

**RI Marine Fisheries Council
 Summer Flounder Advisory Panel
 Meeting Minutes
 September 21, 2010, 6:00 PM
 URI, GSO, Narragansett, RI**

Richard Hittinger, Chairman	M. Ambrosia
G. Trembley*	A. Schold
M. Bucko*	M. Colby
S. Parente – Council member	G. Cooper
R. Westcott	J. Barkley
R. Mattiucci*	
A. Conti*	P. Martin – ASMFC
C. Brown*	R. Ballou, Acting Chief DFW
C. Grandquist*	D. Costa, DFW staff
L. Jordan*	J. McNamee, DFW staff

(*primary advisory panel member; ^ alternate member)

R. Hittinger, Chair, called the meeting to order. He stated that J. McNamee had a presentation (see attached) that would cover the first few agenda items including stock status, fishery performance in 2010, preliminary sector analysis, and Division of Fish and Wildlife (DFW) recommendations for 2011. J. McNamee reviewed current stock status for the group, the main point of which is that the stock is no longer overfished and overfishing is not occurring. As a result of the improvement in stock status, the quota for summer flounder was increasing in 2011. He then moved on to commercial fishery performance in 2010. The commercial fishery had an underage in the winter 1 sub period. The winter 1 underage was relatively small (approximately 50,000 lbs) and was a direct result of the efforts to improve dealer reporting.

The presentation then provided some analysis on the sector. J. McNamee reviewed the landings of the sector boats, all of which is available on the RIDEM DFW website. The sector had remained under its summer period TAC and had caught roughly 60% of its allocation to date. Discards remain low for the sector. The program was modified in 2010 to include allocation histories from only the summer months and resulted in the program only running from May through December. There were also additional vessels in the program in 2010.

Finally, the DFW proposed some starting possession limits based on a lognormal generalized linear model that predicted landings based on possession limit, average wind speed, historical landings, participation, price, and season. C. Grandquist stated that he felt the summertime aggregate limit was too low. He felt the weekly limit should be closer to what the daily fishermen could get; therefore when the limit was at 100 per day with a 5 day week, he felt the aggregate limit should be at 500 per week. He didn't think this adjustment would be harmful because there were so few participants in the summer aggregate program.

The DFW then brought up a number of alternate proposals for discussion. J. McNamee noted that these were not necessarily supported by the DFW, but were proposals that came up from year to year. He stated that this was an opportunity for the advisory panel to weigh in on the different proposals specifically, thereby providing the RIMFC with specific advice on the alternate proposals. The first alternate proposal was to reopen Fridays and Saturdays in 2011. R. Hittinger opened discussion on this topic. G. Tremblay stated that he and his organization are in favor of reopening Fridays and Saturdays. They felt it would not be a dramatic increase in effort because realistically a fisherman could not fish all 7 days during the week, and it would provide fishermen more flexibility as to when they fished. R. Mattiucci stated that he would be supportive of keeping those days closed if it provided a greater chance to get through the sub period at 100 pounds per day without a closure. C. Brown stated that having the fishery at 50 pounds was not profitable and that it would be beneficial to keep the fishery at 100 pounds at a minimum, so opening Fridays and Saturdays may be premature. He felt a better approach would be to re-split the summer season in to two periods, that way the fall fishery would have some fish allocated to it. C. Grandquist, M. Bucko, and L. Jordan all supported keeping Fridays and Saturdays closed. A. Conti stated that he did not think it would increase effort as much as people feared because people would not fish 7 days per week. S. Parente supported this statement. R. Hittinger took a vote. **The panel voted 2 to support and 5 opposed to reopening Fridays and Saturdays.**

The next item was to re split the summer sub period in to two periods with further advice as to how to allocate pounds in to those two periods. S. Parente stated that the summer 1 fishery would close in June in the past and was therefore not in favor of splitting the summer. C. Brown stated that he supported a split summer period and that the allocation should be split equally across the two summer periods. He went on to say that it could be considered to not close the first summer period even if it ran out of allocation, but drop it to 50 pounds. He felt it was important to recognize there were two separate user groups operating in the summer. A. Conti agreed with this proposal. S. Parente felt this year worked well and he didn't support changing the plan. M. Bucko stated that due to the behavior of the two halves of the summer fishery, you end up giving more fish to the second half of the summer. He stated that the catch rates and participation are very different in the two halves; therefore an equal split of allocation is not equally distributed. **The panel voted 3 to support, 3 opposed, and 1 abstention to splitting the summer period and providing equally split allocations in to the two periods.**

The next item was regarding allocating an amount equal to the 2010 quota in the traditional allocations, but then allocating the additional pounds for 2011 to provide more fish to the summer period, which would be an effort to keep it open at 100 pounds. The specific allocation of the additional pounds would give 25% to the winter 1 period, 50% to the summer period, and 25% to the winter 2 period. R. Mattiucci stated that he liked this proposal but felt a better proposal would be to allocate 1/12 to each month. He made some statements about license fees and more participants in the summer. A. Conti felt that if the summer period were to remain as one period, the allocation should be made via the traditional allocation amounts. He went on to state that, were the summer to be split, he thought this idea may be warranted. C. Brown did not support this proposal. S. Parente

stated that he did not support this proposal because he felt it would increase effort in the summer. **The panel voted 0 to support, 7 opposed to reallocating the additional 2011 pounds with a bias toward the summer period.** R. Mattiucci stated that he would switch his vote to in favor if the next proposal failed.

