

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

**Crowne Plaza Hotel
Alexandria, Virginia
May 6, 2008**

Board Approved October 23, 2008

ATTENDANCE

Board Members

Tom McCloy, NJ, proxy for D. Chanda (AA)	Dr. Malcolm Rhodes, SC (GA)
Roy Miller, DE, proxy for P. Emory , (AA)	Robert H. Boyles, Jr., SC (LA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)	Spud Woodward, GA, proxy for S. Shipman (AA)
Tom O'Connell, MD (AA)	John Duren, GA (GA)
Jack Travelstead, VA, proxy for S. Bowman (AA)	Bill Sharp, FL, proxy for G. McRae (AA)
Ernie Bowden, VA, proxy for Del. Lewis (LA)	April Price, FL (GA)
Louis Daniel, NC (AA)	Bob Sadler, NMFS
Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)	Wilson Laney, USFWS
John Frampton, SC DNR (AA)	A.C. Carpenter, PRFC

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

Ex-Officio Members

Bill Windley, South Atlantic Species Advisory Panel Chair
Joe Grist, Spot Plan Review Team

Staff

Vince O'Shea
Bob Beal

Toni Kerns
Melissa Paine

Guests

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1. **Approval of Agenda, by Consent** (Page 1).
2. **Approval of Proceedings of November 1, 2007, by Consent** (Page 1).
3. **Move to approve the 2008 SEAMAP Operations Plan and the South Atlantic funding allocation for FY 2008.** Motion (Page 1). Motion by Wilson Laney; second by Louis Daniel. Motion carried (Page 1).
4. **Move to approve Bill Cole as a North Carolina representative to the South Atlantic Species Advisory Panel** (Page 3). Motion by Louis Daniel; second by Wilson Laney. Motion carried (Page 3).
5. **Move to appoint Chris McDonough of South Carolina DNR to the Spot Plan Review Team** (Page 7). Motion by Louis Daniel; second by Spud Woodward. Motion carried (Page 7).
6. **Move to have the Southern Kingfish Technical Committee develop a prioritize list of research needs to support a stock status report and report back on SEAMAP data** (Page 11). Motion by Spud Woodward; second by Malcolm Rhodes. Motion carried (Page 11).
7. **Move to recommend to the ISFMP Policy Board that a letter of thanks be sent to Charlie Wenner on behalf of the ASMFC** (Page 13). Motion by Louis Daniel; second by Spud Woodward. Motion carried (Page 13).
8. **Adjourn by Consent** (Page 13).

CALL TO ORDER

CHAIRMAN ROBERT H. BOYLES, JR.: Good morning, everybody. 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.

APPROVAL OF AGENDA

The first item on the agenda is I need board consent on the agenda. I have a suggestion to add a couple of items under other business. Those three things are some AP nominations, spot plan review team nomination, and I think Lou Daniel wants to give us an update on activities in North Carolina. Is there anything else to add to the agenda? **Seeing none, the agenda stands approved.**

APPROVAL OF PROCEEDINGS

You all received the proceedings of the November 1st, 2007, meeting on the briefing CD. Are there any changes to those minutes? **Seeing none, those minutes will stand approved.**

PUBLIC COMMENT

Next on the agenda we've got an item for public comment for any issues that are not on the agenda. Any member of the public like to make a comment before the South Atlantic State/Federal Management Board? Seeing none, we'll move right on then to Melissa Paine and the SEAMAP report.

SEAMAP REPORT

MS. MELISSA PAINE: Thank you, Mr. Chairman. I just wanted to provide this board an update on SEAMAP activities for this year. We actually received quite some good news, and that was there was a sizable increase to funding for the whole SEAMAP program. Notably, for the South Atlantic there was an increase in the allocation of funding up to 32.9 percent, which was something that the South Atlantic had pushed for a couple years ago. It was great to see that come through.

In your meeting materials you were provided with a document that outlines what that breakdown is, and you'll see that the South Atlantic received a little bit over \$1.4 million. This is really great news and pretty much in line with what we had been hoping for funding for the South Atlantic along the lines of a \$5 million allocation to the whole program.

The breakdown that you see in that document and the chart below is similar to what you've been presented before, and that is the breakdown of allocation to different research programs. Instead of going through too much detail, I will draw your attention to the fact that South Carolina has been given pretty much, the contractor, the grant to dole out all of the monies provided in the new money. The way we're going to go through that is to subcontract to the different state projects. Again, in that chart you'll see a breakdown of all the surveys and programs. That's just an administrative deal to keep it in the two-grant system and to have South Carolina distribute those funds.

One piece of good news is the Red Drum Survey is going to receive \$140,000, and that's something that can be rolled over so it doesn't need to be used this year. The monies that are going to be coming from the commission will probably run out in April of 2009, but then the SEAPMAP money can kick in after that for about a year, probably, to help fund that.

I have got that one document about the funding allocation, and then the other document you received in the meeting materials was the operations plan. That is a bit of a description on all of these programs that you've previously reviewed and approved. I guess I'll take any question if anybody has any on the funding or the operations plan.

