PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

SOUTH ATLANTIC STATE/FEDERAL FISHERIES

MANAGEMENT BOARD

Atlantic Sands Hotel
Rehoboth Beach, Delaware
October 23, 2008

Board Approved May 5, 2009

ATTENDANCE

Board Members

Peter Himchak, NJ, proxy for D. Chanda (AA)
Gil Ewing, NJ, proxy for Asm. Fisher (LA)
Roy Miller, DE, proxy for P. Emory (AA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Tom O'Connell, MD (AA)
Russell Dize, MD, proxy for Sen. Colburn (LA)
Louis Daniel, NC (AA)
Michelle Duval, NC, Adm. Proxy
Bill Cole, NC (GA)
John Frampton, SC DNR (AA)
Dr. Malcolm Rhodes, SC (GA)
Robert H. Boyles, Jr., SC (LA)
Spud Woodward, GA, proxy for S. Shipman (AA)
John Duren, GA (GA)
Bill Sharp, FL, proxy for G. McRae (AA)
Rep. Mitch Needleman, FL (LA)
Bob Sadler, NMFS
Wilson Laney, USFWS
John Carmichael, SAFMC

A.C. Carpenter

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

Ex-Officio Members

Bill Windley, South Atlantic Species Advisory Panel Chair
Chip Collier, Southern Kingfish Technical Committee Chair
Lee Paramore, Red Drum Technical Committee Chair
Harry Rickabaugh, Atlantic Croaker Technical Committee Chair

Staff

Vince O'Shea
Bob Beal
Brad Spear
Nichola Meserve
Patrick Campfield

Guests

George Lapointe, ME DMR
Brian Hooker, NMFS
David Simpson, CT DEP
Steve Meyers, NOAA

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CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good morning, everyone. My name is Robert Boyles; I'm Chair of the South Atlantic State/Federal Fisheries Management Board. I'd like to call this meeting to order. You all have received a copy of the draft agenda in the briefing mailout.

APPROVAL OF AGENDA

We've had one suggestion for an agenda addition to other business. Wilson Laney would like to talk about the Cooperative Winter Tagging Cruise. Are there any other changes or additions to the agenda? Seeing none, are there any objections to the agenda? Seeing none, then that agenda will stand approved as modified.

APPROVAL OF PROCEEDINGS

Also, you were sent Proceedings from the May 6, 2008, meeting of this board. Are there any changes to those minutes? Is there any objection to adopting the minutes? Seeing none, the minutes are adopted as submitted.

PUBLIC COMMENT

Next on the agenda we have an item for public comment for issues that the public would like to speak to the board that are not the agenda. No public comment we will move right up to Pat Campfield to give us the lowdown on the aging workshop.

AGING WORKSHOP UPDATE

MR. PATRICK A. CAMPFIELD: The commission conducted a Croaker and Red Drum Aging Workshop a couple of weeks ago, October 8th, at the South Carolina DNR Marine Resources in Charleston. The purpose of the aging workshop was to compare methods in sectioning and reading otoliths from red drum and croaker to establish common age interpretation methods coastwide. We were doing this in preparation for the upcoming assessments on red drum and croaker.

Although most annual rings on sciaenid otoliths are distinct and easy to interpret, it is sometimes challenging to identify the first ring for both of these species. Fish spawned in late summer versus winter lay down their first mark at different times, making age interpretation difficult. What we did was get 20 aging experts together from Florida to New Jersey, representatives from each of the state agencies and also representatives from NMFS, Old Dominion University's Aging Lab and the Virginia Institute of Marine Sciences. We also had Steve VanderKooy there from the Gulf States Marine Fisheries Commission.

Each biologist brought prepared otolith sections to exchange for aging comparison. All the participants reviewed processing methods and conducted aging comparison among regions and readers. We also developed a digital otolith reference collection which would be used in future use to maintain consistency among aging experts and also to train new biologists who will be aging these species.

Next the commission will produce a report describing aging workshop results, including standard aging protocols to be used by aging analysts coastwide. The commission would like to thank Charlie Wenner, Mike Denson and other South Carolina DNR staff for their assistance in organizing and hosting the Red Drum and Croaker meetings at the facility there in Charleston.

CHAIRMAN BOYLES: Thanks, Pat; any questions or comments for Pat? Seeing none, Pat, thanks for that update. Next we will go straight into the Atlantic Croaker Technical Committee Report, Harry Rickabaugh.

ATLANTIC CROAKER TECHNICAL COMMITTEE REPORT

MR. HARRY RICKABAUGH: On October 7th the technical committee met to review the 2008 stock assessment triggers. This stock assessment trigger system was established in the last amendment. The analysis uses biological and landings' data through 2007 to determine if a stock assessment should be conducted ahead of schedule.

The trigger data was analyzed by states or by the regions they used in the previous assessment. The regions are the Mid-Atlantic and the South Atlantic, with the dividing line being the North Carolina/South Carolina border. The only hard trigger is a 70 percent reduction in the landing, both commercial and recreational for the Mid-Atlantic, compared to the previous two years' average.

Only a decline in the Mid-Atlantic would trigger a stock assessment as the South Atlantic data is lacking at this time for a stock assessment. The Mid-Atlantic commercial and recreational landings both decreased in 2007 compared to the 2005-2006 average. This also occurred in 2006. The technical committee wasn't immediately concerned with this slight, steady decline as both commercial and recreational landings

are above their long-term average, but it is something to keep an eye on.

The South Atlantic landings, as you can see, are much lower than that of the Mid-Atlantic, and both the commercial and recreational landings increased in 2007 as compared to the 2005-2006 average. The recreational mean length from the Mid-Atlantic and South Atlantic were also analyzed.

This is the Mid-Atlantic mean length; and from 2004 to 2006 the mean length was pretty consistent at 12 to about 12-1/4 inches; and declined in 2007 to 11-1/2 inches. The technical committee thought this was something to take a closer look at, so we're going to request the raw data from MRFSS. This was derived from the information available on the MRFSS Website.

The South Atlantic mean lengths from the recreational fishery also declined in 2007 as compared to 2006, but these mean lengths have been much more variable and have always been lower than those of the Mid-Atlantic. Next we looked at the mean length and weight at age. This was examined for Maryland, Virginia and North Carolina.

First, to look at the mean length at age, we left all ages on these graphs to give you an idea of the range of ages available in the fisheries, but the sample size above age eight is pretty low. So for comparison purposes, we looked at primarily age one as age zero generally isn't recruited to these fisheries.

For Maryland there was a slight decrease in length at age for the younger age fish, and the older fish tended to be similar to the previous two years. Next to look at Virginia, Virginia was divided into the three major gears for the croaker fishery. The gill net and pound net fisheries both showed an increase in mean length at age from 2006 to 2007, but the 2007 values were still generally below those of 2005.

The haul seine fishery values are more similar to slightly below the mean length at age for 2007 as compared to the previous two years. Looking at North Carolina, this was done for various gears combined, and their mean length at age was somewhat variable comparable to years, but was generally similar for all three years.

