

DRAFT PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD

The Westin Alexandria
Alexandria, Virginia
May 5, 2015

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ATTENDANCE

Board Members

| | |
|--|---|
| Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA) | Louis Daniel, NC (AA) |
| Russ Allen, NJ, proxy for D. Chanda (AA) | Ross Self, SC, proxy for R. Boyles (AA) |
| John Clark, DE, proxy for D. Saveikis (AA) | Nancy Addison, GA (GA) |
| Roy Miller, DE (GA) | Patrick Geer, GA, proxy for Rep. Burns (LA) |
| Craig Pugh, DE, proxy for Rep. Carson (LA) | Spud Woodward, GA (AA) |
| Del. Dana Stein, DE (LA) | Jim Estes, FL, proxy for J. McCawley (AA) |
| Tom O'Connell, MD (AA) | Martin Gary, PRFC |
| Bill Goldsborough, MD (GA) | Wilson Laney, USFWS |
| Joe Grist, VA, proxy for J. Bull (AA) | Steve Meyers, NMFS |
| Kyle Schick, VA, proxy for Sen. Stuart (LA) | |

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Staff

| | |
|--------------------|-------------|
| Bob Beal | Toni Kerns |
| Kirby Rootes-Murdy | Tina Berger |
| Megan Ware | Mike Waive |

Guests

| | |
|------------------------|-----------------------|
| Loren Lustig, PA (GA) | Jack Travelstead, CCA |
| Michelle Duval, NC DMF | Heather Blough, NOAA |

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The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 5, 2015, and was called to order at 12:15 o'clock p.m. by Chairman Patrick Geer.

CALL TO ORDER

CHAIRMAN PATRICK GEER: We're going to get started. My name is Pat Geer and I'm the Chairman of the South Atlantic Board. I'm going to change the agenda quite a bit today to deal with time restrictions.

**REPORT FROM THE NOAA SOUTHEAST
REGIONAL OFFICE ON DRAFT STRATEGIC
PLAN FOR FY2016–2020**

CHAIRMAN PATRICK GEER: This meeting is mostly just going to be an informative meeting. We have Heather Blough with us today, who is with the Southeast Regional Office. She wants to talk us about NOAA's Strategic Plan for 2016 through 2020.

MS. HEATHER BLOUGH: As noted, we just recently developed a Draft Strategic Plan to cover the next five years beginning in Fiscal Year 2016. I believe each of you received a copy of the complete draft plan in your briefing books. We're requesting comments and input on the plan through mid-July.

I appreciate this opportunity just to review our strategic goals at a very high level and try to address any questions you may have so that you can provide input for us to consider as we finalize the plan late this summer. As the federal budgets have declined or flattened out over the last several years, our leadership has directed us to focus our efforts on two core mandates.

The first is the productivity and sustainability of fisheries and fishing communities. The second

is the recovery and conservation of protected resources. This planning exercise that we're undertaking is just one component of a larger national effort that is designed to ensure all of the agency's programs and activities are effectively aligned with those two core mandates and also to ensure that our decision-making and prioritization processes are more open and transparent to the public.

Because we work with our regional fishery management councils to identify fishery-specific priorities and with our federal action agency partners and other departments to identify particular resources' priorities, we didn't try to capture in our draft plan all of the activities that we intend to accomplish over the next five years.

Rather, we focused on identifying operational and programmatic strategies that will help us to address some key challenges so that we can operate smarter and ultimately be more effective over the long term. We kick-started the initiative by identifying five key challenges or focus areas to cover during the five-year planning period.

The first is to meet the increased demand for ESA and EFH consultations. Overall our agency's ESA consultation workload alone has increased over 130 percent over the last few years. This increase has disproportionately impacted our region, which received over half of the consultation requests in Fiscal Year 2014. Combined with reduced funding levels, this has made it really difficult for us to meet the expectations of our federal action agency partners and our constituents and also to participate and support in the national level initiatives that are aimed at further streamlining our federal permitting processes.

We currently have a consultation backlog of about 600 at this time, which is really placing a strain on the region. As we work to address

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that consultation backlog, we're also bracing for an influx of large-scale coastal restoration projects to be funded by the Restore Act, the Natural Resource Damage Assessment and Clean Water Act Settlement Agreements related to the Deep Water Horizon Event.

Those projects will provide us a real opportunity to improve the status of our resources in the Gulf, but also require considerable effort on our part to ensure that we're effectively engaging in the permitting process, that the projects are science-based and that we don't become a real bottleneck. With respect to fisheries, we've completed the process of meeting our annual catch-limit mandates under the Magnuson-Stevens Act.