CHAIRMAN BOYLES: Melissa, thanks. Any questions on SEAMAP, on either the operations plan or the funding allocation? Wilson.

DR. WILSON LANEY: Just a question for clarification, Melissa, so that means the Red Drum Longline Program is funded through 2009?

MS. PAINE: It actually could be funded through 2010.

CHAIRMAN BOYLES: Any other questions on either the operations plan or the funding allocation? All right, seeing none, **we will need a motion to approve the operations plan as well as the allocation.** Wilson.

DR. LANEY: So moved, Mr. Chairman. I move approval of the SEAMAP Operations Plan.

DR. LOUIS DANIEL: Second.

CHAIRMAN BOYLES: Second by Lou Daniel. Any discussion? All those in favor, say aye; opposed. **All right, the motion carries.**

MR. BOB SADLER: I abstain.

CHAIRMAN BOYLES: Thank you, Bob. The National Marine Fisheries Service abstains. Nichola and Bill, you going to give us an update on the South Atlantic Species Advisory Panel Report?

SOUTH ATLANTIC SPECIES ADVISORY PANEL REPORT

MS. NICHOLA MESERVE: Thank you, Mr. Chairman. The South Atlantic Species Advisory Panel met for its first meeting in March. Nine of the sixteen members were present. There were four recreational, three commercial and two for-hire representatives present. The group was provided some introductory information on the Commission and the ISFMP and then discussed the six species, the five that this board manages or coordinates the management of and then also southern kingfish.

The group developed management advice and then also elected a chair and a vice-chair. Bill Windley was elected the chair and Tom Powers was elected the vice-chair. Bill is going give you the management advice that was developed by the advisory panel.

MR. BILL WINDLEY: Thank you, Mr. Chairman. This was our first meeting, as Nichola mentioned, and I'm going to have to say this was – I thought this was a really good group. I think the idea of pulling all these species together that Spud came up with and you guys put into play is going to be something that is going to continue to keep their interest rather than having a year or two of work and then a four-year lag or whatever the period seemed to be for others.

This was one of the most amenable and determined bunch of people I've ever seen in an AP. Everybody was there to work and we really got along well. I hope we can help you guys. Starting with croaker, we recommended status quo based on the fact that the fishery is doing well at this point. There was a lot of talk about the improvement in the fishery since BRDs were added.

As in most of these, we caution against hasty management response due to changes in landings. One of the reasons is that we don't have much other data to go along with that, so we caution to move slowly and carefully. We did, however, recommend that – we looked at getting data on the southern portion of the range from Hatteras down because there is really – with several species there is not enough data to really determine – if we're talking

about a sub-species and if we're talking about really anything, there is just not enough data to regulate that fishery on. We're hoping that at some point during the near future we can get some data on the southern end of the range.

On red drum, there was a lot of discussion on reviewing the existing release mortality studies and completion of those studies that incorporate temperature and handling techniques for inclusion in the angler education materials. Current regulations seem to be suitable for rebuilding and seem to be working. We recommend status quo at least until the next stock assessment.

On spot, again, we recommend the status quo for management based on favorable fishery performance and perceived stock status. Again, benefit was noted for the use of BRDS. Again, we cautioned against hasty management responses based just on change in landings because of the lack of other data. The fishery seems to be doing really well.

Spotted sea trout: we talked a lot about advising the change of the lower limits from 12 inches to 14 inches based on favorable responses to the SPR and fishery performance. In Florida's fishery there was mention that we might need to look at North Carolina and north to see if the cold waters produced the same positive response that we got in the Florida fishery, but the only state really that applies to is North Carolina because all the states north of North Carolina are already 14 inches or larger. The report we got from the people from Florida was that this made a tremendous difference in their fishery. I think it's something we ought to really consider in that fishery.

Spanish mackerel: there was a lot of discussion on state-specific quotas and/or LAPPs for the commercial fishery. We recommend balance in the allocation process between new and historical users as new people are coming into the fisheries. We plan to be very active in the council in this fishery. We encourage all board members who are also council members to carry our message back across to the council.

Kingfish, of course, we recognize it as an important fishery. We support conducting a stock assessment, if possible, and recommend no management action until the assessment is complete. Without the stock status information, it's difficult to provide management advice. Nichola.

MS. MESERVE: There was one bit of other business. Following the meeting, the South Carolina representative on the AP e-mailed me with an additional topic. He wished to have the board be made aware of the status of hard-head saltwater catfish and gafftopsail catfish in South Carolina, which as of June 2007 the possession of both has been prohibited due to the stock health. He suggested that these might be species of interest to the board and that they might merit interstate management. Thank you.

CHAIRMAN BOYLES: Bill and Nichola, thank you. Any questions for either of them about the AP meeting? A.C.

MR. A.C. CARPENTER: Bill, you used the term "LAPP" with regard to one of the species. What is a LAPP?