Next to look at the mean weight at age, for Maryland the mean weight at age, particularly for the younger ages, did decline in 2007. It was similar to previous years for the older ages. This isn't too surprising since the mean length at age was also lower for the younger age in Maryland, and these were all from pound nets.

If we look at the Virginia mean weight at age, they were fairly similar with some of the younger ages also being lower in mean weight at age for Virginia. The North Carolina mean weight at age, again for various gears, was similar throughout years.

Next we'll look at some catch at age. This is in numbers for Maryland, Virginia and North Carolina. First up is Maryland. You can see that in 2006 and 2007 the landings are lower than that of 2005, but you can see how the 2002 year class, which would be age three fish in 2005, age four in 2006 and age five in 2007, does persist through time.

And if we look at the Virginia catch at age, you'll see that same pattern with the 2002 year class and in this case also the 2004 year class being the two most dominant, and they follow through time. Finally, the North Carolina catch at age, it also shows that 2002 year class; however, it has a little more variability in the younger fish, the strength of the year classes. This may be due to a sampling artifact as North Carolina uses fishery-independent data for its aging primarily where the other two states use commercial fishery data.

Now we look at some catch-and-effort data from the commercial fisheries from North Carolina, Virginia and Florida. First is Virginia; the blue bars represent the number of trips; the red lines, the level of harvest. This is again divided by the three major gears for Virginia. The gill net showed an increase in both trips and catch while the haul seine had a fairly stable number of trips and a declining catch.

Pound net effort continues to decline, although catch did increase for Virginia in 2007. When we look at that as catch per unit of effort, you can see the haul seine catch per unit of effort has declined in recent years while the pound net and gill net CPUEs have increased. The haul seine CPUE decrease wasn't a large concern even though it looks like a fairly quick drop off just because it's a very small-trip, high-catch type of fishery, so ship-to-market factors or distribution of this species could easily affect that CPUE.

Then for North Carolina, the two major gears for North Carolina are the ocean sink gill net and the flynet. For 2007 the ocean sink gill net harvest declined, while the effort only declined slightly in both the effort and trips for the flynet decline in 2007. Looking that as the CPUE, you can see that the flynet

CPUE has been stable at a relatively high level for the past several years.

While the gill net has dropped off for the last couple of years, the gill net for the CPUE is still higher than all those from the 1990's. Finally, we'll look at Florida. This is some of the only southern that we have, and you can see that their level of harvest is much lower than that of the Mid-Atlantic states. Again, the blue bar still represents trips and the red line the level of harvest.

In 2007 the effort level for cast nets was pretty similar to that of the past two years while harvest declined. The hook-and-line effort actually increased slightly while harvest declined quite a bit. When we look at that as the CPUE, again, these are small fisheries so they're much more variable than that of the Mid-Atlantic, but you can see there is a slight downward trend in both the cast net and gill net CPUEs for Florida.

The last thing we're going to look at is some indexes. The first three are indexes that were used in the previous stock assessment. This would be the NMFS Trawl Survey; and as you can see, it's somewhat variable. This survey collects ages zero through adult, primarily zero through three. In 2007 the primary age class captured was age one, and it has been generally increasing since 1990.

For SEAMAP I did not receive the catch per tow in weight and time to include it in this presentation, but I did receive some data the other day, just like two days ago from the numbers per tow. I looked at that and the numbers per tow did drop below the long-term mean for 2007, but comparing the two, because this survey also catches ages zero through adult, a shift in age zero fish can easily cause a larger shift in numbers than it does in weight – usually weight doesn't vary much as the number index, so we'll look at that as soon as it's available.

The final survey that was used in the assessment was the VIMS Trawl Survey or juvenile index, and it was slightly down in 2007 but still near the long-term mean. This last graph is a comparison I just put together real quick to determine the relative strength of the 2007 year class. What I did was take the 2007 index value for each individual index compared to its long-term mean.

For example, that first New Jersey index is the New Jersey seine in the Delaware River, and its 2007 value is nearly twice of its long-term mean. The next couple of indexes you see there, the second New Jersey in the Delaware, are both trawl surveys conducted in the Delaware Bay, and they both were only about 25 percent of their long-term mean.

The two Maryland surveys are coastal and a Chesapeake Bay trawl survey, both of which were also well below the long-term mean. The Virginia index that we saw previously was near its long-term mean but slightly below. Both North Carolina indexes are trawl surveys, and they both near and above their long-term mean. Florida, the seine and the trawl are below their long-term mean. In general it's a mixed signal, but it appears that the 2007 year class is expected to be on the weak side. That's all I have.

CHAIRMAN BOYLES: Harry, thank you for that very thorough presentation. Any questions for Harry? Next we'll move to the Red Drum Technical Committee Report, Lee Paramore.

RED DRUM
TECHNICAL COMMITTEE REPORT

MR. LEE PARAMORE: The Red Drum Technical Committee and Stock Assessment Subcommittee met on October 9th in Charleston. The primary purpose of the meeting was to prepare for the upcoming data workshop and data assessment workshop that are upcoming in the next year.

The SEDAR schedule – some of you are probably familiar with it – one point of emphasis here is that we were originally supposed to have a joint assessment with Gulf Council. The Gulf Council, as you probably know, has backed out, so this is pretty much going to be a go-it-alone with the Atlantic States Marine Fisheries Commission.

The data workshop in February and assessment shop in June, both of those are going to be in Charleston. The review workshop in August will be in Atlanta. One important point, based on the dates of these workshops, that the group wants to stress was that we're likely looking at data through 2007 for the stock assessment. It's unlikely that 2008 data will be able to be included given the current schedule, so that's what we're going to be working with.

The pre-data workshop tasks that we accomplished were basically we assigned workgroups. The typical workgroup is select fishery groups, commercial, recreational, indices workgroups, along with workgroup leaders. We also assigned a tagging sub-workgroup. There is quite a bit of tagging data for red drum, and some of that information may be very

useful in our assessment, and we felt it very important that data be made available at the data workshop.

We are currently compiling all available data. ACCSP was there to give us a presentation, and we agreed to ACCSP for catch-and-effort data from the recreational and commercial statistics. We still will be using states and universities and other sources to collect the indices data and the biological data, and all the data will be stored on the FTP site.

Also at the workshop we discussed several data deficiencies from the last stock assessment and trying to think of ways that we can overcome some of these data deficiencies. Some of these are things like commercial discards. There has been additional data collected in North Carolina with observer data in the estuarine gill net fishery. That should be some improvement in the upcoming assessment.

Recreational discard length frequencies, we've been able to use some of the tagging data in the past to substitute to see what the B-2s or the releases in the recreational fishery look like. There are some new things that we're doing that should improve the assessment. Also, selectivity at age, tagging data has been very beneficial in that regard to look at selectivity at age.

With red drum, it seems to have a dome-shaped selectivity curve, and it's really hard to estimate the model and getting it from some external source like tagging data really is beneficial. Adult sampling, as you notice we have a longline sampling program that we started. It's probably not going to be very beneficial since it's such a short-term thing for this stock assessment.

There may be some information on the age structure. Some of the states have been collecting adult fish so we may be able to get some adult age structure, but in terms of the indices of adult abundance or that sort of thing it's probably not going to happen with this stock assessment.