The next proposal was to reallocate to 1/12 per month. C. Brown stated that he did not support this proposal; it would decimate the industry and would shift tremendous amounts of effort in to the summer, which would exacerbate user conflicts and devastate the inshore waters by compressing the fleet in to a small area during a specific period of time. S. Parente stated that this proposal would be ill advised and he did not support it. He agreed with the dramatic effort shift that would be created by this proposal. **The panel voted 1 to support, 6 opposed to reallocating the quota 1/12 to each month.**

J. McNamee went over the next few items together. The first was a house cleaning issue with irrelevant dealer language in the aggregate program. Additional aggregate regulatory items were regarding the aggregate trigger, the logbook requirement, and the 3 year penalty language. The panel discussed the trigger and felt that it could be increased as dealer reporting had gotten much better. **None of the panel members objected to either the logbook language modification or the removal of the dealer language.** Both G. Tremblay and S. Parente stated that they were hesitant to remove the 3 year penalty language because they felt that these programs required a certain level of trustworthiness in the participants because it allows them a greater opportunity to cheat. C. Brown stated that he was the original author of the 3 year penalty provision. He now felt that it was not necessary and supported repealing it. He felt that when you allow a fisherman the flexibility of these types of programs, the incentive is to be honest and not cheat. R. Mattiucci stated that he did not support removing the penalty language, certainly not in the sector program. C. Grandquist stated that he supported removing the penalty language as it was unfair. L. Jordan also supported removing the penalty language. **The panel supported raising the aggregate trigger to 90%, the vote was unanimous. The panel voted 6 to support, 1 opposed to removing the 3 year penalty language from the aggregate program.**

The final recommendations were regarding the sector pilot program. J. McNamee stated that the DFW supported continuation of the pilot program in to 2011. The recommended program would be status quo with a couple of modifications, namely a re-expansion to a full year program, consideration of the penalty language as discussed in the aggregate program, and the consideration of capping the allocation size that any sector can have. The DFW went on to state that 2011 would be the final year of the pilot program, and they further outlined a series of meetings to be held in 2011 to delineate how the future of RI fluke management would look. R. Ballou added that the DFW was also thinking about modifying the control date forward one year, to make it December 31, 2010. He apologized that this provision did not make it in to the slideshow, but wanted to make sure the idea was vetted through the panel. **The panel supported this change unanimously.** C. Brown was opposed to capping the size of the sector because you would lose the economy of scale and 10% was an arbitrary number. He stated that if it must be included he suggested 20% as number with precedent at the New England

Fishery Management Council. Others felt that having a cap was a good idea but did not know what the cap number should be. L. Jordan stated that a successful program was running at 13.7%, therefore she did not know why they would want to change it. **The panel recommended continuing the program and allowing it to be a full year program by unanimous vote.** There was some discussion about how the pounds would be removed from the quota, namely to remove the pounds from the period of time in which they were caught. **The panel voted 5 to support, 2 opposed to removing the 3 year penalty language from the sector program.** R. Ballou stated that even if the 3 year penalty language were to be removed, the penalty associated with violations occurring from the program participants would remain. **The panel voted 4 to support, 2 opposed, and 1 abstention to capping the allocation that a single sector could have.** The panel had a further discussion on what the cap should be but they did not reach consensus.

R. Hittinger stated that the RI Commercial Rod and Reel Anglers Association (RICRRAA) had brought forward a written proposal. G. Tremblay introduced the proposal (see attached). The panel discussed the proposal but no advice or vote was taken, mainly due to the earlier negative vote against opening Fridays and Saturdays, which was an integral part of the RICRRAA proposal.

The panel had a discussion about where the summertime fluke fishing prohibited zone was located. C. Brown made a recommendation to lift this prohibition on single operators in the sector. This led to a heated discussion with no consensus. R. Hittinger asked that C. Brown submit the proposal in writing to J. McNamee.

R. Hittinger adjourned the meeting.

**Summary of Summer
Flounder Stock Status, 2010
Rhode Island Commercial
Fishery Performance, and
DFW Recommendations for
the 2011 Summer Flounder
Fishery**



Summer Flounder Stock Status

- ♦ **Stock Status:**

- ♦ **The summer flounder stock is not overfished and overfishing is not occurring relative to the biological reference points established in the 2008 SAW 47 assessment.**

- ♦ **Fishing mortality calculated from the average of the current fully recruited ages ranged between 1.0 and 2.0 during 1982-1996. F has declined to below 1.0 since 1997 and was estimated to be 0.237 in 2009, below the threshold F reference point = 0.310 and the F target = 0.255. There is a 50% probability that F in 2009 was between 0.224 and 0.250.**