MR. WINDLEY: You had to ask me; didn't you?

MR. CARPENTER: Well, I don't know what it is.

MR. WINDLEY: Well, I don't know what it is either, and I'm a little short on homework today.

MS. MESERVE: A LAPP is a limited access privilege program which are being considered for snapper grouper fishery management in the South Atlantic. It was suggested that perhaps in the future that these might be considered for southern kingfish. There was just a little bit of discussion on it.

DR. LANEY: Thank you, Mr. Chairman. Could you just give us a brief update on what is going on with the catfish in South Carolina with the sail cats and hard head?

CHAIRMAN BOYLES: From my perspective, Wilson, we had a piece of legislation passed in South Carolina last year that looked at a number of species that we were concerned about additional fishing pressure as well as environmental effects. Based on trammel net surveys, SEAMAP data and a host of other data sets, we have noticed a marked decline in both of those species.

When we went to the General Assembly, we suggested – these species have virtually disappeared from the samples that we have seen. Based on that, we had convinced the General Assembly that possession should be prohibited to allow those species to recover, if they are going to recover, without any threat from fishing pressure. Anything else? Roy.

MR. ROY MILLER: Robert, can you help me a little bit? Southern kingfish is a different species than northern kingfish, correct? They're both *menticirrhus*, but different species?

CHAIRMAN BOYLES: Yes.

MR. MILLER: Just out of curiosity, we're not managing northern kingfish in any jurisdiction; are we?

CHAIRMAN BOYLES: I don't believe so.

MR. MILLER: So this management is exclusive of northern kingfish?

CHAIRMAN BOYLES: Yes. Louis.

DR. DANIEL: I'm sure all of you know Bill Cole, and he has expressed an interest in serving on this South Atlantic Multi-Species Advisory Panel. If there is not an objection, **I'd like to move that we add Bill Cole as the North Carolina representative on the Multi-Species AP.**

CHAIRMAN BOYLES: That's great; we could get you under other business, but that sounds like a good motion. Is there a second? Wilson seconds; okay, seconded by Wilson and A.C. Any discussion? Any objection to the motion? **All right, Bill Cole is added to the South Atlantic Species AP.** Any other questions for Bill or Nichola? Okay, let's move on then. Next we will go to the Spot Plan Review Team Report; Nichola and Joe Grist.

SPOT PLAN REVIEW TEAM REPORT

MS. MESERVE: Thank you, Mr. Chairman. Last May the Spot Plan Review Team presented information, three reports from Maryland, Virginia and North Carolina, on spot, looking at several fishery-independent and dependent indices. The Plan Review Team asked for the opportunity to continue working on those, to update them with 2007 data and also to work on age-length keys for spot and develop catch-at-age matrices. Joe Grist from Virginia is going to provide that update to the board today.

MR. JOE GRIST: Thanks, Nichola. Nichola did a good job putting this together for the PRT, and we definitely appreciate her efforts in putting a lot of things together very quickly in the last few weeks. We're just going to run through this pretty quickly. We'll start out with the Juvenile Abundance Indices out of Maryland for the Chesapeake Bay.

Both indices are variable and the seine index indicated that there was a general decline in the year class strength relative to the mid- and late 1970s. The trawl index was variable, but it also suggested though an increasing pattern in the last five to six years. A term we're going to be using a lot here is "variable" data, it looks like.

The Juvenile Abundance Indices for the Maryland coastal bays was also variable. The Coastal Trawl Series was generally low with some occasional spikes. The Coastal Seine Index saw more peaks, but the decline in the magnitude of peaks was seen over time, and that's clearly shown in the graph itself. They were just not seen as big peaks from the seventies and eighties anymore.

For Virginia and the Bay, VIMS indices for juvenile spot have been variable, but they are generally declining relative to the earlier periods within each time series. This trend really plays out in the upper graph where you see a lot more high peaks in the seventies and eighties, similar to Maryland, but has just really bottomed out in the last decade.

Both of North Carolina's juvenile indices are also variable – again, that's a repeat term – with no clear trends over a short time series, so there is a bit of a downturn if you trend off since 2000. The season in North Carolina suggests that the availability of adult fish to the fishery may have declined recently. Again, since about 2000 is when we're seeing this decline.

Maryland's commercial catch-and-effort data pretty well match up. The pound net data that's presented is the catch has been down up toward 2007, but the effort has maintained itself fairly high. The gill net has matched itself pretty well. Where catch and effort has mirrored itself, in '07 their catch and effort was very high. That peak really played out in Virginia, which I'll show in just a moment.

Maryland's price per pound provided some valuable information. Maryland's price per pound has increased actually in the last two years for spot, so their value has increased. For Maryland's commercial catch-per-unit effort, their pound net CPUE has declined sharply over the past two years. That kind of played itself out in the earlier graph. The years with the high juvenile abundance indices value general corresponded to high pound net CPUE values. Thus, it appears that strong year classes begin to recruit to the pound net fishery at age zero, although none of the JAIs are significantly correlated to the commercial CPUE.