You should have gotten a handout on the terms of reference. I will briefly go through those terms of reference. They're quite long. I guess today we need some action to either approve these or modify. We spent a lot of time at the meeting going through these and making changes and trying to make them specific for red drum.

Essentially the data workshop terms of reference are pretty standard; characterize the stock structure, tabulate all the life history information, provide appropriate models to describe that life history information and evaluate the accuracy of life history information for input in the stock assessments. Also, we wanted to wanted to look at the tagging data to come up with both estimates of natural and fishing mortality from the tagging data, and also to look at selectivity at age from tagging data.

Number four would be to consider dependent and independent data sources for use in creating indices for inputs into the stock assessment model. Number five is to basically characterize the catch for each fishery both in terms of landings and discards and removals from the fisheries; and where appropriate, provide measures of precision.

The sixth one there is to provide recommendations for future research, which is a pretty standard term of reference. Then we plan to put all these items and inputs into a spreadsheet that can be used for model inputs and to create recommendations. Then the final term of reference essentially is to create the workshop decisions and actions that are completed with the report.

The assessment workshop, of course, they're going to review any changes from the data workshop and look at any completed analysis from the data workshop. Second will be to develop population assessment models that are compatible with the available data and recommend model and configurations that are deemed most reliable and useful in providing advice relative to current management metric, which is static SPR.

Something to be aware of with red drum, we're still working with static SPR right now unless there are other models that come about. Of course, this is a benchmark assessment so we'll be looking at alternatives for different types of models, but we're currently still working with static SPR, and that is the goal of the plan is to manage at static SPR, which is the 40 optimal yield is what we're trying to achieve.

Number three is provide estimates of stock population parameters, including fishing mortality, abundance, biomass, et cetera, by age or other relevant categories. Number four is characterizing scientific uncertainty in the assessment and estimate values, provide appropriate measures of model performance, reliability and goodness of fit.

Number five is to provide yield per recruit, spawner per recruit or stock recruitment evaluations. Number six is to provide estimates of spawning potential ratio

and escapement consistent with the goal of Amendment 2, which we just talked about a little earlier. Number seven is evaluate the impacts of past and current management actions on the stock with emphasis on determining the progress towards the stated management goals and identifying possible unintended fishery or population effects.

The eighth term of reference for the assessment workshop is to provide addition recommendations for future research and data collection. Number nine is prepare an accessible, documented, labeled and formatted spreadsheet containing all model parameter estimates and relevant population information and projection and simulation exercises that were included. Then, of course, number ten is to complete the assessment report.

Then, finally, just a pretty standard review workshop, which is basically to evaluate all these things; so, really, evaluate the data used; evaluate the methods used to assess the stock; recommend appropriate estimates of stock abundance, biomass and exploitation; evaluate the methods used to estimate population benchmarks and management parameters; once again, static spawning potential ratio; provide estimated values for management benchmark; evaluate methods used to characterize uncertainty in estimated parameters; ensure that stock assessment results are clearly and accurately presented in the stock assessment report; identify any terms of reference which were inadequately addressed by the data or assessment workshops; review all research recommendations and then give any advice for any additional research recommendations; recommend an appropriate interval for the next assessment; and then prepare a peer review consensus summary and a report.

That's basically just an overview and sort of the clip notes of the terms of reference. Actually, you have a chance there to look them over, but I'll be glad to answer any questions or anything you may have on those.

DR. LOUIS DANIEL: I think the group has done an excellent job putting together these terms of reference, so **I make a motion that we approve the terms of reference for the stock assessment**.

CHAIRMAN BOYLES: Motion by Dr. Daniel; second by Dr. Rhodes. Any discussion? Any opposition to the motion? Seeing none, **the motion carried.** Lee, thank very much, appreciate that. Next we're to have the report of the Southern Kingfish Technical Committee, and Chip Collier is going to tell us about the technical committee.

SOUTHERN KINGFISH TECHNICAL COMMITTEE REPORT

MR. CHIP COLLIER: We had a couple of telephone conferences to discuss Southern Kingfish, and we put together a report based on our information for that. Just a quick introduction to kingfish, because not a lot of people really care about them that much, it's a short-live sciaenid. It's a genus of short-lived sciaenids. There are three different kingfishes that occur in the South Atlantic Bight, the southern, northern and Gulf kingfishes.

All three species mature after their first winter. Generally by age two there is about a hundred percent maturity. The major gears that harvest these species include gill net, shrimp trawls and the hook-and-line fishery and the recreational fishery. The trends in landings differ among sectors, as is typical for a lot of species these days where the recreational fishery is exploding while the commercial fishery is declining.

Just looking at these trends, it becomes very difficult to obtain what has happened in the overall population. Another problem with this species is we have three species lumped into it, especially for the commercial data. The recreational data we can actually break out individual species' level landings' information. However, for the commercial data we have three different species, so on my graph here I have all three species combined.

That way we're not looking at I guess three different types of apples lumped together. The Southern Kingfish is the species that we've chosen to look at. That is the most abundant species. In addition, that's the species we have the most information on as far as literature review. We're lucky to have the SEAMAP Survey for this species, and we thought this might be a great opportunity to look at an independent index and maybe characterize the overall population for it.

We looked at age-specific trends in abundance for the SEAMAP Survey as well as state-specific trends within the age structure. Finally, we looked at age structure, how was that going to change over time. First of all, this survey is conducted from Cape Canaveral, Florida, all the way up to Cape Hatteras, North Carolina, and it has been going on for over 20 years, so it definitely has the potential for providing good information on trends and abundance and also has good spatial coverage.

They also have a lot of samples from 1986 to I believe 2001. They did 78 samples over three seasons or 78 samples per season; and then beginning in 2001 they ramped up their sampling to 102 tows in each season. That led to 4,712 samples that we analyzed from 1990 to 2007, so it's definitely a large sample size.

They killed a lot of Southern Kingfish, over 170,000 over that 17-year time period. One additional thing that I like to look at with these is this index very frequently caught Southern Kingfish. In over 75 percent of their samples they caught at least one Southern Kingfish, so it's not on just sample they're catching most of their overall index. It's a variety of samples over a broad spatial scale.

The length distribution goes from 4 centimeters all the way up to 45 centimeters. Forty-five centimeters doesn't sound like that big, but that's actually one of the largest fish reported for this species, so it's catching a broad sized range. The age distribution is from zero to seven years old, and the age seven is actually an expansion on the previous literature reported. The reason for that is they changed from scale sampling to otolith age sampling.

From all these numbers and ages we developed a catch-at-age matrix for each individual age or each individual size, and it was separated by length, sex, season and year. For more information, that was actually in your document if you're curious on how that was calculated. We took all that information and we put in into CPUEs. We developed two different CPUEs.

The first one is just the log CPUE; and for that the catch-per-unit effort was defined as the catch per meter at age. The tows are based on a time period, but in a ten-minute time period there could be great discrepancy in the actual meters per age. The graph on the top right is what a typical catch-per-unit effort would look like, but this is not for Southern Kingfish.