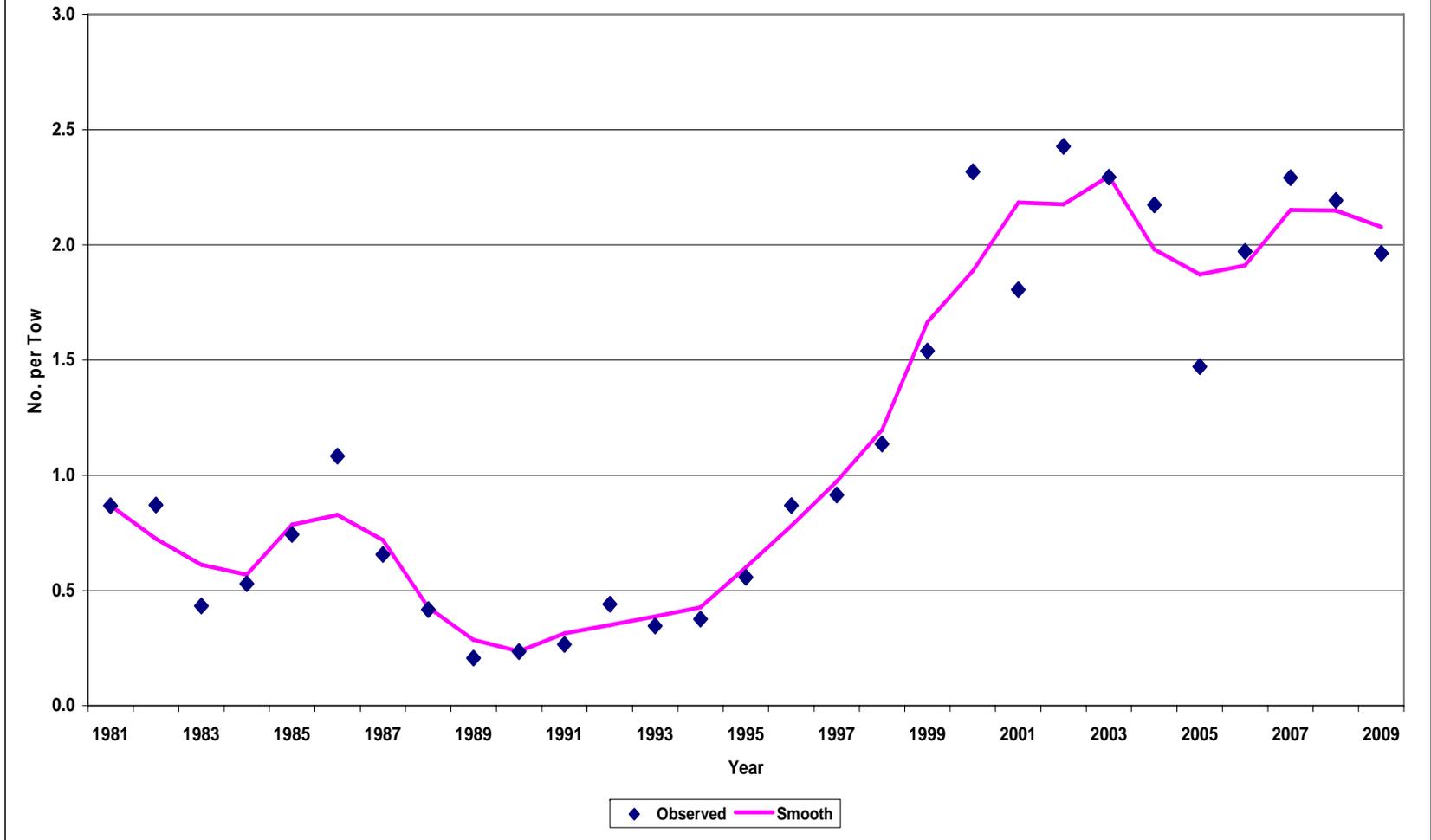
- ♦ **Spawning stock biomass (SSB) decreased from about 55.1 m lbs in the early 1980s to about 15.45 m lbs in 1989, then increased to above 88.2 m lbs by 2002. SSB was estimated to be 117.8 m lbs in 2009, about 89% of the SSB reference point = 132.4 m lbs and above the SSB threshold = 66.2 m lbs. There is a 50% chance that SSB in 2009 was between 111.5 million lbs and 123.5 million lbs.**

- ♦ **The 2009 year class is currently estimated to be about 82 million fish, the largest in the assessment time series and twice the average.**



Summer Flounder Stock Status – Local Info

Fig.6- Summer Flounder Abundance in the RI Area Based on Trawl Surveys and Recreational Catch Data



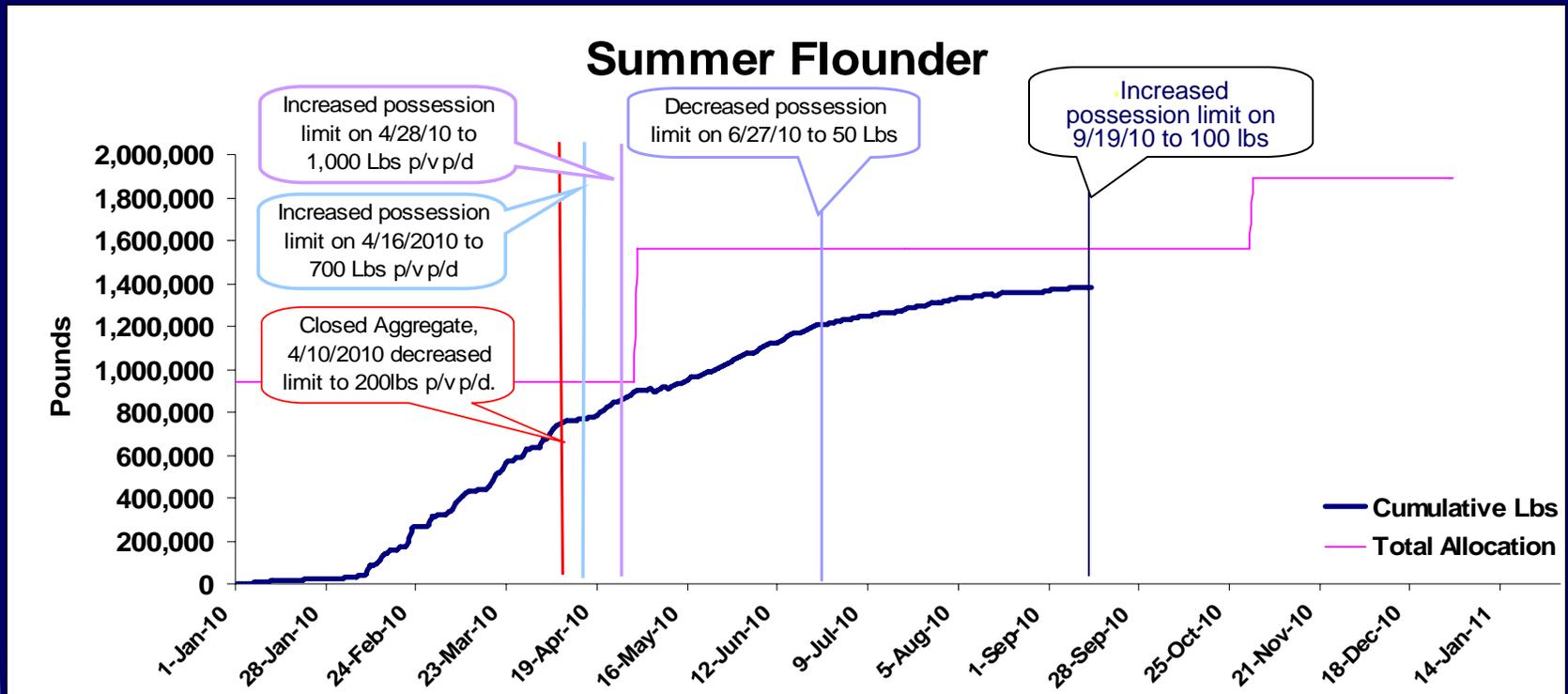
Summer Flounder Management Measure Recommendations 2011