For Virginia the gill net fishery, which is about 85 percent of our fishery for spot in Virginia followed by the haul seine was about 9 percent of our fishery, there is little trend in the harvest and effort for either fishery over the time series with the very notable exception, and that's the increase in harvest in 2007, especially with the haul seine fishery; a very dramatic peak there which will show up actually in the next slide a little bit better when we talk about catch-per-unit effort.

The haul seine and gill net catch-per-unit effort is based on effort and harvest from the previous slide. It is very variable but you'll notice the haul seine spike in '07. It's a little hard for us to explain at first so we went deeper into the data. Last year we also saw a return to traditional method. It is captured as haul seine in Virginia, but it's a beach seine.

Daily totals from this one beach seine were in amounts greater than 65,000 pounds of spot at one time. It was a very large catch, and there was some other data that's going on, too, so it really peaked out our haul seine values. This happened mostly back in September. That was quite a surprise. There was a lot of anecdotal data that staff was receiving all during the year last year was where are the spot? And this was coming from both recreational and commercial people calling in. That one peak really came as a surprise, but it was returned towards the traditional method and the beach seine.

North Carolina's commercial catch and effort, there are three fisheries brought up here, the ocean gill net, long-haul seine, and inshore gill net. They are the dominant commercial gears. They fairly out. Both the ocean gill net and inshore gill net represent about 25 percent each of the harvest. The long-haul seine is about 38 percent of the North Carolina harvest.

The harvest is decreasing in recent years in all of the fisheries. The decline in effort in recent years is evident in both the ocean gill net and the inshore gill net fisheries. North Carolina's commercial CPUE for the ocean and the inshore gill net fisheries has been fairly stable over the time series. The long-haul CPUE, though, has been somewhat variable with evidence of a declining trend since 2000.

The RCGL fishery, the recreational and commercial gear license fishery for North Carolina, their CPUE has generally declined over the time series. This decline represents both a decrease in the pounds landed and in the trips taken.

For the recreational harvest and effort for all three states, Maryland, North Carolina, and Virginia, inland waters only, trends in the harvest generally reflect effort patterns, so as harvest goes up, effort goes up; as effort goes down, harvest goes down. They pretty much correlate out. The recreational CPUE is a mixed message, very variable, no trend; so, again, a lot of variability that we're seeing in the data at this time.

For age-length keys, age data are available from both Virginia and North Carolina, and age-length keys were utilized by Maryland to develop a catch at age. Something that did pop up last year was whether there really was a presence of age six fish in the fishery; and you'll see as we go through the catch at age there was.

We actually threw a few slides up from Virginia from our age lab of age five-plus spot that have been seen in recent years, and we actually have some age sixes that have popped up over time. Maryland's commercial pound net fishery comprised mostly age one spot though age zero and age two are regularly observed. Six-year-old spot were observed in 2005 from Maryland.

For Virginia commercial fisheries they also were dominated by basically age one and age two fish. We see zeroes, threes and fours, and we definitely do see fives and sixes. Though six is rare, we have seen them occur in '04 and '05, so it's not out of the realm of possibility when we see these older fish.

For North Carolina's inshore gill net fishery, they are also dominated – again, age one and age two seem to be the predominant catch. Age four and fives are also seen in several years. The ocean gill net fishery, it's a similar thing. Age one and two-year-old spot are the dominant fisheries there. Then, again, for their long haul, again, it's age one and age two. They have seen out to age four for that long haul, and it looks like they even saw some fours and fives. Actually, some fives and even six year olds show up in the long haul at some point.

For Maryland's commercial weight at age, there is an decrease in the weight at age for ages zero through three recently, but it is very difficult to interpret without a sample size. Then the average length at age for Maryland's commercial fishery has been pretty variable over time. They've even seen out to age six, but nothing really a clear trend there except if you look at around age three, there seems to be a decrease in size. Otherwise, it's just variable data at this point.

Overall, as you see with the trends that we've presented, the JAIs are probably the most concerning to the PRT. They are declining in both Maryland and Virginia, but they've been also variable in North Carolina. However, it appears that the juvenile abundance indices are not necessarily a good predictor of the future commercial landings as evidenced by the lack of correlation between Maryland's JAIs and the commercial CPUEs.

A strong year class alone may not guarantee the availability of spot in the following year because of the high mortality rate of spot, particularly the juveniles and changes in the predator abundance and the fact that some age zero fish have been harvested. The adult indices in North Carolina, the independent gill net survey has declined in recent years. The commercial harvest and effort are declining in some fisheries.