Then we also did a Delta lognormal CPUE; and with that, we're able to incorporate the presence and absence or are you catching a kingfish in the sample; and then also the lognormal CPUE and factors that might influence catches, both the presence and absence, in the overall total numbers. We feel that this is a better approach because it is incorporating several different factors into it. However, for the rest of the presentation I do present both the Delta lognormal and the catch-per-unit effort.

I'm going to start off with age zero trends. The graph here is from 1990 to 2007, and it's the graph on the left. The aqua is the Delta lognormal CPUE and then dark blue is the lognormal CPUE. That's the graph on the right. To the left I have each age that we analyzed, age zero, age one, age two and age three.

The reason I did that is early in the morning my brain doesn't work that well, and it just helps to be able to track what is going on through the ages. Both of these indices were standardized to one as well; so if you look at one as average over time, you can see what years were good and what years were bad. If it was greater than one, it's a good year; less than one, bad year.

For age zero it's extremely variable. There is no real trend over time, and I couldn't really distinguish anything with that. However, when you go to age one, you start to see an increasing trend in population abundance, especially beginning in 2002, so that's a positive sign for Southern Kingfish. Then there was a drop beginning in 2007.

Age two, a very similar pattern except you see a little bit better index or a little bit better catches in 1990 and 1991; then drop throughout the remainder of the nineties; then increased in 2002; stayed high to 2006; and then dropped a little bit – well, it looks like a lot, but it's still well above the overage average in 2007.

Then age three, similar pattern. One thing that concerned me definitely was the age zero. It didn't follow the same trends as every other age class and why was that? Then we looked at the overall length frequency sampling in the SEAMAP data, and you can see that full selectivity likely doesn't occur all way up to 20 centimeters total length.

It can be either due to selectivity of the gear or the area that we're sampling. Southern Kingfish, as juveniles, utilize the surf zone and estuaries; and then as they grow, they move to deeper water, and that's typically where the SEAMAP Survey was conducted. In addition, the mesh sizes for the trawl might have been too large to catch some of those smaller Southern Kingfish.

Actually, when you plot out the sizes for Southern Kingfish based on what was collected, you can see that most of the sizes for age zero Southern Kingfish it doesn't appear that they're fully selected to the gear, and therefore it might not be a good index of abundance for age zero. We also wanted to look at state-by-state catches to see if there were any differing trends among states. I threw out age zero

and started looking at age one due to the selectivity issues.

For the state-by-state age-specific index we're not seeing really different trends among states, so it looks like the South Atlantic may be operating as one functional unit. You do begin to see the increase in 2002 although it's kind of jumbled, and it's pretty hard for me to see anything going on here.

Florida does tend to have the highest catch-per-unit effort even though it's not depicted on this graph. Because it's standardized to the mean of one, Florida has the highest catch followed by North Carolina, Georgia and then South Carolina. Age two, once again you're not seeing any state-specific trends. It's kind of overall following the trend of the overall index.

And then one final thing we did with this state-specific staff, because it was giving me a headache trying to think about what trends were going on with it, I did correlations with this. We looked at North Carolina age ones – that is just NC – and followed by South Carolina, Georgia, Florida, and then the ones that have twos beside it, those are age two samples.

The age two samples were lagged a year, and that way I was going to look at not only geographic trends but also temporal trends to see if we could see a correlation between what happened in age one and age two. I thought I would see trends kind of like you see in just the first two over here; yet North Carolina is fairly similar to South Carolina, and then Georgia drops off, but then you get significant correlation with Florida right after that.

We're not seeing real geographic trends either, and that overall trend stays pretty much throughout. South Carolina tends to be notorious for not correlating with anyone. They do correlate with Georgia, but then it decreases. The only time that age two is correlated within itself or age two correlates with age one within a state is for North Carolina, and that's a significant correlation there, but overall it wasn't significant anywhere else.

Age two North Carolina fish were highly correlated with age two Georgia fish. For some reason Southern Kingfish don't like South Carolina all that much. Then we grouped all this information back together because that looks like the most appropriate way to look at Southern Kingfish, and we looked at age trends.

We don't have a consistent time series for age data, so we selected two age periods that were best sampled or we had highest samples for those two. No matter what, the majority of the Southern Kingfish are less than age two in both time periods that we looked at. However, we are seeing some positive relationships with the 2006. We're getting a higher abundance or a higher proportion at age of two, three and four year olds.

In 1996 it looks like about 90 percent of the age samples were from age zero or one, and that was kind of concerning them in that survey. Then we looked at seasonal trends in the age structure. With a protracted spawning that Southern Kingfish have and they begin spawning in the spring, they weren't selected to the gear until summer, and then you get an increase in the fall.

You can see that increase in age zero abundance there. Then you see also an increase in the age two, three and four for most samples, and so we're getting an increase in age structure. Then we looked at sex differences. We wanted to make sure that the actual abundance of females was increasing and it wasn't just males.

We are getting an increase in females here and specifically in the 2006 time period, so it seems like the overall population is getting better from the 1996 to 2006 time period. In conclusion, the SEAMAP Survey is a good index of abundance for Southern Kingfish age one, two and three. The age zero Southern Kingfish are not fully recruited to the survey gear or area.

There are other surveys that are done in Florida and North Carolina that may be appropriate for looking at age zero fish. However, those were not analyzed for this. The age-specific trends vary by state, and therefore if you select one state to actually use an index of abundance or to model populations on, it may not be appropriate for the South Atlantic. The age structure seems to have expanded from 1996 to 2006.

Therefore, based on all this information it seems that the overall population structure and the health of the kingfish population seems better now than it did in the mid-1990's. The data needs for a stock assessment – and this is one thing that we talked about a lot in the technical group in trying to prioritize data.

We lack a lot of data for Southern Kingfish. It has been ignored for years. The commercial data, trip ticket reporting, Georgia and South Carolina have come on since 2000 reporting and trip ticket programs, so we're getting better information on

landings and effort, but we don't have a good time series there.

Port sampling is another issue. The major fisheries aren't always sampled and therefore we don't have good estimation on species composition. When we do have species composition, there are ID issues. We can remedy some of these issues, but going back in time is going to be impossible to know how somebody identified a Southern Kingfish or a Northern Kingfish or a Gulf Kingfish.

In addition to that, we need length samples. Right now I know in North Carolina we're lacking information on the shrimp trawl fishery, which is a major fishery, or it contributes to a large proportion of the catch to the overall commercial landings. We don't have any information on the bycatch. We did get some information in 2007 on shrimp trawl bycatch, but overall discard information is lacking for a lot of the fisheries.

The recreational MRFSS and MRIP, we do have landings by species, which is nice, and we also have effort, but it needs to increase. I think everybody feels that way for every species. Once again, ID is going to be an issue here. We need more information on length. We also need more age samples from the recreational fishery.

Finally, discard lengths and mortality – the only state that has any information of discards for this specie is South Carolina where they get species-specific length discards. For the biological data, once again we're lacking. Migration is just based on trawl abundance. We have an indication of a southerly migration for these species, but talking to the commercial fishermen there is also a migration to deeper waters.