•MAFMC and ASMFC Board Approved TAL for 2011:

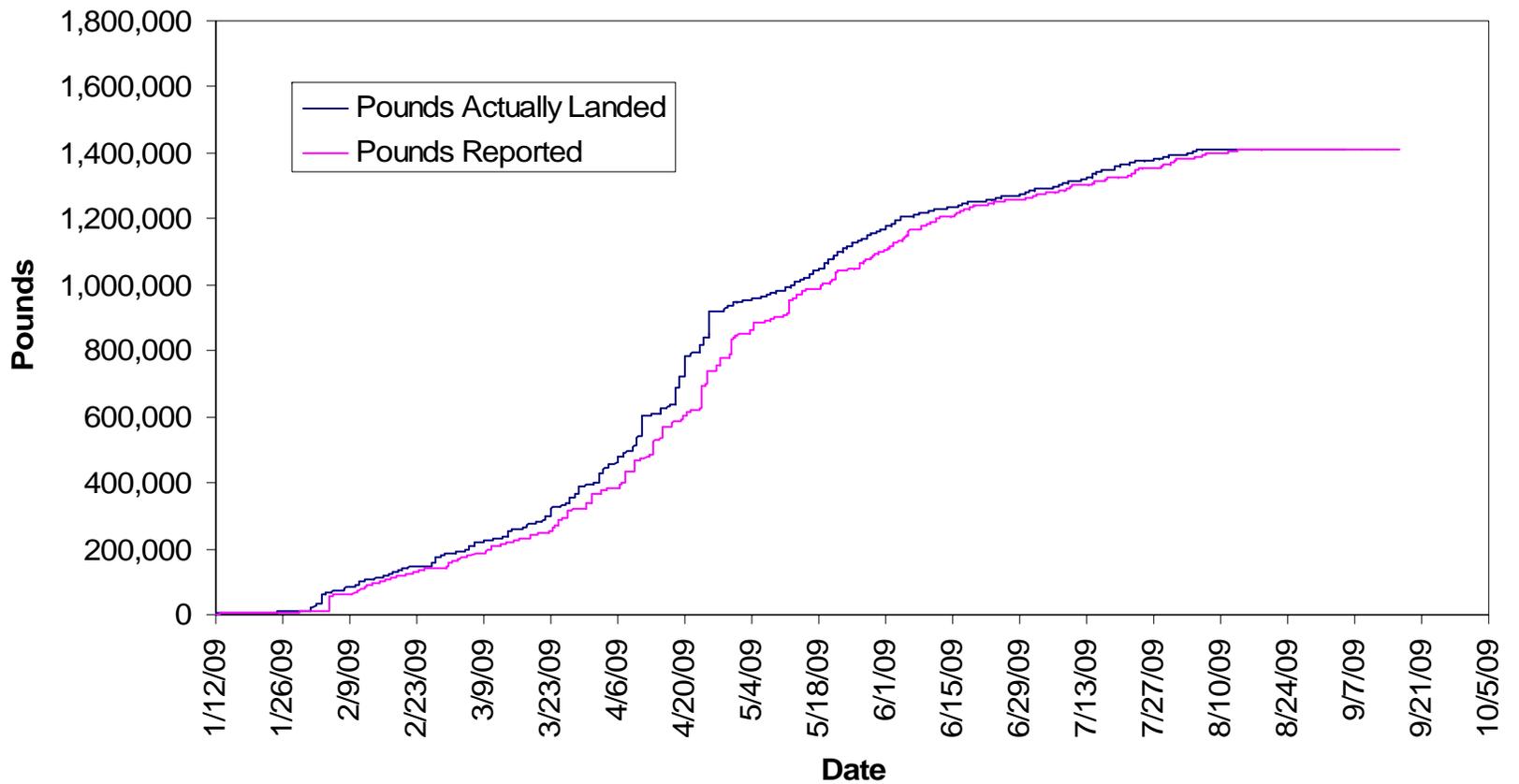
- A TAL of 29.48 m lbs (roughly 25% increase from 2010). This corresponds to a 50% probability of achieving the target F at that specific TAL, and considers scientific uncertainty. This was consistent with the SSCs recommendation regarding ABC, but was slightly higher than the MCs recommendation.
- A commercial quota (based on 60% of the overall TAL) in the range of 17.69 m lbs, and allocated to the states based on 1980-89 adjusted landings data (RI gets 15.7% = 2.78 m lbs).
- A coastwide recreational harvest limit (based on 40% of the overall TAL) in the range of 11.79 m lbs.
- No change in mesh requirements (5.5 inch diamond or 6 inch square minimum mesh), minimum commercial fish size requirements (14 inch-TL), nor other gear requirements.
- No change in the current small mesh exemption program (SMEP) or flynet exemptions.



