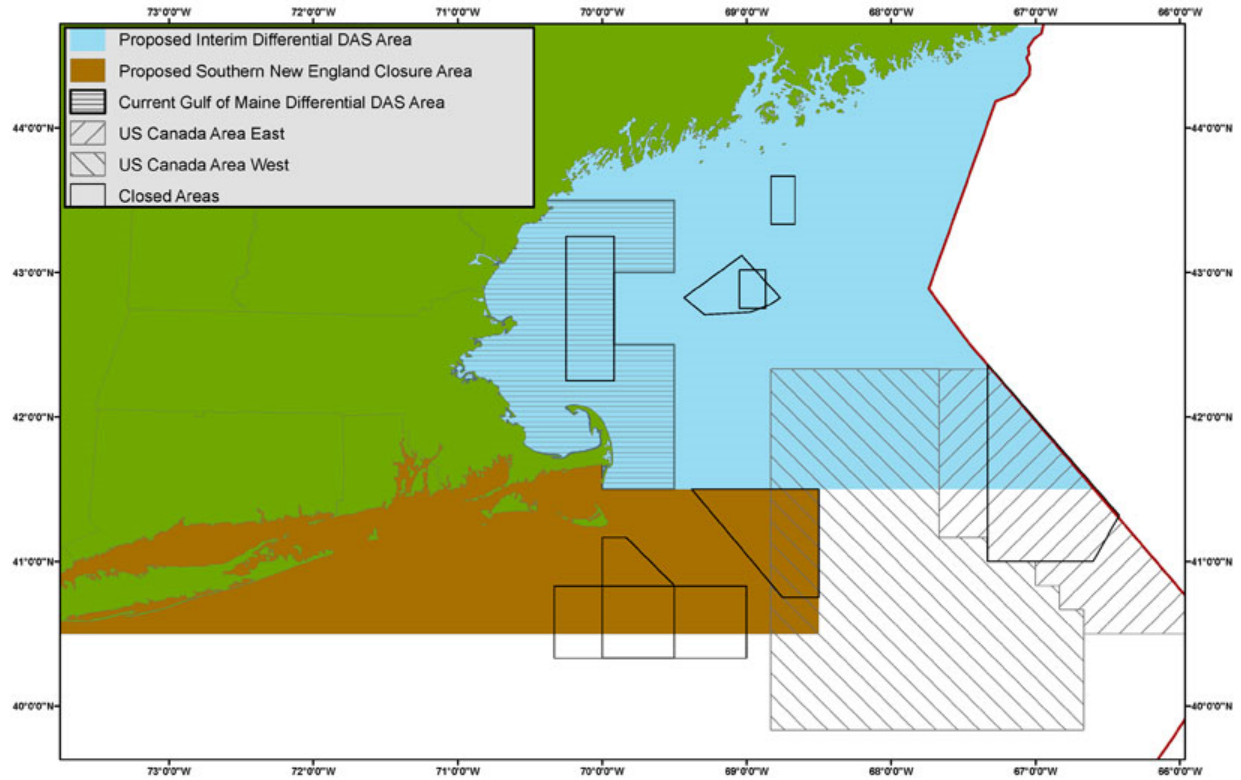
- II. Recreational GOM
 - a. No changes

- III. Commercial SNE/MA area
 - a. Large closed area in SNE/MA for federally permitted groundfish vessels. Fluke, scallops, and small mesh fisheries are allowed with no possession of winter flounder (Figure 1).
 - b. No possession of winter flounder within entire SNE/MA area for all federally permitted vessels (Figure 2).
 - c. 18% reduction in A DAS. Differential DAS counted 2:1 in Statistical area 521. Will decrease winter flounder bycatch some.
 - d. DAS conservation tax removed (allows permit stacking)
 - e. Elimination of the SNE/MA Special Access Program (SAP). Disallows fluke vessels from landing 200 lb of winter flounder when not under a groundfish DAS.
 - f. Elimination of state waters winter flounder exemption. Disallows federally permitted groundfish vessels to land winter flounder when fishing within state waters with small mesh.

- IV. SNE/MA Recreational
 - a. No possession of winter flounder within EEZ portion of SNE/MA area for all party-charter boat and private recreational anglers.