We're seeing some real improvements as fisheries transition from overfished to rebuilt status; but this is understandably creating expectations for increasing fishing and business opportunities, and we're having difficulty meeting those in some fisheries. We're seeing increased scrutiny of the science underlying our management decisions, particularly as we implement the new science-based annual catch limit requirements under the Magnuson-Stevens Act.

Finally, we're also challenged to provide the same or even additional services with less resources, which is requiring us to think hard about how we can accomplish more with less and also to be more strategic in how we allocate the limited resources that we do have. With that in mind, we've identified five strategic goals for the five-year planning period.

The first is to improve our organizational effectiveness; the second, to promote economically vibrant fisheries and communities; the third, to improve the scientific basis for managing our trust resources; the fourth, to leverage resources in support of our organizational priorities; and the fifth, to

maximize the benefits of our ESA and EFH consultation resources.

There is no significance to the order of the five goals. Each of them is equally important and each has associated objectives and implementation strategies that would be incorporated into our annual operations' planning. The first goal aims to improve our organizational effectiveness by establishing systematic processes both to identify and communicate our annual priorities and also to better align our resources with those priorities.

This involves collaboratively identifying and prioritizing our resource gaps on an annual basis relative to our core mandates; looking for innovative ways to fill those gaps within our current budget structure; working to generate support for our priorities through higher-level agency planning documents and budget requests; being more strategic in how we plan for employee growth through things like succession planning, recruitment and training strategies and also looking for ways to better utilize our existing information management resources in support of our priorities.

The second goal aims to promote economically vibrant fisheries and communities by better integrating our protected resources, fisheries habitat and aquaculture programs in support of common goals. The first objective here focuses on increasing user benefits in fisheries without compromising our conservation achievements.

We've had some success with this in the South Atlantic in recent years where we've been able to increase annual catch limits for four snapper grouper species following new assessments. We eliminated the five-month recreational seasonal closure restriction on vermilion snapper, affording fishermen the opportunity to target those during the winter months when many of the other species aren't available.

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We also eliminated the prohibition that we had on several deep-water snapper grouper species outside of 240 feet after new information indicated that regulation was having greater adverse economic impact than we had estimated and was not achieving the intended conservation effect of minimizing bycatch of Warsaw grouper and speckled hind.

We want to work with the councils to look for more of those types of opportunities in the South Atlantic, Gulf and Caribbean. The second objective here focuses on looking for ways to increase the effectiveness of our habitat conservation efforts by focusing on areas that provide the greatest benefit to our managed fisheries.

The third is to better integrate and inform our fishery consultation processes, for example, through implementation of our new policy directive that is aimed at improving our communication and cooperation with the regional fishery management councils as we prepare Endangered Species Consultations on managed fisheries.

The fourth is to maximize the conservation gains when we develop regulations to reduce bycatch of fish and/or protected resources in fisheries by focusing on those fisheries that have bycatch across a range of species.

The third goal aims to improve the scientific basis for managing our resources. One of the purposes of the agency's broader planning effort is to better synchronize the planning processes of our regional offices and our science centers. The Southeast Fisheries Science Center conducted strategic planning several years ago, and they currently have a plan in place I think through Fiscal Year 2018.

This goal aims to foster that type of cooperation by establishing systematic processes and using existing processes to help us identify joint

science priorities, ensure that we will communicate those joint science priorities to our partners and the public along with others that we identify through the SEDAR, regional fishery management councils and other priority-setting documents like our habitat assessment improvement plan.

We will use feedback from that exercise to identify the top science needs for each of our program areas, work with all of our potential science providers to try to meet those needs, and then try to address any remaining gaps in-house to the extent that we can with our available resources.

The fourth goal aims to leverage resources in support of our priorities, both by increasing the use of partnerships and alliances like our regional collaboration teams and Southeast Aquatic Resources Partnership to help us accomplish some of the things that we may no longer be able to do on our own; also by promoting public stewardship of our resources through increased communication, outreach and education.

Finally, the fifth goal aims to maximize the benefits of our ESA and EFH consultation resources by focusing our engagement on those projects that have the greatest potential of conservation impact. The objectives and strategies here mainly focus on streamlining our consultation processes, which will both improve customer service and achieve greater conservation benefits through efficiencies.

We've made quite a bit of progress already on this issue. We're working with our federal action agency partners to identify priority projects. We're reorganized internally our Protected Resources Division; created a new Coral Branch and secured funds for four new positions, each of which will have ESA consultation responsibilities.