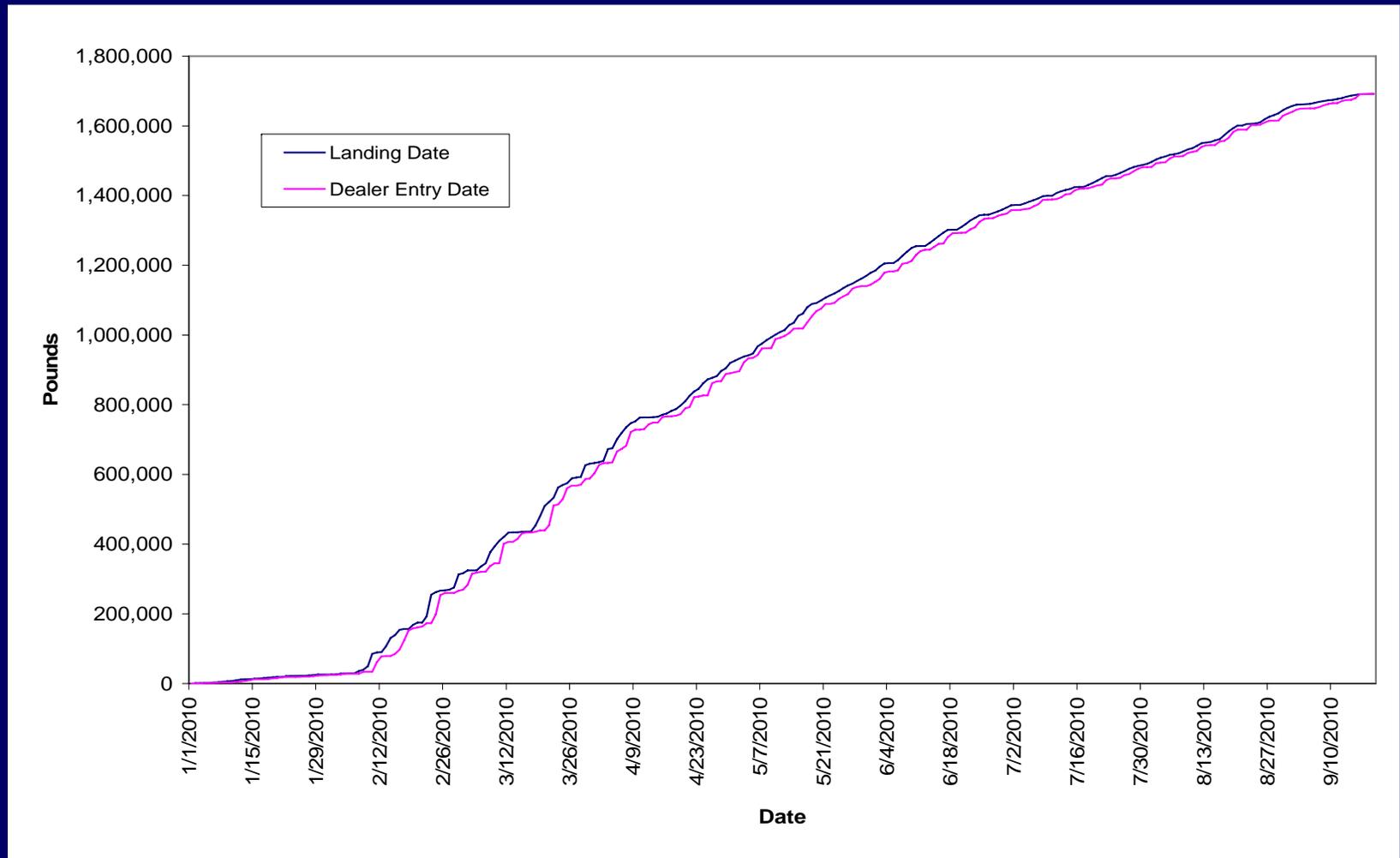
RI Fishery Performance - Commercial Landings



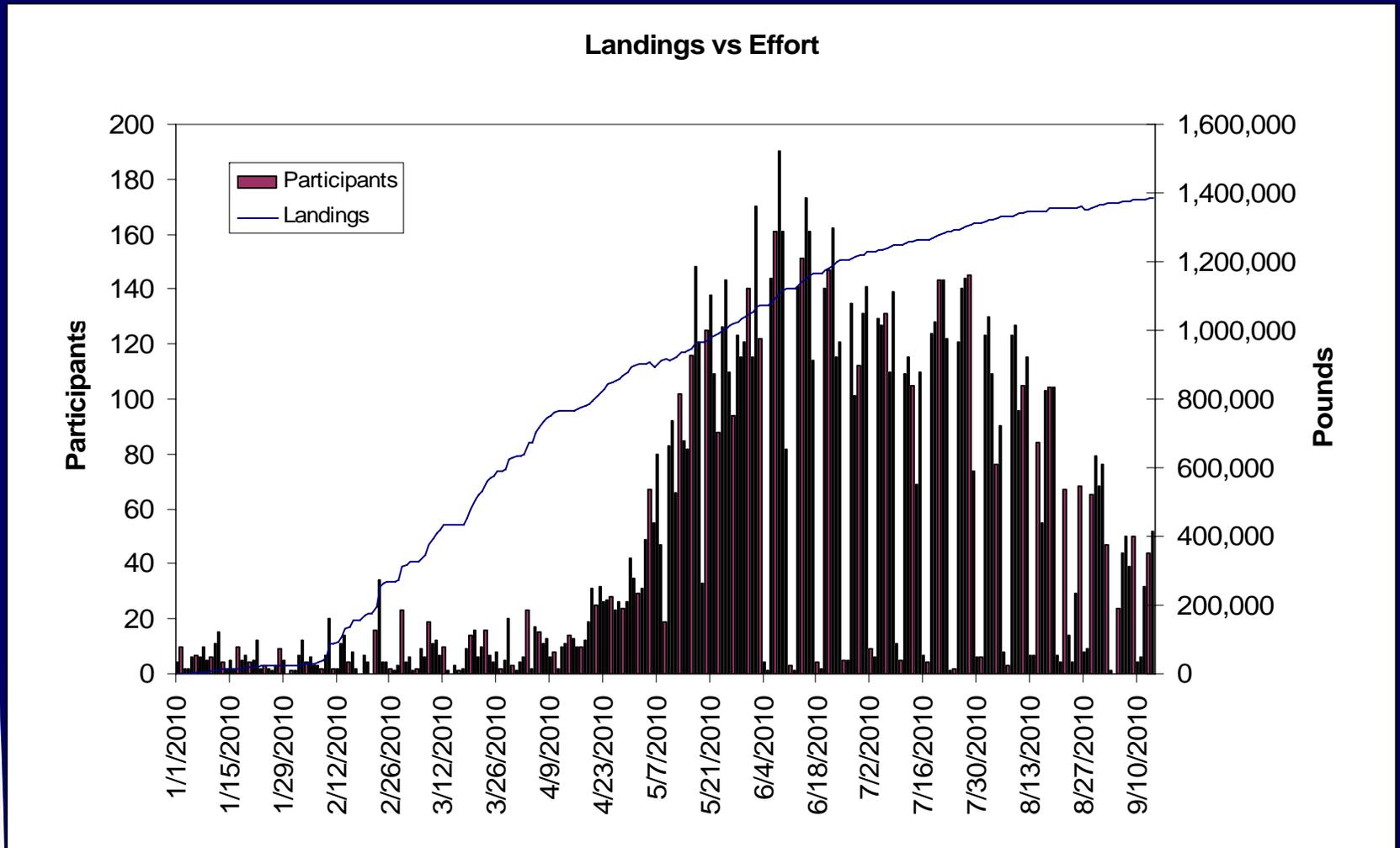
Commercial Landings – Monitoring Lag 2009