An example would be such as the harvest in the Maryland pound net fishery; harvest and effort in the three North Carolina gears that we have reviewed. The commercial harvest is at a historic low in North Carolina. The MRFSS harvest and effort are variable, but generally are increasing. The catch-per-unit efforts are variable with no trend, and MRFSS data seems to contrast other state data, such as the decline in citations for large spot in Maryland and North Carolina and the harvest and the effort in North Carolina's recreational and commercial gear license fishery

We don't at this time have the citation data for Virginia available, but we are going to look into that. If just recollection serves me right, it's actually down for Virginia also. There is some evidence for a lighter weight at age and shorter length at age for spot from ages zero through three, and the catch at age is composed largely of age one and two fish, although fish up to age six have appeared. The commercial fisheries definitely depend on the one to three year olds, the strength of which depends very much on the environmental conditions present.

Conclusions from the PRT: The recent decreases in some fishery-independent and dependent indices are definitely concerning to the PRT. They may reflect a general slow decrease in the abundance. Again, the variability in the data is making it difficult to make a more conclusive statement.

There are data definitely contradictory at times and all data could be improved and expanded, which we are definitely working on now. If one or more strong years of recruitment can rebound the stock and

fisheries, it will remain to be seen if that can happen. The thing that caught us all off guard again was the Virginia upturn. Right now the opinion is it's more of an availability issue than an abundance issue.

After all the anecdotal evidence we had, that they hit the right pocket and they found them and they hauled them right up, but overall we don't think that actually tells you the trend of what is really going on in Virginia at this time. Next year at least it should truth what happened with the '07 data. That's what we have from the PRT.

CHAIRMAN BOYLES: Joe, thank you for that excellent report. Any questions on the presentation? All right, we need to get some direction, I suppose. Is there any interest at all in just as an update of the presentations made last year? The plan review team has indicated some concerns, the ubiquitous concerns over data. Where does the board want to go? Anybody? Anywhere? Louis.

DR. DANIEL: I think this is a tough issue because what we're seeing – at least in North Carolina we have concerns over spot. We'll be listing them as concerned in our upcoming stock status report, I think. We're seeing a 50 percent decline in croaker and weakfish are gone for all intents and purposes, I mean, for the fishery.

That sciaenid groundfish stock, you're not seeing this traditional increases in one with decreased in another. Usually weakfish would come in and take the place of croakers or vice versa, and then you'd have spot sort of vacillating in abundance, but we're seeing this clear and fairly consistent downward trend in all three of those species.

When we look at it from the North Carolina perspective, we've considered the flynet closure south of Hatteras to have been sort of the save-all for that complex, and it doesn't seem to be working. Even with that gear out of the water and effort going down in many fisheries, what would you do on spot? I mean, that's the question I have.

Something is going on, but I think putting a size limit on spot isn't going to fix the problem. It seems to me be more – and I hate to say it, but more of a multi-species issue or we might be converting our sciaenid groundfish biomass into a dogfish biomass, which is a distinct possibility with the populations that we're seeing out there right now. I mean, I don't mean to go on and on, but I don't know what to do. It's not much help, but that's sort of my position on it.

CHAIRMAN BOYLES: I know from our perspective we seem to – I mean, in addition to the variability, the comments I got from staff, you know, we seem to be covered up in these things, and what is going on around the capes or south of the capes, necessarily. I would be really curious to see what SEAMAP data indicates, for one thing. Joe, you haven't looked at the SEAMAP data?

MR. GRIST: I'm not sure. Usually that gets looked at through North Carolina's group. I'm not sure if John Schofield actually looked at SEAMAP or not. I don't recall it in the discussions, so it may not have been looked at.

DR. LANEY: Well, just an observation, Mr. Chairman, that both of the sea catfishes mentioned are demersal species also, and I'll ask Louis is we've seen declines in hard-head and gafftopsail cats in North Carolina as well. It seems to me I remember hearing something about the fact that there were some very significant downward trends for those species in the Gulf of Mexico as well. Maybe the common thread is the demersal lifestyle, except for weakfish I guess wouldn't apply, but for the other four species maybe there's something going on there that is affecting benthic feeders.

DR. DANIEL: I'm wracking my brain, but however many years I've been in North Carolina, I've never seen one. I don't think we see them in North Carolina to any numbers. I mean, we used to see gafftopsails a lot in the trammel net survey down in Charleston and working up in Murrell's Inlet. Hard-head is ictalurid, the light cat? It's not?

DR. LANEY: No, it's *arius felis*, and it's the sea catfish. We used to get them in the Cape Fear, at least the hard-head we did.

DR. DANIEL: I don't know that they come further north than that. I've never seen one in North Carolina.

CHAIRMAN BOYLES: My understanding is that there were some indications of a virus several years ago in the Gulf. Bill or Spud, do you guys have anything to add about that.

MR. SPUD WOODARD: No, that's just what I was going to say is from talking to David Whitaker, that it was a catfish-specific virus that started in the Gulf and worked its way around to the Atlantic. We've seen a pretty marked decline in Georgia. We're seeing a few now, so there seems to be a little bit of a rebound from it. Again, that's one of the species, we

were more concerned about them as an annoyance than we were something to lose any sleep over.

MR. WILLIAM SHARP: That's about our same perspective in Florida. There is no directed catch toward them. They're viewed as more of an annoyance.