We don't have any information on stock structure. That is being investigated by UNCW, looking at genetics, morphometrics and otolith morphometry. Age sampling, there are gaps in the age data, and we're trying to fill those based on otolith morphometry and other work. We do have aging samples going back to 1995, and then there are gaps from '97 to 2001, so we're trying to fill some of those gaps.

We're lacking some of the reproductive biology on the species, including fecundity. Age at maturity is being worked on and several other things. That's all I have to say about Southern Kingfish. If you guys have any questions, I'll be more than happy to address them the best I can.

DR. WILSON LANEY: Thank you, Chip, for that extensive report. You said age at maturity is being worked on. What is your best guess as to what age they're a hundred percent mature; that's question one? Question two is should we be thinking about a size limit?

MR. COLLIER: Age at maturity is – dependent on how you want to define a hundred percent age at maturity is right at age two. About 50 percent age at maturity is before age one, so it depends on what you define age one as. Over 75 percent of the species or 75 percent of individuals are becoming mature by April. They're not going to spawn until May, but it just depends on what you characterize age one as and your birth date.

As far as a size limit for this fish, I don't know it will benefit all that much. 250 millimeters, that would be about the size at maturity for Southern Kingfish – actually for all three species. They're pretty similar. You'll get over 50 percent there. It could help, but it's not a major portion of the recreational fishery. It's catching less that ten-inch fish.

CHAIRMAN BOYLES: Any other questions for Chip? Chip, I'll just point out for the record that back in 1861 South Carolina didn't correlate very well with anybody else either. Thank you for that great report.

DR. DANIEL: Robert, also for the record, I would say that the largest Southern Kingfish I ever caught was in Bulls Island, South Carolina.

CHAIRMAN BOYLES: Good, Louis. We look forward to getting you guys down there in a couple of years and maybe we won't have to resort to the Brian Culhane tactics of getting a prize at the Laura Leach Fishing Tournament. Next, Nichola is going to go through the FMP Reviews for our five plans.

ATLANTIC CROAKER FISHERY MANAGEMENT PLAN REVIEW

MS. NICHOLA MESERVE: Good morning, everyone. There are five FMP reviews to go through. I'll try to keep them brief but informative. The first is Atlantic Croaker. Amendment 1 provides the management program for 2007. The PRT has previously found and continues to find that all the states have fulfilled the requirements of Amendment 1, and there are no amendments or addenda under development at this point.

The status of the stock and the assessment advice are the same as previously presented. The last assessment was in 2004, which found that the Mid-Atlantic population was not overfished nor experiencing overfishing; and that the stock status is unknown for the South Atlantic population.

That assessment was peer reviewed through SEDAR, and the next assessment will also go through a SEDAR review and it will be SEDAR 20. We are looking at data and assessment workshops in 2009, and we'll likely have the review workshop in the spring of 2010. Thus, it is expected that the board will be presented with new stock information for management use in May of 2010.

Total harvest in 2007 has been declining to about 29 million pounds after peaking in 2001 at about 40 million pounds. The commercial landings have exhibited a cyclical pattern – they're shown in the blue area there – ending in 2007 at around 20 million pounds. Virginia and Maryland fishermen combined took about 90 percent of the total commercial harvest in 2007.

The recreational harvest, which is shown in purple, has increased and looks to be plateauing in the recent years, ending with about 8 million pounds in 2007. The split between commercial and recreational landings was 71 percent to 29 percent in 2007.

In numbers of fish, the recreational harvest in 2007 was about 10.6 million fish. The releases have also increased over the time series with anglers releasing about 14.8 million fish. Virginia anglers took the majority of croaker. In 2007 it was about 73 percent. Here the releases are shown as the yellow solid line.

The document presents several management issues for the board. The first is the de minimis requests. The plan defines de minimis for either the commercial or recreational fishery, using a three-year average and a 1 percent level. Requests were received from Delaware for its commercial fishery, South Carolina for its commercial fishery, Georgia for both sectors, and Florida for the commercial sector.

All of these states do qualify for de minimis. The PRT notes that the status does not exempt the state from any compliance requirements. This is primarily because the only compliance requirement is annual reporting, which is required even when a state is de minimis.

The next issue is the trigger exercises which Harry presented earlier. The 2008 exercises were not included in the FMP Review, but the FMP Review will be updated before being finalized. But as presented, the triggers do not trigger any assessment sooner than already scheduled.

The PRT included three management recommendations in the report in addition to the list of research recommendations. First, that the board encourages the use of circle hooks; second, that the board consider evaluating the need for a minimum size limit; and, third, that the board consider the de minimis requests from Delaware, South Carolina, Georgia and Florida. Are there any questions on the Atlantic Croaker FMP Review?

DR. DANIEL: Just to get us moving**, I would make a motion that we approve the requests for de minimis as presented.**

CHAIRMAN BOYLES: Seconded by Dr. Carpenter. Any discussion on the motion? Any opposition to the motion? Seeing none, **the motion carries**. Anything else on croaker? A.C.

MR. A.C. CARPENTER: Do you need **a motion to accept the report itself, and I would so move** if that's the case.

CHAIRMAN BOYLES: Move to accept the FMP Review by A.C. Carpenter; seconded by Bill Sharp. Any discussion? Seeing none, any opposition to the motion? Seeing none, **the motion carries** unanimously. Okay, Nichola.

RED DRUM FISHERY MANAGEMENT PLAN REVIEW

MS. MESERVE: We'll move on to red drum. Amendment 2 provided the management program for 2007. The PRT finds that all the states have fulfilled the requirement of Amendment 2. No additional amendments or addenda are under development. Of note is that the transfer of authority has been finalized and the final rule was published in the Federal Register on October 6, 2008. I will update the FMP Review to include this information before it's finalized as well.

Again, for red drum the status of the stock and the assessment advice are the same as previously presented. The last assessment was in 2000. The next assessment is underway. As Lee presented, we'll be looking for our workshops to occur in February, June and August of next year, meaning the peer review and stock assessment report should be presented to the board at the annual meeting in 2009.

Total harvest of red drum in 2007 was approximately 2.1 million pounds, an increase from 2006. Both the commercial and recreational harvest did increase in 2007. The commercial harvest was approximately 250,000 pounds of which North Carolina landed 97 percent. The recreational harvest was about 1.9 million pounds or 80 percent of the total harvest in 2007. The recreational harvest is shown here in the green and the commercial in the green on the bottom figure.

The recreational harvest in numbers of fish is the dotted line here. It was about 530,000 fish in 2007, which is above the time series average. The recreational release, which is shown as the solid red line, has increased over the time series, numbering 2.2 million fish in 2007.

Again, we have de minimis requests for red drum. The amendment does not include a specific criterion like the 1 percent two-year or three-year average like in the Atlantic Croaker Amendment. The PRT used the 1 percent level of the two-year average landings, and this used 2006 and 2007 landings. Requests were received from New Jersey and Delaware. New Jersey did not have any landings in 2006 and 2007. Delaware's contribution to the coast-wide harvest was 0.04 percent. Again, de minimis status here does not exempt the state from any compliance requirements at this point.