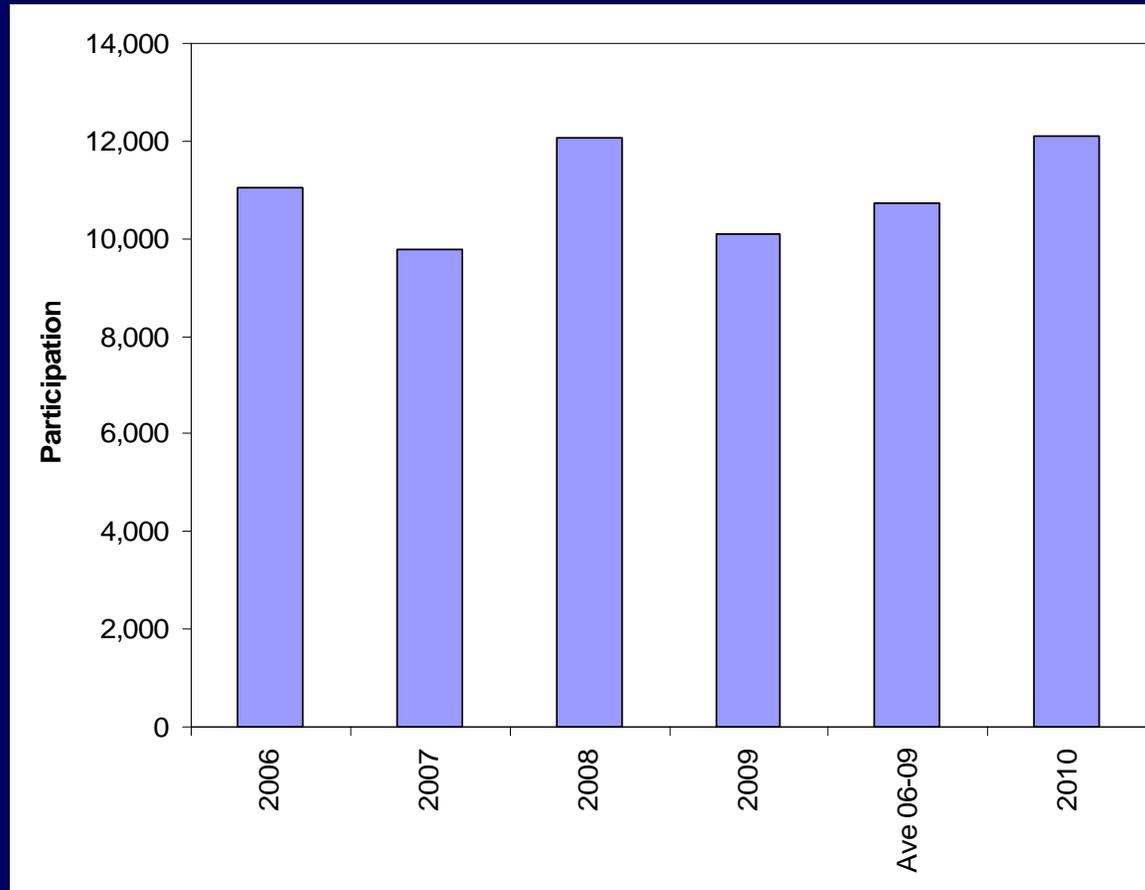
Commercial Landings – Monitoring Lag 2010



Commercial Landings – Change in Effort Within Season



Commercial Landings – Change in Effort Between Years



• Data is only through September 16 in each year



RI Commercial Fishery Performance

- ◆ There was a 50,390 pound underage in first period (2.5% of quota)
- ◆ This underage was split between the two remaining sub periods per regulation, therefore each sub period gained 25,195 lbs
- ◆ The summer sub period is on track to be fully utilized without a closure
- ◆ Despite projections, a drop to 50 pounds was necessary to maintain an open fishery in the summer. The possession limit dropped on June 27 and went back to 100 pounds on September 19.
- ◆ Effort to date reached a maximum of 190 participants per day on June 8
- ◆ Effort in 2010 (to date) was more than the average of 2006 through 2009



Preliminary 2011 Commercial Allocations

- RI 2011 Projected Commercial Quota (RSA included) = 2,777,330 lbs
- RI 2011 Projected Commercial Quota (w/ estimated RSA removed) = 2,694,010 lbs
- RI 2010 Commercial Quota = 2,019,915 lbs
- 2011 has an increase of 674,095 lbs (25% increase)
- 2011 Allocations based on RI Quota:
 - Winter 1 54% = 1,454,765 lbs
 - Summer 35% = 942,904 lbs
 - Winter 2 11% = 296,341 lbs
- For reference, 2010 adjusted allocations:
 - Winter 1 54% = 943,958 lbs
 - Summer 35% = 696,550 lbs
 - Winter 2 11% = 299,580 lbs