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We recently back-filled our ESA Section 7 Coordinator position, which was vacated late last year due to retirement. We're completing new programmatic ESA consultations and also general concurrence documents for EFH, which will help us to manage more efficiently some of the more routine items that we consult on.

We've made a lot of progress in this regard but still have a lot of work left to do to effectively address our large consultation backlog and also prepare for the influx of projects and consultation requests that we expect related to the Deepwater Horizon Event. Our success in achieving all of these goals will depend on our partners, including this board and the commission.

We're very interested in hearing your thoughts and feedback both on our strategic goals and the other ideas and concepts for the draft plan. The comment period is open through July 11th and there is the complete draft plan as well as an online comment form available on our website. You can also e-mail comments directly to me at the address listed above. We will definitely take all of your input and ideas into consideration as we work to finalize the draft plan late this summer for implementation next year. Thank you, Mr. Chairman, and I will take any questions.

CHAIRMAN GEER: Thank you very much, Heather. Any questions for Heather? Wilson.

DR. WILSON LANEY: Thank you, Heather, for the presentation. Where in the scheme of goals and objectives does the Oil and Gas Initiative off the South Atlantic fit? I guess I could see several places where it fits, but I would like to hear you respond.

MS. BLOUGH: We would be involved in that in a consultation capacity at the regional office. That is one of the primary focus areas over the next five years to try to manage more efficiently

some of these routine informals that we're dealing with on a day-to-day basis, which is creating such a backlog and really distracting from our participation and early engagement in those larger, more important projects. Hopefully, if we implement this effectively, it will free up some time and let us focus on that and other large-scale proposals.

CHAIRMAN GEER: Anybody else have a question for Heather? I see Dr. Daniel.

DR. LOUIS B. DANIEL, III: Can I let Michelle ask a question first?

DR. MICHELLE DUVAL: Thanks for the presentation, Heather. I've read through the plan and I guess one thing that I didn't see mentioned – and I guess I would encourage you to do this; but I think perhaps working more closely with some of your partners in the Greater Atlantic Regional Office with regard to protected species issues where there is a single population that is being managed throughout its range.

I think you know we've certainly experienced some significant differences in applications of the ESA to different fisheries for some of those species; so I would just encourage you to reach out to your partners in the northeast as you develop the strategic plan.

MS. BLOUGH: I appreciate that comment; and so you're talking in the sense of having more consistency in application of the ESA? Yes, okay.

DR. DANIEL: I have two comments. One piggybacks on what Michelle just said. One of the real issues that I think we're seeing right now in North Carolina and issues that I believe some of our sister states will begin to see is implementing incidental take permits through NMFS on some of these protected species that

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we're dealing with, specifically for North Carolina sea turtles and Atlantic sturgeon.

Where we're frustrated right now is that we're developing measures to reduce mortalities tremendously; so we've seen a huge reduction in mortality of Atlantic sturgeon and sea turtles in gillnets; upwards of 80 percent reduction in mortality; but the fishery and the state get no credit for that.

It is taking the incentive away where we get just as many dead takes and just as many live takes now as we did before. A single live individual can close a fishery down for months; and there is no credit given for the level of the reduction that we see. Trying to work with us to try to develop some more flexibility on modifying ITPs and trying to provide credit where credit is due and the science center agrees that the credit is appropriate, I think is something that we're desperate for in North Carolina.

The other point that I wanted to make – and this is a big issue in North Carolina as I'm sure it is in other states where the seismic testing is going on. What would be very helpful would be for something to come from NMFS through probably the Center explaining what have you see in the Gulf. I have heard many different stories and the literature seems to be confounded or non-existent on the impacts of seismic testing in the Gulf.

What we're hearing on the east coast is, well, they're not even having to do federal consistencies anymore to go out and do seismic testing, so obviously it has no impact. Is that the case and what do you see in the Gulf that we may be able to piggyback on or learn from on the Atlantic Coast where there really hasn't been much activity? Is that information available and could that be made available to the Atlantic Coast States?

MS. BLOUGH: Thanks for those comments. I'm actually not sure what kind of seismic testing information that we do have available. I think some of those analyses might be done out of our headquarters office. That is totally something that we can look into and get back to you and also something that we can think about how to address more systematically or formally in the plan.