The report points out several changes to state regulations that occurred in 2007. As notified last year, South Carolina modified the slot and bag limit, which was within the allowances of the plan because it was going to increase the expected static SPR. Previously Florida indicated that it might be looking at some changes to its regulations, but any action there has been postponed until the new stock assessment.

North Carolina also had a change in its commercial regulations. The commercial harvest in North Carolina uses the quota system and it has a season from September 1 to August 31st. The fishery was temporarily closed in the spring of 2008 due to a larger than usual harvest in late 2007. The Amendment 2 quota for North Carolina is administered on the calendar year, but the late 2007 landings did not result in North Carolina's harvest exceeding the plan's calendar year quota for 2007.

The recommendations from the PRT includes continuing support for a moratorium in the EEZ and to consider the de minimis requests of New Jersey and Delaware.

CHAIRMAN BOYLES: Thank you, Nichola. First, is there a motion to approve the de minimis requests? John Duren.

MR. JOHN DUREN: **I move we approve the de minimis requests of Delaware and New Jersey**.

CHAIRMAN BOYLES: Motion by John Duren; second by Roy Miller. Any discussion? Seeing none, any opposition to the motion? Seeing none, **the motion carries**. Louis, do you have something to add about your quota management?

DR. DANIEL: I do, Mr. Chairman, thank you very much. As Nichola indicated, North Carolina has traditionally operated under the assumption that our annual cap was a calendar year. It's not explicit in the plan, though. What North Carolina has done in order to try to better manage our Red Drum Fishery is we've actually moved to a fishing year of September 1.

The intent of that was to make sure that the large-mesh flounder gill net fishery, which is traditionally the fishery that has a legitimate bycatch of red drum is not closed and those fish are discarded, wasted. We are managing our fishery now with a September 1 to April 30th, 150,000 pound cap, and a summertime May 1 through August a hundred thousand pound cap.

As Nichola indicated, I did have to close the fishery in April to get a handle on the landings. We did go over our fishing year landings and are paying those back now. There is no concern about the annual calendar year. But what I'd like to request this board to consider is to allow us to just manage our quota based on our fishing year, September 1 through August 31st, so that I don't have to try to manage both a calendar year and a fishing year.

It should have no impact on – it should be a resource-neutral request, and we're dedicated to making the necessary corrections that I have proclamation authority to do to make sure that we stay below that 250,000 pound cap. In fact, right now we're operating under only a four-fish bycatch allowance. I reduced it from seven to four.

Now instead of having the bycatch be associated with any species, they're only going to be authorized to land red drum if they flounder, mullet or speckled trout associated with those catches. We will be

closing December 1st of this year for five months to make up for some of the overages from our fishing year. I don't forecast that we'll go over the 250,000 annual cap. But if you would consider that, it be a big help to me in managing the Red Drum Fishery in North Carolina.

CHAIRMAN BOYLES: All right, Louis, I'd like Nichola just to go over, for the board's information, what the FMP actually states with fishery year, just to put on the record that it is silent in terms of the timeframe.

MS. MESERVE: As indicated by Louis, the amendment is not specific to the timing of the fishing year. It requires any state that had a cap in place to maintain the level of that cap – for North Carolina it is 250,000 pounds—and it requires overage payback. But, again, it's not specific to a particular fishing year.

CHAIRMAN BOYLES: Any questions for Louis? Seeing none, I'd like a motion of the sense of the board. Spud.

MR. SPUD WOODWARD: I'll make the motion that the board endorse the request from the North Carolina Division of Marine Fisheries to have the flexibility to manage their allowable quota so as to have the greatest opportunity to achieve their quota while minimizing the opportunity of overages. It's a little wordy, but you know what I mean.

CHAIRMAN BOYLES: Motion by Spud Woodward; seconded by John Frampton. Louis.

DR. DANIEL: If I could ask the maker of the motion to just substitute the word "cap" for "quota".

MR. WOODWARD: "Cap", that's fine.

CHAIRMAN BOYLES: That's a friendly amendment. John, you okay with that? Okay. Wilson.

DR. LANEY: I just suggest a wording change; changing the word "opportunity" to "potential".

CHAIRMAN BOYLES: Spud and John, is that friendly?

MR. WOODWARD: That's fine, yes.

CHAIRMAN BOYLES: I've got the motion and a second. Is there further discussion. Spud, would you read your motion into the record, please.

MR. WOODWARD: **Move that the board endorse the request from the North Carolina Division of Marine Fisheries to have the flexibility to achieve their cap while minimizing the potential of overages**.

CHAIRMAN BOYLES: Any further discussion? Any opposition to the motion? Seeing none, **that motion carries**. Bill Cole.

MR. WILLARD COLE: Mr. Chairman, **move acceptance of the Red Drum FMP Report.**

CHAIRMAN BOYLES: Okay, motion by Bill Cole; seconded by Wilson Laney. Any discussion? Any opposition to the motion? **The motion carries**. Okay, Nichola, let's go on the spotted sea trout. A.C.

MR. CARPENTER: Mr. Chairman, I'd like to take the opportunity to let you know that we have had an extraordinary year of red drum in the Potomac. We have seen them almost to the freshwater line, and we'd like to have to about a 14-inch size limit because we haven't had any keepers.

It's been a fun experience this year; and whatever you all are doing down there, we're seeing a lot of fish, mainly running in the 14 to 16 17-inch category and a lot of calls and questions about what this fish is because people are catching it that have never seen it before. For what it's worth department, our release numbers will be up next year.

CHAIRMAN BOYLES: A.C., thanks for that. I guess that's good news, I think, speaking from a southern perspective.

MR. WOODWARD: I think those are some fish that were especially reared in South Carolina to go up and fight snakeheads.

MR. CARPENTER: We appreciate all the help you can give us.

SPOT FISHERY MANAGEMENT PLAN REVIEW

MS. MESERVE: All right, we'll move on to spot. The management program for spot in 2007 was provided through the original FMP, which does not include any compliance requirements for states. There are no amendments or addenda under development.

The status of the stock and assessment advice is provided by the PRT at this point. There has been no coast-wide assessment for spot. The PRT has provided the board reports on fishery-independent and dependent indices in Maryland, Virginia and North Carolina. Last year age-length keys were developed for Virginia and North Carolina and commercial catch at ages for the three states. The board requested and the PRT will provide next year another report in 2009. This will also include additional South Carolina and Delaware data. We now have a South Carolina representative on the PRT.

Total harvest in 2007 is estimated at about 11 million pounds – that's shown in the red crossed area – which was an increase from 2006. Both the commercial and recreational landings increased in 2007, both to about 5.5 million pounds apiece.

The commercial landings seemed to show a gradual decline over the time series from that high of about 14 million pounds in the early 1950s. The recreational harvest has averaged about 3.7 million pounds over the 27-year time series that is shown here in the green area. Virginia watermen landed about 77 percent of the commercial harvest in 2007. Sixty-nine percent of the commercial harvest was taken by gill nets.

Anglers in Virginia, North Carolina and Maryland took 87 percent of the recreational harvest in 2007. Recreational harvest and releases in number of fish are shown here; the harvest as the dotted line; releases is the solid line. Both have varied over the time series but with a similar pattern. Releases numbered 5.7 million fish in 2007, about one-third of the number of fish harvested.