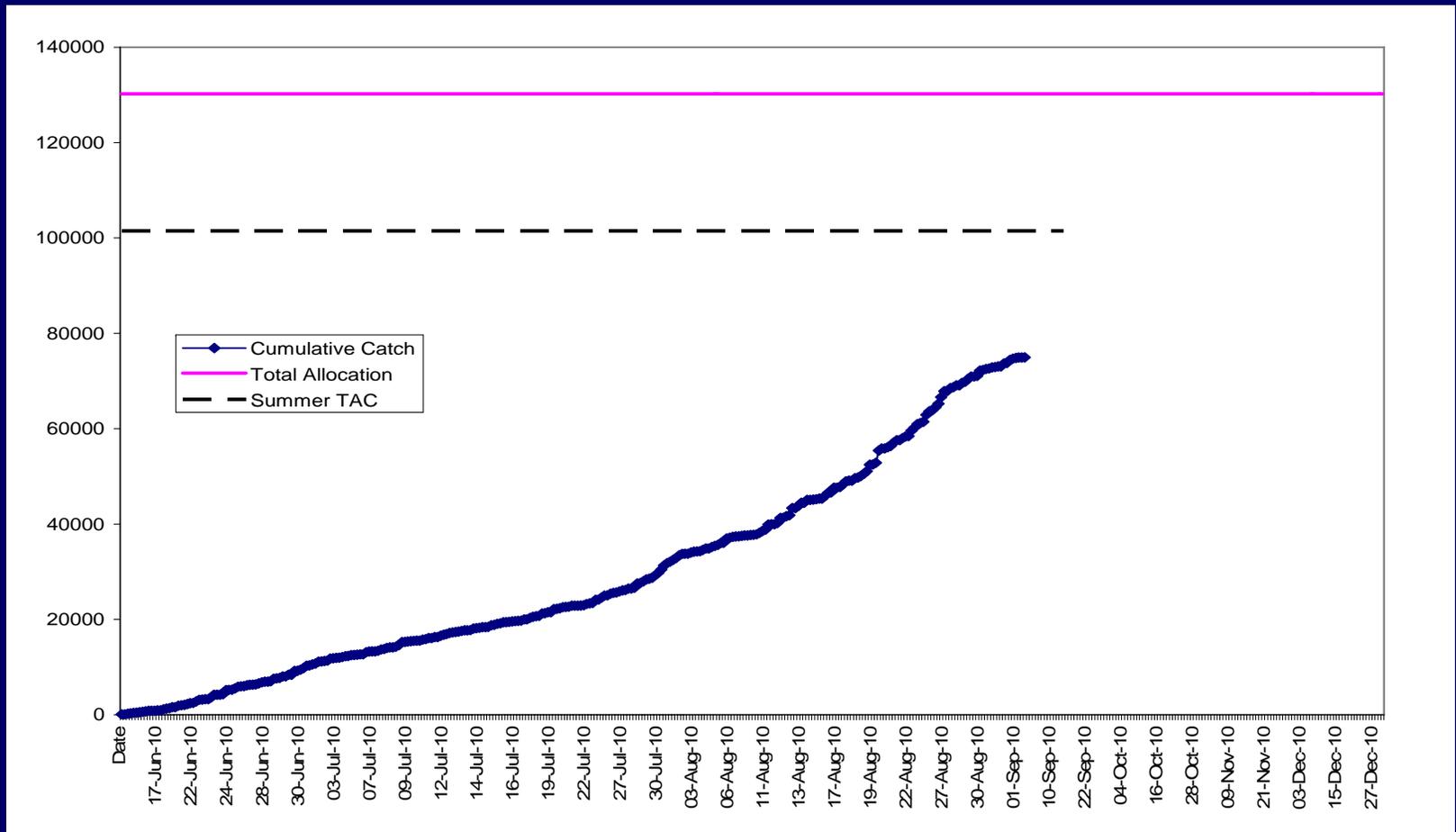


Sector Info – Background Info

- One group applied to become a summer flounder sector pilot program participant in 2010, the RI Fluke Conservation Cooperative
- The sector was approved and began operations on June 15, 2010.
- The sector is comprised of 11 (12) vessels.
- The allocation given to the sector was approximately 13.7% (14.9%) of the state's total allocation, based on the historical landings of the 11 (12) vessels during the historical period of May – December 31; 2004 – 2008.
- In pounds the adjusted allocation = 130,227 lbs. (139,702 lbs.)