MR. JOE GRIST: During the presentation and I know in the documentation there is mention of Deepwater Horizon and the finalization of that whole issue that has been going on of possibly some monies coming back from that from arbitration. Will those monies be directed just to the Gulf section or is that something that is going to be available for all three sectors to include the Caribbean and the South Atlantic? Since that is specifically mentioned in here, is it isolated to the Gulf only or is what comes out of that going to be spread across the whole area?

MS. BLOUGH: Those funds are going to be limited to the Gulf. They're for restoration efforts and to resolve some of the issues that the spill created in the Gulf. Some of them will be allocated among the five Gulf states; so Florida would definitely get a piece, but I believe activities will be limited to Gulf activities.

CHAIRMAN GEER: Okay, anybody else? The deadline is July 11th.

MS. BLOUGH: July 11th is the end of the comment period on the draft plan.

CHAIRMAN GEER: Heather, thank you very much coming. Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Mr. Chairman, there have been a couple of questions and comments, and I'm not sure if the South Atlantic Board would like to send ASMFC-specific comments in on this plan or if

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you would rather comment individually. Heather received some of the comments today, obviously. We don't have to decide right now.

I know we're a bit behind schedule but that something that the South Atlantic states and partners can talk about and see if you guys want to submit something from the commission or do them individually. We can work with Kirby and facilitate that discussion following the meeting, I think. We have about two months to figure it out.

CHAIRMAN GEER: I'm sure we're going to have a lot of the same comments, so we can do that. Kirby and I can work on that together if we need to. Moving on, that's all we had on our agenda really today. Now we have to approve our minutes from our last meeting. I see Robert raising his hand; do I see a second? Everybody is waving a hand. Seeing no objections, I'll consider those approved. We have no public comment. We didn't have anybody sign up for public comment. Is there anything else on the agenda; any new business anybody wants to bring up? Wilson has a question.

DR. LANEY: I had a question for Dr. Daniel relative to is there an update, Louis – I know at our last meeting we discussed southern flounder or maybe it was the meeting before that; and you had indicated some desire to seek collaboration with the other South Atlantic states in the view toward maybe doing an assessment. Is there an update on that or are you making progress on that point?

DR. DANIEL: No; from my understanding I know South Carolina and Georgia have spoken. We are still very interested in that. We're in the throes of developing our FMP right now. It is actually a supplement to the fishery management plan to try to reduce harvest. We're seeing about – I think our average is 73 percent of the fish being harvested in the fishery are juvenile fish.

New information from histological work indicates that I think L-50 is about 16 inches and a hundred percent maturity is not until about 20. We're starting to see where a huge percentage of the harvest is juvenile fish. We don't have an assessment. We're moving forward with that empirical information to provide our commission with options that reduce harvest from 25 to 60 percent.

Just to give an idea; the recreational fishery would have to go to a one-fish bag limit in order to achieve it; so that is going to be real popular with the gig fishery and various other folks. Obviously, North Carolina is very interested. It is just a matter of putting technical people together and put them in contact with one another in the four southern states to get something rolling and find out information we have.

CHAIRMAN GEER: Okay, Louis, I think we already have. We've already talked with Tom and we've been back and forth and he has actually sent us some results already; so he is working on it.

DR. DANIEL: I didn't even know that so that's good news.

CHAIRMAN GEER: And I'm assuming South Carolina probably sent it as well and Florida probably the same thing.

MR. ROBERT H. BOYLES, JR.: Pat, not only that, but we're looking at this great technology, those acoustic receiver arrays. We certainly have reason to believe based on empirical data that a lot of our flounder are compliments of North Carolina, Louis. We're interested in North Carolina escapement. We're looking at that and we'll continue to have that conversation.

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DR. DANIEL: Well, it is pretty clear that a lot of those fish are heading south. The big question is the fish that are moving out of, say, Bardens Inlet, which is that Cape Lookout south, where is the repository for the spawning products that are coming out? Are we getting anything from the southern states or are we just supplying adult fish to the southern states?

That's a tough one; because it looks like the big mass of fish that come out of the sounds in the fall that go out of Drum Inlet and Hatteras Inlet and Ocracoke Inlet, they tend to go out and spawn I think in that gyre that tends to bring those fish back into Pamlico Sound. The origin of the larvae that enter inshore from the offshore spawning grounds south of Lookout is kind of an unknown at this point; and so what contribution do we get and give. That will be an interesting question for the technical folks to ponder.

ADJOURNMENT

CHAIRMAN GEER: Is there any other new business? Hearing none; the meeting is adjourned.

(Whereupon, the meeting was adjourned at
12:45 o'clock p.m., May 5, 2015.)

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