The PRT included two recommendations in the report; that the board continue to support its annual monitoring of the fishery. As I said, that will be continued next year. The PRT also suggested that the board consider tasking the plan review team or that it form and task a technical committee with evaluating the data quality and quantity for a spot stock assessment. Any questions?

CHAIRMAN BOYLES: Any questions for Nichola? Seeing none, we'll need **a motion to approve the Spot FMP Review**. Spud.

MR. WOODWARD: **I'll make that motion**.

CHAIRMAN BOYLES: Seconded by Bill Cole. Any discussion? Seeing none, any opposition to the motion? All right, **the motion carries**. All right, we need some feedback from the board and that second bullet. Any reaction from the board?

MR. JOHN CARMICHAEL: I think it would probably be a good thing to task the plan review team with doing that rather than try to get into forming a whole technical committee because there certainly is probably going to be a lot of data. You've never done an assessment. It's going to take a pretty good research effort to tabulate what is there and then decide where to go. If the plan review team could do that over the year, that would be good.

CHAIRMAN BOYLES: Thank you, John. Do I see heads nodding around the table? I do, okay, so we will task the plan review team with looking at data quality. Okay, let's move on to spotted sea trout.

SPOTTED SEATROUT FISHERY MANAGEMENT PLAN REVIEW

MS. MESERVE: The original FMP for Spotted Seatrout provided the management program for 2007 along with Amendment 1, which specified the 20 percent spawning potential ratio goal. South Carolina and Georgia have adopted that goal and Florida has chosen a higher 35 percent SPR goal. There are no compliance requirements in the plan.

It also recommends a 12-inch minimum size, which all states have implemented. South Carolina indicated that it increased its minimum size from 13 inches total length to 14 inches in 2007. Previously the PRT examined the FMP in 2006, and the board agreed that it currently provides an appropriate level of interjurisdictional management for this species. There are no amendments or addenda under development.

The stock status advice comes from several state assessments. South Carolina, Georgia, and Florida have provided information on stock status. North Carolina is expected to complete its first assessment this year or early next year. Florida has conducted several stock assessments over the years. The most recent showed a 62 percent spawning potential ratio in the northeast Atlantic coast of the state and 51 percent in the southeast. There is no coast-wide assessment for spotted seatrout.

Total harvest in 2007 increased to over 3 million pounds. Both the commercial and recreational landings increased in 2007; the commercial landings to 460,000 pounds, which is shown here as the

brownish orange bar; and the recreational landings of 1.6 million pounds shown in the green hash marks.

The ratio of sector harvest in 2007 was 15 percent commercial, 85 percent recreational. The recreational harvest has averaged 3.7 million pounds over the time series that is shown here. Over 81 percent of the commercial harvest was taken in North Carolina, with gill nets being the predominant gear.

The recreational harvest as the number of fish, shown in the red bars, has been relatively stable over the time series; whereas, the releases shown in blue have increased over time, peaking in 2007 at 2.6 million fish.

The PRT included two management recommendations in addition to the research recommendations. First, that effort be continued toward full implementation of the FMP. For example, the SPR goal has been adopted by several states, but not all of them in the management unit. Second, that the development and implementation of methodologies to monitor stock status be given more consideration for this species.

DR. DANIEL: Just for information, in North Carolina we did pull speckled trout out of our interjurisdictional fishery management plan, and we will be developing a North Carolina plan starting now. The assessment should be done anytime. I think it's undergoing peer review or it's very close to undergoing an external peer review.

There is a lot of discussion and debate about winter kills like that the North Carolina assessment so we may be taking some additional actions. The ASMFC plan is minimum standards, so it would be more restrictive and not less restrictive in that plan. We are seeing some pretty spectacular year classes of speckled trout going through right now that some believe is due to the warm winters that we've had. It will be interesting to see what the results are, but we should have something at the next board meeting as to the status of the stock in North Carolina.

CHAIRMAN BOYLES: Louis, thank you; I'll echo that from South Carolina. We have just seen terrific year classes here, and in South Carolina it's a game fish. There is no commercial harvest, so the recreational guys have been very, very pleased lately. We do think it has a lot to do with the mild winters. Any other discussion?

DR. DANIEL: I was just going to **move to approve the FMP Review**.

CHAIRMAN BOYLES: Motion by Louis Daniel; seconded by Wilson Laney. Any discussion? Seeing none, any opposition to the motion? Seeing none, **the motion carries**. Spanish mackerel.

SPANISH MACKEREL FISHERY MANAGEMENT PLAN REVIEW

MS. MESERVE: Last up we have Spanish mackerel. The Commission's Spanish Mackerel FMP tracks the Federal FMP for Coastal and Migratory Pelagic Resources. In 2007 regulations under the FMP included a fishing year from March 1, 2007, to February 29, 2008; a total allowable catch of 7.04 million pounds; and a split of 55/45 between the commercial and recreational sectors.

Concerning the Federal FMP, additional management changes await new stock status information. Amendments to alter the total allowable catch and also another to split the management plan for Gulf and Atlantic stocks were postponed until the next assessment is completed. That assessment is underway through SEDAR 17. The data workshop and assessment workshop occurred in May and August of this year. The review workshop is occurring this week. Staff is expected to attend the next council meeting when the stock assessment report will be presented, and we will be able to report back to the board.

Total harvest in 2007 is estimated at 5.7 million pounds, which was again an increase from 2006. Both the commercial and recreational landings increased in 2007. The commercial landings, shown in brown, are 3.8 million pounds and the recreational landings, shown in green, are 1.9 million pounds. The sector ratio in 2007 was 67 percent commercial and 33 percent recreational.

Florida commercial fishermen landing 85 percent of the commercial harvest in 2007. Anglers in Florida and North Carolina took a combined 89 percent of the recreational harvest in 2007. The number of recreational releases, which is shown as the solid red line, are less than the number of fish recreationally harvested.

The PRT included a few recommendations in the Spanish Mackerel Report; that the states north of Florida maintain their current trip limits; that the board consider adopting a definition for de minimis status for this fishery; and that there be a means to independently affirm that the states have implemented the requirements applied through

federal actions. The FMP Review assumes that states will follow the Federal FMP, but there is nothing in the FMP that actually requires that. Are there any questions for Spanish mackerel.

CHAIRMAN BOYLES: Questions or discussion, particularly on the recommendations here on the screen? I need a motion to approve the Spanish Mackerel FMP Review. Bill Cole.

MR. COLE: **I'll move approval of the Spanish Mackerel FMP Review**.

CHAIRMAN BOYLES: Motion by Mr. Cole; seconded by Spud Woodward. Any discussion? Any opposition to this motion? Seeing none, **the motion carries**. That takes us down, folks, to the other business. Pete.

MR. PETER HIMCHAK: Mr. Chairman, I have to apologize for being out of the room at another meeting when the issue of de minimis for red drum was discussed and the motion that was made. Could you just kindly confirm for me that New Jersey's request for de minimis status was approved? That was my primary mission here during the two-hour meeting and I missed it.