CHAIRMAN BOYLES: Well, we did get a lot of eyebrows raised when we went to propose prohibiting possession of them for that very reason. In any case, where does that leave us with respect to directions for the plan review team for spot? How about an annual report from the plan review team, reviewing this kind of data, as part of the FMP review?

DR. DANIEL: I'd just hate them to spend a whole lot of time updating it. Maybe if there was a recommendation from the plan review team on how to move forward; I don't know what they're thinking. I mean are they thinking we need to do an assessment and do a plan on these things or is it sort of the cornerstone of a multi-species plan, and do we want to go that route?

MR. GRIST: I think the PRT would agree that we'd like to take another year – go through this one more year and just see how trends play out and then come back to the board again next May and give you another update and just see where we stand at that point. Because of the variability in the data and everything, it's hard for us to come up with a definitive recommendation at this time. We are concerned.

Dr. Daniel has mentioned about not just spot but other sciaenids are on the decline. What to do about spot, that's a hard one to deal with. That fishery is a hard fishery to touch. We know from the recreational side it's mostly catch them and go. Commercially they're trying to get at least some size out of them. So, another year of this and come back to the board next May would probably be the best thing from the PRT's perspective.

DR. LANEY: That sounds good to me. I'll just remind us all, too, that spot is not only an important commercial and recreational species, but it's also another one of those forage fishes. It's really bothersome when you look at the declines coastwide in river herring and American shad and then if you start adding spot to that, we really begin to adversely impact our forage base for reasons unknown to us I guess at the present time at least for some of these species.

I definitely would like to see another report next year and see how it's trending; and if there is a definite downward trend, then maybe we need to think about forage fish management. I know that's on the agenda for the Management and Science Committee, so I'll be interested to hear that discussion.

CHAIRMAN BOYLES: Thanks, Wilson. We've got some direction to the plan review plan to come back to next May. Let's take another look at this next May. Is that agreeable to the board; is that what I'm sensing? I'm seeing heads nodding yes. Nichola, do you have something – if you all will indulge me, I mentioned earlier some other business. We had another nomination for the spot plan review team membership.

MS. MESERVE: Mel Bell of South Carolina DNR has nominated Chris McDonough, a fisheries biologist, to be added to the plan review team.

CHAIRMAN BOYLES: Do I have a **motion to appoint Chris McDonough of South Carolina DNR to the spot plan review team?**

DR. DANIEL: So moved.

CHAIRMAN BOYLES: All right, the motion by Dr. Daniel; second by Spud Woodward. Any discussion? Any objection to the motion? **Seeing none, the motion carries.** The Southern Kingfish Technical Committee Report, Pat Campfield.

SOUTHERN KINGFISH TECHNICAL COMMITTEE REPORT

MR. PAT CAMPFIELD: Thank you, Mr. Chairman. I'm not going to go over all the details that the Southern Kingfish Technical Committee discussed, but I want to highlight some of the key points from their meeting. The Southern Kingfish Technical Committee met in March, earlier this year, to address the task laid forth by this board to determine the feasibility of conducting a coastal stock assessment for southern kingfish.

The TC conducted a thorough review of several fishery-dependent and fishery-independent data sets that ranged from Florida to North Carolina. The TC found some characteristics of the available data that would enable a coastal stock assessment. There are a few time series of data that appear to be of sufficient duration to detect real trends in abundance.

In particular the fishery-independent data sets and SEAMAP specifically seem to go back to the early nineties and have a variety of data types. There are also some age-and-length data that can be used to define the size and age structures of the population for use in assessment models. The TC members also indicated that quality control checks are needed for all the age data sets, especially the SEAMAP data.

Pearse Webster from South Carolina indicated that they have read otoliths for southern kingfish, but they suspect there may be a substantial amount of aging error in these otoliths. They've had a number of different technicians reading otoliths over the years, and so they suggest the SEAMAP otoliths might need a re-read.

There are some data sets out there of utility mostly on the fishery-independent side. However, other aspects of the available data led the TC to conclude a southern kingfish coastal stock assessment is not feasible at this time. Several data sets have fundamental problems. Other data sets have some utility but are of limited duration or geographic range.

The greatest concern is that information is often lumped together where we have combined southern kingfish with the other two species of northern and Gulf kingfish into an aggregated kingfish category. This is the case for most of the state commercial and recreational data. They generally do not distinguish between the three species.

The MRFSS harvest and release data are reported as separate kingfish species, but the TC members have indicated there are likely identification errors by anglers reporting kingfish catches, making the MRFSS data unreliable for southern kingfish assessment purposes. Also, we do not have release mortality rates to estimate recreational dead discard mortality.

On the commercial side discard data are only available from North Carolina's shrimp trawl fishery, which is a substantial contributor, but gill nets are the dominant commercial gear and we do not have good discard data from gill nets.

