

## Winter Flounder Advisory Panel Minutes

URI Coastal Institute , Hazard Room 6/11/13

Attendees (an \* indicates a panel member)

Ken Booth	George Allen*	Ben Piquette
Mike Bucko*	Stephen Parente*	Terry Mulvey
Carl Granquist*	Bob Cherenza	Rick Bellavance (chair)
Peter D'Ambra	Jon Quigly	Joel Hovanesian
Tina Jackson	Brian Loftes*	

The meeting started at 6 PM. John Lake of RIDFW gave a presentation on winter flounder stock status, a summary of NOAA Fisheries Framework 50 as it applies to winter flounder, a summary of ASMFC addendum 3 and the response to Framework 50, and RIDFW proposed transit regulations for federal commercial and recreational vessels. The presentation is attached. It was stated that the ASMFC winter flounder board decided to keep state water management measures at status quo 50 lbs /vsl/day commercial and 2 fish per person limited season recreational and that there would be no discussion to change the 2013 state water regulations. That being said there was much discussion on changing 2013 winter flounder limits. G. Allen stated he was against increasing fishing pressure on winter flounder in state waters. T. Mulvey was for increasing the state waters possession limit to that of the Federal "Common Pool" limit. Federal common pool vessels are not affiliated with a federal groundfish sector and have started with a 5,000 lbs/vsl/day. This would level the playing field and not create two classes of fishermen. He also stated he would like an official legal review to determine if federal vessel fishing in federal waters can possess more than the state possession limit if they possess a state fishing license. His interpretation is that those vessels must relinquish their state fishing license and obtain a state landing permit to be in compliance with the most restrictive rule. B. Loftes also wants to see a level playing and equal limits between federal and state boats citing the unfairness of one user group being allowed to benefit from the resource while other groups who also made sacrifices cannot benefit. T. Jackson stated that RI should not go along with the ASMFC decision and that recent federal decisions challenging "Obamacare" indicate the commerce clause may not apply to states. After the meeting the RIDFW staffer did some research he believes this refers to the commerce clause in Article 1 of the constitution and the 2012 supreme court decision to limit its scope and reject it as justification for enacting "Obamacare" at the state level. If this can be used to challenge ASMFC's decision, this would allow us to set our own limits. C. Granquist stated that he disagreed with the common pool management measures but would like to see a higher possession limit in state waters. J. Hovanesian agreed that a higher possession limit should be in place in state waters and suggested a potential starting point of 500 lbs/vsl/day. He also suggested that a weekly aggregate limit be explored as well as the possibility for multi state licenses holders to transit state waters to an adjacent state with a possession limit onboard for each state license held

The panel was asked to comment on the RIDFW proposed transit regulations. T. Mulvey stated he was against the transit regulation because it does not provide equal opportunity for state water fishermen and does not provide a level playing field. K. Booth

asked for clarification if the recreational Party/charter boats target winter flounder in federal waters. R. Bellavance explained that they are a bycatch species when fishing for other groundfish such as cod. M. Bucko stated that he supported the recreational transit clause to allow Party/charter vessel to come into port if have winter flounder in excess of the state limit on board. There was not a having no other business the meeting concluded at 8:20.

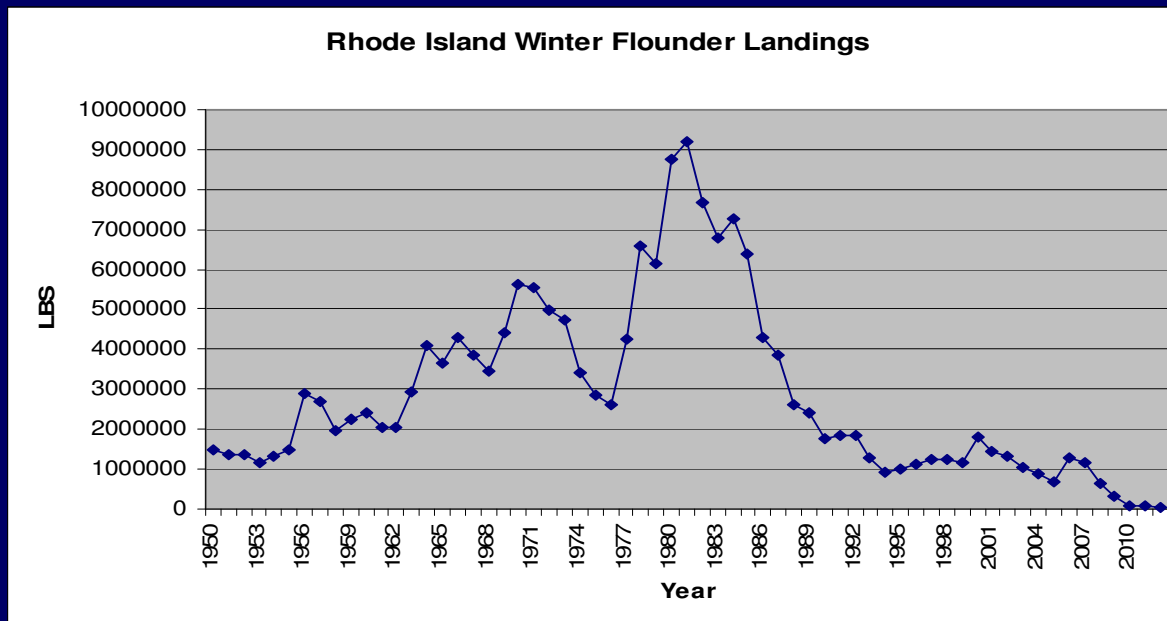
# **RIMFC Winter Flounder Advisory Panel**