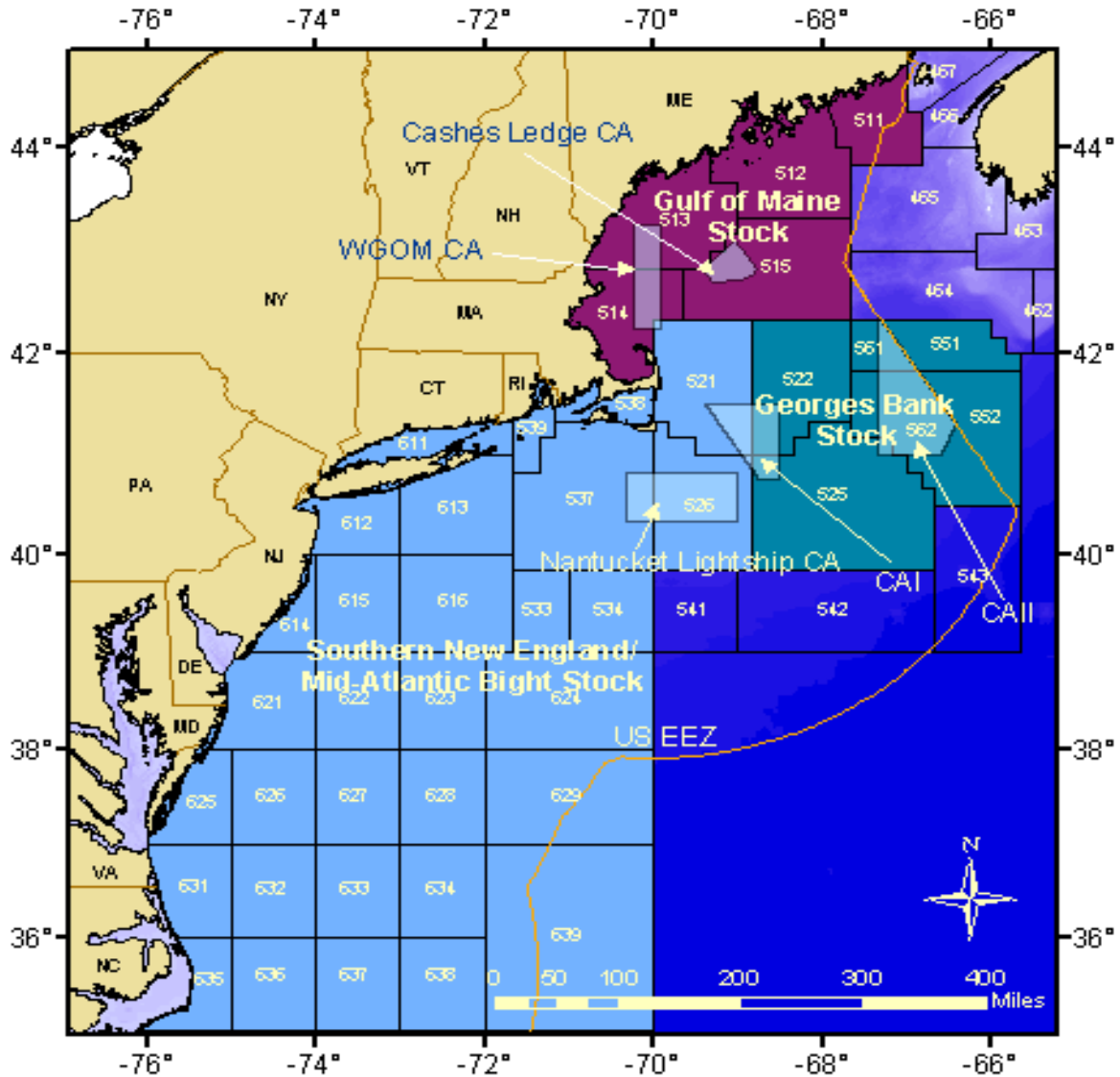
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Figure 5. Proposed differential DAS counting area and SNE closed area. Brown area is proposed year round closed area for federally permitted groundfish vessels. Blue area is Differential DAS counted 2:1 for A DAS. Source: NERO webpage. See proposed rule for coordinates of area.



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Figure 6. Statistical areas used to define the stock areas for the SNE_MA, Georges Bank and Gulf of Maine winter flounder stocks. The proposed interim action has a no possession limit for winter flounder caught within SNE/MA winter flounder stock area (light blue area) corresponding to statistical areas 521, 526, 533, 534, 537, 538, 539, 611, 612, 613, 614, 615, 616, 624, and higher numbered blocks. Proposed year round closure in SNE/MA is not shown.



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Table 11. Total catch in number (A+B1+B2) and proportional standard error (as percentage of mean) by state, wave, and year. Note that catch in the seasonal analysis used (A+B1) + 15% of the B2 to account for the assumed 85% survival rate of released fish. NA means no catch estimates. Massachusetts data are not disaggregated by stock unit.

State	wave	Year 2006		Year 2007	
		Number	PSE	Number	PSE
DE	wave 4	660	100.1	NA	NA
DE	wave 6	681	72.6	449	100
NJ	wave 2	102,289	34.3	224,694	33.2
NJ	wave 3	3,641	100	9,003	82.9
NJ	wave 4	7,738	71.4	2,492	100
NJ	wave 6	121,216	48.3	NA	NA
NY	wave 2	137,869	31.9	16,740	41.2
NY	wave 3	161,594	35.4	12,883	39.4
CT	wave 2	10,721	74	8,000	41.7
CT	wave 3	17,453	38.9	9,019	47.3
CT	wave 4	3,582	75.3	1,238	100
RI	wave 3	NA	NA	2,858	53
RI	wave 4	NA	NA	581	100
RI	wave 5	561	99.9	NA	NA
RI	wave 6	45	57.2	NA	NA
MA	wave 2	3,856	100	NA	NA
MA	wave 3	29,547	36.7	4,085	72.4
MA	wave 4	23,587	67.5	43,471	34.4
MA	wave 5	21,491	52.9	5,616	58.3
NH	wave 3	8,060	49.8	6,004	34
NH	wave 4	6,027	51	14,896	34.6
NH	wave 5	106	78.5	1,731	42.5
ME	wave 3	1,154	100	NA	NA

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***De minimis* fishery guidelines (4.3.3 of Amendment 1)**

States may apply for *de minimis* status if, for the preceding three years for which data are available, their average commercial landings or recreational landings (by weight) constitute less than 1% of the coastwide commercial or recreational landings for the same three year period. A state that qualifies for *de minimis* based on their commercial landings will qualify for exemptions in their commercial fishery only, and a state that qualifies for *de minimis* based on their recreational landings will qualify for exemptions in their recreational fishery only.

States that apply for and are granted *de minimis* status are exempted from biological monitoring/sub-sampling activities for the sector for which *de minimis* has been granted (i.e., commercial *de minimis* qualifies for a commercial monitoring exemption). States must still report annual landings, comply with recreational and commercial management measures, and apply for *de minimis* on an annual basis.