Another concern that the TC raised is the lack of tagging data. Little is known about the movement and migration of southern kingfish. A few tagging studies have been attempted but experienced poor tag return rates, typically less than 1 percent recapture. Of the recaptures, most occur near release sites.

These limited tagging results are insufficient for estimating exploitation or natural mortality rates and provide limited insight into migration patterns of southern kingfish. In summary, there are some valuable data sets mostly on the fishery-independent side that go back two or three decades. The SEAMAP Survey was noted as one of the stronger data sets that could be used in an assessment. There are some age data, quality control checks will be needed, and the age data may not be completely representative coastwide.

There are four major concerns that makes a coastal stock assessment difficult; primarily the lack of identification to species, the lack of age data in some areas. There is no age data from South Carolina. Georgia has been collected age samples, but they have not been processed yet. Again, we would need a re-reading of the SEAMAP aged otoliths and structures. Also, we lack tagging data and discard data from the commercial fisheries, especially gill nets.

At this time the technical committee recommends that the board not initiate a southern kingfish stock assessment until these data issues have been addressed. The committee does not know a mechanism for improving the species' identification problem, but they do think improvements in some of the age data sets are possible; again, specifically re-reading the SEAMAP otoliths.

CHAIRMAN BOYLES: Thanks, Pat. Any questions for Pat? Malcolm.

DR. MALCOLM RHODES: Will they improve the data sort of like the fisheries dependent? Do you have a recommendation of what the states should implement or will that be developed?

MR. CAMPFIELD: Well, I think at a fundamental level it's identification of the species. For most of the commercial data sets, they, again, lump them into an aggregated kingfish category. So, identification of the species and then also if we can improve discard estimates.

MR. MILLER: Thank you, Mr. Chairman, a follow up on an earlier question I raised. I wonder if we would be smart to lump these two species to the extent that attempt to track by whatever indices we have at our disposal the trends of both northern and southern kingfish. Recognizing that there probably is some range overlap in North Carolina between the two species, there may be some utility in doing that.

Maybe we'll be able to make use of additional data that way. Thank you.

DR. DANIEL: That's a possibility, but I look at this data – and we attempted an assessment on kingfish in North Carolina, using southern, and it was rejected by peer review because of the lack of geographic information, and a lot of the landings were occurring outside of North Carolina. We used trends to develop our plan.

But I look at this data and I see pretty data rich compared to a lot of the South Atlantic species that we're dealing with. Recognizing the importance of this fishery to the South Atlantic particularly and with the northern kingfish, it seems like to me that there has been a lot of identification problems in sharks and a lot of other species groups that we have been able to gin up an assessment on, and it would seem to me that we would want to pursue that. I mean, it's a valuable fish both recreational and commercial. Right now it's under no management jurisdiction and I think that's a mistake.

MR. CAMPFIELD: The TC did think about the possibility of doing an aggregated assessment. I guess the concerns from that respect it's hard to get any understanding of productivity when at the end of the day we want to get back to a point for a single species when managers want an F-value; that we can't really provide that information.

As outlined again in the memo in some detail, the concern is that if we manage an aggregate and it looks like the three species of kingfish collectively are increasing in abundance of biomass and perhaps we relax quotas or catches, one or multiple species may actually be declining. There was some concern there about going with that approach or if how we take that approach, that you need to be more precautionary than usual.

CHAIRMAN BOYLES: Any other comments? Spud.

MR. WOODWARD: Well, I'm really not surprised by this outcome. We've wrestled with this at the state level. The 800-pound gorilla that we've never been able to get out of the room is the removals in the shrimp trawl fishery and our inability to quantify that. Without a substantial investment of money, I don't think that's going to change a whole lot, so we're going to be struggling with these same basic problems.

We have got an additional complication in that when you move into the southern end of the range you get the Gulf species mixed into it, so we actually have Gulf, northern and southern all co-mingling together down there with this same identification problem. I mean, it's a very important species to Georgia, and we have struggled with how to do a credible assessment of its status so we could provide advice back to our state decision-makers. We have not been able to come up with the resources to do it yet.

I think the fundamental issue to me is stock identification to know what are we really dealing with, how much movement between jurisdictions there really is, and that basic kind of information. We certainly would be interested if there is interest in other states of doing some sort of collaborative project on either genetics or tagging or something to get a handle on this. Our tagging experiments in the past have not been particularly fruitful, but on a larger scale they may be.

MR. CAMPFIELD: I just wanted to mention that the TC members also looked into tagging data and also found that there is a genetic study that's going to be starting up by Tom Langford at UNC-Wilmington where they are going to look at the kingfish species both on the Atlantic side and the Gulf side. That's supposed to get underway this year, so that may aid us with the stock structure question.

CHAIRMAN BOYLES: What is the will of the board? We've gotten some advice from the technical committee. We have certainly got species of concern. Where do you guys want to go? Status quo – I mean we leave this meeting and nothing happens. Let me just summarize. We've gotten a review by the technical committee that has pointed out data deficiencies, identification issues, but we also recognize that has not stopped us before from going forward. Wilson.