**June 11, 2013**



# Rhode Island Winter Flounder Landings

- **SNE Stock Status:** 2011/2010 SARC 52 Assessment:  $SSB_{MSY} = 46,661$  mt (16%)  $F_{MSY} = 0.29$  (18%) Overfished/Overfishing not occurring
- **RI Stock Status:** 2011 M. Gibson Assessment:  $SSB_{MSY} = 1,024$  mt (17%)  $F_{MSY} = 0.09$  (45%) Overfished/Overfishing not occurring



- 2013
  - 118,410 LBS landed as of June 5, 2013 (109,354 lbs in May)
  - 80 Participants to date (75 in May)

## Framework 50 SNE Winter Flounder Specifications

Year	Total ACL	State Water Sub- ACL	Other Sub-ACL	Groundfish Sector Sub- ACL	Common Pool Sub-ACL	Total Federal Vessel Sub- ACL
2013	1,612 mt	235 mt	168 mt	1,068 mt	142 mt	1,210 mt
2014	1,612 mt	235 mt	168 mt	1,068 mt	142 mt	1,210 mt
2015	1,612 mt	235 mt	168 mt	1,068 mt	142 mt	1,210 mt

- ♦ Rebuilding schedule of stock by 2014 not being met, new rebuild plan with proposed rebuild date of 2023
- ♦ New plan allows for harvest of fish that would be otherwise discarded
- ♦ Constant catch approach, specifications are revisited annually
- ♦ 5,000 lbs/day 15,000 lbs/trip possession limit for common pool vessel
- ♦ Sector vessels responsible for their own harvest schedule based on allocation
- ♦ Party/Charter federal permit holders have no bag limit or season in federal waters



## ASMFC Addendum 3 and response to FW 50

- ♦ Management specifications for state waters winter flounder fisheries will be set annually, previously on 3 year schedule
- ♦ Potential for new harvest limits and accountability measures in 2014 and onward
- ♦ Increase in 2013 state waters sub ACL is a 34% increase from 2012: 175 mt -> 235 mt
- ♦ Winter flounder management board decided to maintain 2012 management measures at status quo: 50 lbs/day commercial, 2 fish/day limited season recreational
- ♦ Decision based on
  - ♦ Low spawning stock biomass and recruitment trends coupled with environmental factors result in lower productivity of the stock
  - ♦ Concern that in state waters fishery would target spawning aggregations
  - ♦ Skepticism over whether stock will meet 2023 rebuild target



# RIDFW proposed state waters transit regulations

## 7.8.3-2 Commercial Seasons, Possession Limits, and Closed Areas

### (d) Transit Provisions:

(1) Vessels fishing south of the Colregs line ~~or in the Exclusive Economic Zone (EEZ)~~ may traverse closed portions of Rhode Island waters for the purpose of landing winter flounder provided they are not fishing and nets are stowed in accordance with Section 10.10 of these regulations.

(2) Vessels fishing ~~south of the Colregs line or in the Exclusive Economic Zone (EEZ)~~ federal waters may traverse closed portions of Rhode Island waters while in possession of more than the Rhode Island winter flounder possession limit for the purpose of landing winter flounder provided the vessel possesses a valid federal permit allowing commercial harvest of winter flounder from federal waters for the amount of winter flounder onboard the vessel and they are not fishing and nets are stowed in accordance with Section 10.10 of these regulations.

7.8.1-3 Recreational Transit Provisions - Vessels fishing in Party/Charter mode in federal waters may traverse portions of Rhode Island waters while in possession of more than the Rhode Island winter flounder possession limit to return to port provided the vessel possesses a valid federal permit allowing recreational harvest of winter flounder from federal waters for the amount of winter flounder onboard the vessel and they are not fishing and fishing gear is stowed.