CHAIRMAN BOYLES: Pete, we took care of you, so, yes, it was approved.

MR. HIMCHAK: Thank you very much. It's just a technicality because we have all the required size and possession limits that are there. Thank you.

CHAIRMAN BOYLES: Thanks, Pete, good question. Nichola, thanks for walking us through those five FMPs. Bill Cole.

MR. COLE: Mr. Chairman, there was a PRT recommendation in red drum for continuation of board support for the closure of the EEZ. I assume that this has now gone forward. Does the PRT believe that the board needs to reaffirm its continued support for a closure of the EEZ or is that implied in the existing documentation on that action?

CHAIRMAN BOYLES: Bill, my sense of things is that is implied. I think that is the sense of the board as well. Louis.

DR. DANIEL: Where does it say that? Is it in the Federal Register Notice that said it would continue to prohibit harvest and possession in the EEZ? I don't know where that language is. I think we need to find out where that language that expressly prohibits harvest and possession in the EEZ.

MR. ROBERT SADLER: Mr. Chairman, yes, the Federal Register Notice – I have a copy of it and the board all has it – it speaks both to the executive order and the continued moratorium.

CHAIRMAN BOYLES: Okay, good question. Bob, thanks for that. Recall at the beginning of the meeting we had a request for an additional agenda item; Wilson Laney.

DR. LANEY: Mr. Chairman, before I do that, on the Spanish Mackerel FMP Report, I guess that third recommendation from the PRT, Nichola, was that the commission had a mechanism to independently affirm measures that were in place, and you had a catalog list there. Mr. Chairman, I'm assuming that since we approved the report, that means that we're giving the PRT the latitude to implement any or all of those measures. I didn't know whether board members might have feedback on which one of those they preferred there on Page 7 of the report. Just a question for clarification.

CHAIRMAN BOYLES: Wilson, the board was kind of silent on it, to be honest with you. Do you have some suggestions?

DR. LANEY: No, I didn't. I just wanted to make sure that we just giving the PRT the latitude to make some future recommendations or take some action since we approved the report.

MS. MESERVE: I guess I'm unclear, Wilson, what to report to the PRT as the action to take.

DR. LANEY: Well, that's why I asked, I guess, Nichola. You had a list of items there that were potential actions at least the way I'm reading it; and since the board was silent, that seems to me that the board is indicating they would support any or all of those measures being taken to achieve the PRT's recommendation. I just wanted that on the record if that is in fact what the board is doing.

CHAIRMAN BOYLES: Wilson, that's certainly my interpretation as well. Any other comments from the board? Roy.

MR. ROY MILLER: Robert, presumably the states of Delaware and New Jersey and so on would be declared de minimis for Spanish mackerel, but does that require yet another annual report? It seems superfluous to generate annual reports when we have

no landings of these species. It just takes up staff time.

CHAIRMAN BOYLES: Wilson, let's go back because we did approve this FMP Report, and I guess I'm advertising my confusion as well as to what we're doing. Roy raises a good point about compliance reports and the need for them as well. The board just approved the FMP Review that was submitted the plan review team. John.

MR. CARMICHAEL: You just have the original plan, right, and there are no compliance criteria, so this is a situation where you're going to have to maybe do an amendment to establish compliance criteria and specify the states that have to comply to deal with like Roy's situation where Delaware is in here with no landings. It might be time to just do an amendment and clean up these loose ends and require the states to comply with whatever federal regulations that come out of the federal plan.

CHAIRMAN BOYLES: John, are you making that in the form of a motion?

MR. CARMICHAEL**: I will make that as a motion, that the ASMFC consider an amendment to the Spanish Mackerel FMP to address compliance criteria and the states that need to comply and consistency with the federal regulations.**

CHAIRMAN BOYLES: Motion by John Carmichael; seconded by Bill Cole. Any discussion? Bob.

MR. ROBERT E. BEAL: The Action Plan that we were talking about two days ago does not have the resources to do an amendment for Spanish mackerel. It doesn't mean we can't start it. There is consideration of a reaction to the findings of the SEDAR stock assessments that are going on right now, and there are some resources for that. I think it is just kind of a heads up as you are thinking about this. As we look at the Action Plan this afternoon for final approval, we may want to think about that a little bit.

CHAIRMAN BOYLES: Okay, has everybody got that? John.

MR. CARMICHAEL: Yes, there is no time specified on that so I think it is implied that it is subject to ASMFC's ability to do this and to determine the best timing.

CHAIRMAN BOYLES: Okay, does know that we're on track now, and we look at the beginning of modifying the plan to clear the loose ends. Roy.

MR. MILLER: Mr. Chairman, this may not be the time or place, but at least it can serve as a placeholder perhaps for the ISMFP Board. Maybe we've reached the point where states that are declared de minimis, have landings less than 1 percent of commercial or recreational or both, be absolved from annual report submission in consideration of staffing shortages and funding shortages. Thank you.

CHAIRMAN BOYLES: Roy, I agree, and I think this would be something that would be appropriate for the Policy Board to consider. Is everybody clear on where we are? John.

MR. DUREN: I'm not clear on the verb "consider"; is that what we really want in that motion?

MR. CARMICHAEL: I think what we want is to "direct the ASMFC to develop". Is that proper language from the board level?

CHAIRMAN BOYLES: Bill, is that wording change okay with you?

MR. BEAL: I think we've been using the word "initiate", and I think it gets back to John's point earlier that there is not a timeline on this, and we can kind of think about it and work on it as resources are available.

MR. CARPENTER: Is this another case where we'll end up with a joint management plan with the council, and is it going to work as well as summer flounder does?

MR. BEAL: I think the details are to be worked out, but I imagine this will be more of a complimentary rather than a joint plan where we have to meet jointly and combine motions and everything else that goes with joint planning, but it's up to the South Atlantic Board how they want to set that up.

CHAIRMAN BOYLES: Any other discussion on this motion? Bill, we've modified the words; as the seconder of the motion, are you okay with the motion as it's presented?

MR. COLE: Yes,

CHAIRMAN BOYLES: **The motion is move that the board initiate an amendment to the Spanish Mackerel FMP to develop measures to be**

consistent with the Federal Spanish Mackerel Fishery Management Plan. Motion by John Carmichael; second by Bill Cole. All in favor of the motion raise your right hand; opposed; null; abstentions. **The motion carries.** Other Business?

OTHER BUSINESS

DR. LANEY: I just wanted to give the board an update. I think most of you heard the report that I gave on the current status of the Cooperative Winter Tagging Cruise during the Striped Bass Management Board Meeting. Since I gave that report, we've had one additional vessel, the R/V Savannah, indicate an interest in possibly conducting that work.

Dr. Jim Sanders contacted me from the Skidaway Institute of Oceanography in Georgia. He has given me the approximate daily cost for that vessel. I have added it to that table. We will continue to work with staff and NOAA on securing some funding and securing a vessel. That's it.

ADJOURN

CHAIRMAN BOYLES: Thanks, Wilson, appreciate that update. Any other business to come before the South Atlantic Board at this time. Seeing none, we will stand adjourned.