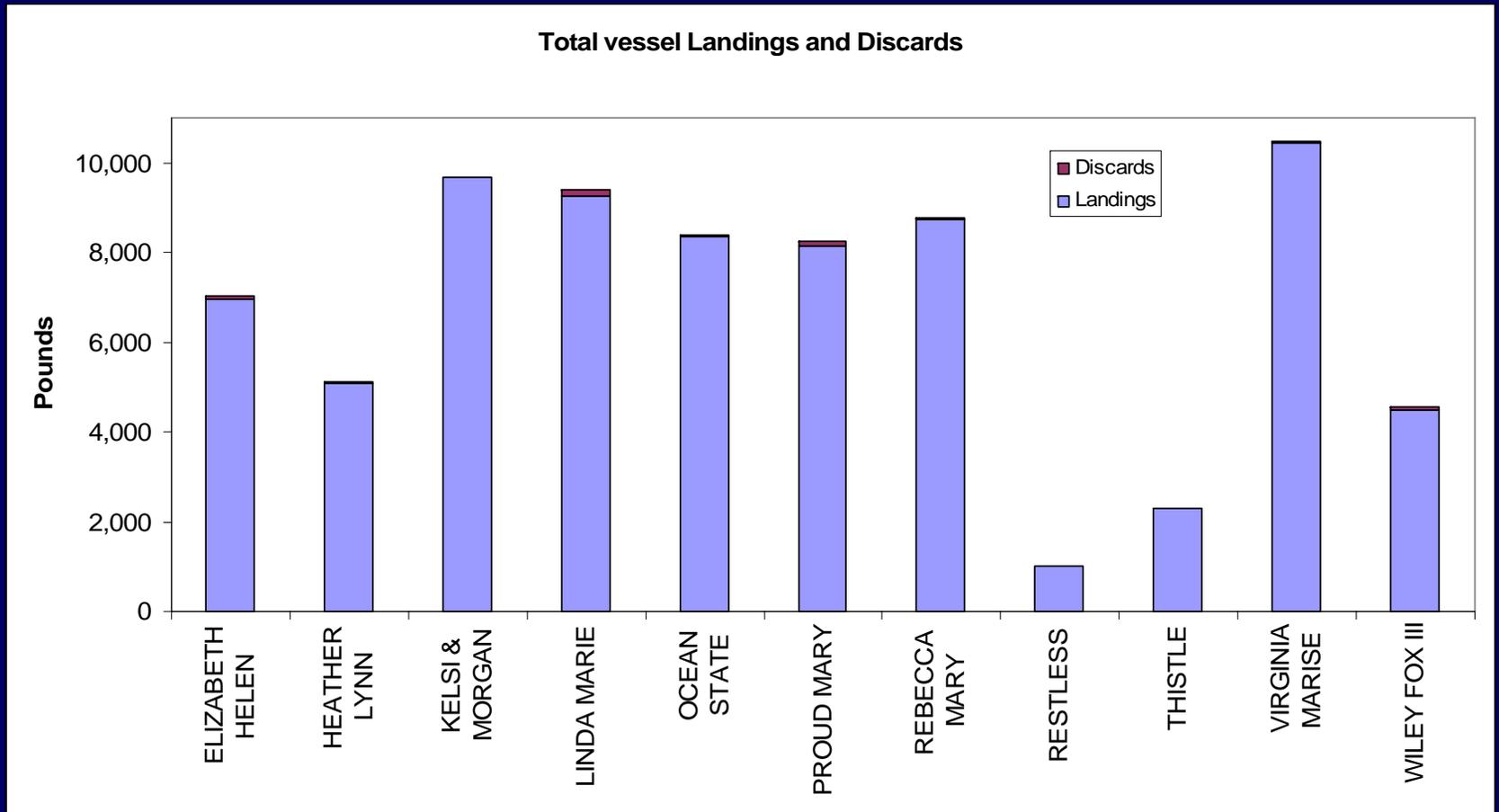


Preliminary Sector Info – Cumulative Landings



- 74,956 lbs have been caught by the sector (including 473 discard pounds)
- This is approximately 58% of the total allocation
- Through September 2nd, 304 trips have been taken by the sector, 70 have been observed, or 23%

Preliminary Sector Info – Total Vessel Landings and Discards



DEM/Marine Fisheries Proposed Changes

- ♦ The Division recommends the following starting possession limits for 2011:
 - ♦ Winter 1 = 300/day; Aggregate Period 3,000/week or 500/day
 - ♦ Summer = 100/day; Aggregate Period 350/week or 100/day
 - ♦ Winter 2 = 600/day
- ♦ Further the Division welcomes discussion on alternate proposals, e.g.:
 - ♦ Reopen Fridays and Saturdays during the summer sub period
 - ♦ Break the single summer sub period back into 2 sub periods and provide the appropriate allocations into these, i.e. equally split, split per the historical allocation.
 - ♦ Allocate the 2011 quota amount equal to the 2010 quota in traditional allocations and then allocate the additional quota for 2011 with a bias toward the summer period to keep it open at 100 pounds, i.e. additional 674,095 lbs as 25% to W1, 50% to S, 25% W2
 - ♦ Reallocation of the quota into equal 1/12 portions per month. This translates into the following equivalent sub-period allocations:
 - ♦ Winter 1 = 33.3%
 - ♦ Summer = 50%
 - ♦ Winter 2 = 16.7%
- ♦ Remove dealer section of aggregate program
- ♦ Modification of the Aggregate Landings Program trigger (80% stops the program), modification of the logbook requirement, and repeal or modify the provision that disqualifies any applicant who has been assessed a penalty during the past 3 years



DEM/Marine Fisheries Proposed Changes

• The Division will recommend continuing the sector pilot program into 2011 as it continues to offer benefits to the resource and program participants.

• The recommended program for 2011 will be the same as the 2010 program, except that it will begin on, or soon after January 1, and run for the full year. It will remain open to all applicants. The only potential changes that the Division will suggest for consideration are:

- Repeal or modification of the provision that disqualifies any applicant who has been assessed a penalty during the past 3 years; and
- Adoption of a percentage cap on the size of individual sectors (e.g., 10%)

• The Division will recommend that 2011 be the final year of the Pilot Program, and that a catch share/sector allocation approach be institutionalized as a core component of RI's fluke management program, beginning in 2012 (pending the outcome of the series of meetings noted on the next slide)



DEM/Marine Fisheries Proposed Changes

• The Division will initiate a series of open forum round table meetings to engage all stakeholders in the process of discussing and formulating a 2012 program proposal. The discussions will give full consideration to all ideas for best managing the RI commercial summer flounder fishery, including but not limited to a catch share/sector allocation approach, traditional quota management, or a combination thereof. The 4 meeting schedule will be as follows:

- 1st Meeting - February 2011 – Review data from past 2-5 years, including that pertaining to the pilot project and that pertaining to the rest of the RI fishery; outline weaknesses and benefits.
- 2nd Meeting - March 2011 – Review goals and objectives for managing the fishery; outline various approaches for meeting those goals and objectives.
- 3rd Meeting - April 2011 – Seek consensus on one or more preferred approaches.
- 4th Meeting - June 2011 – Present fully developed approach(es); discuss/resolve issues associated with the approach(es); prepare for ensuing public hearing & Council review process.