DR. LANEY: Mr. Chairman, I'll just make the offer to Dr. Daniel and everybody else, you know, we do catch these species during the cooperative winter tagging cruise; so if you all decided to enter into a collaborative tagging study of some sort, we could definitely tag the ones that we catch during the cruise. We don't catch tremendous numbers of them, but we do catch them. We've been pulling those for aging by North Carolina DMF for the most part.

DR. DANIEL: Well, again, I'm sensitive to the identification problem because it's seasonally variable, the species composition. I mean, we, too, see gulfs. Sometimes we see a lot of gulfs in North

Carolina. It seems like to me something akin to the joint MARFIN proposal we had several years ago where all the states got together and put together a proposal to do this type of work as Wilson suggested.

It might be a better approach. I hate to move forward with an FMP without some kind of indicator or stock status, but I also hate to leave this meeting without having agreed on some course of action to take to collect that information that the technical committee needs. It's going to need to be a joint effort of all four, at least, the four southern states and probably some of the mid-Atlantic states as well.

MR. WOODWARD: Just to move us along, what if the TC were to provide us with a prioritized list of information needs, sort of a shopping list of projects that need to be done. We know the genetics' work is obviously going to take place so that one is a check off the list. What else do we need to do to move our knowledge forward so we can have a basis for making a decision in the future, because we're just sort of paralyzed right now.

We've got our gut telling us to do one thing, but we don't have any credible empirical information on which to base a decision. If we were to go forward with an FMP development process to do something as simple as establishing a minimum size limit or something kind of like what we've done for spotted sea trout, I think we would be weak because we would be challenged because we really don't have anything.

We did this in Georgia. We have a minimum size limit. We had a possession limit and it was repealed by our legislature. Thirty-five fish was not liberal enough so they decided to wipe it out and go back to unlimited. That's what we're dealing with is that kind of thing at the state level. So, if I want to go back to my legislature with changes, I better have some firm footing underneath me to do it.

CHAIRMAN BOYLES: Spud, that's a good suggestion. Pat, I'm going to look to you. I know you mentioned things like re-reading the SEAMAP data, the otoliths. Is that something the technical committee can do or has done in terms of providing this kind of shopping list of priorities; this is what we would need to get us down the road with development of an FMP?

MR. CAMPFIELD: The technical committee did think that the SEAMAP Survey and improving the age data specifically is probably a good starting point. I talked to Pearse Webster last week just to get

a sense of how many otoliths there are and how long it might take. He suggested within a year – he wasn't promising anything – that aspect to be improved.

Again, I think southern kingfish is one of the most commonly occurring fish in the SEAMAP Survey so that's a good starting point. Then, as I mentioned, probably the other priorities would be collecting more discard data and attempting tagging studies.

MR. MILLER: I'm sort of groping with what we can do. My state can contribute its trawl survey data to the extent that is any kind of an indicator of northern kingfish abundance. If that would be helpful to anyone, we'd be glad to make that time series of data available, which goes back to 1970, with a few five-year intervals when the survey lapsed, but continuous since 1989, anyway.

I suspect northern kingfish are probably taken in the New Jersey Coastal Trawl Survey as well. I don't know if they show up in the New Jersey Beach Seine Program. There are some indices of abundance in northern kingfish that can be made available to someone to help fill in the gaps if they want that information. Thank you.

DR. RHODES: Just a question; on the SEAMAP is the kingfish complex broken out or is it just reported as kingfish or is it split into three?

MR. CAMPFIELD: The SEAMAP information is split into the individual species, into all three species.

DR. RHODES: So that will give us at least a 20-year or 18-year view of abundance, and that's one piece of data that would be useful.

MR. CAMPFIELD: Yes.

DR. DANIEL: I'm comfortable with Spud's suggestion to ask the technical committee to come back to us with a list of prioritized needs, but also I think it's important to look at that SEAMAP data and see what those trends show.

CHAIRMAN BOYLES: I agree. I'm wondering if it's – you know, we've got the technical committee. Is it time for us to consider seating a plan development team or is this something the technical committee can do for us as a preliminary this is what we need to know before we get – what does the board want to do?

DR. DANIEL: I'd keep it with the TC for now.

CHAIRMAN BOYLES: I have a strong sense of asking the technical committee. Spud, just for the record, go back and let's get this on the record what specifically we're looking for out of the TC.

MR. WOODWARD: My suggestion was to have them develop for us a **prioritized list of research and information needs to support a status assessment for *menticirrhus*** and to do it for all the species that occur in the Atlantic, with obviously southern as being the most prevalent, but how are we going to grapple with this, to look at all the available data sources that are out there, make some sort of first cut on them, which ones can be built upon and which ones can be discarded, that sort of thing, so that we know how to muster our resources going forward to address the priorities.

CHAIRMAN BOYLES: Are you making that in the form of a motion, Spud?

MR. WOODWARD: I will certainly make that in the form of a motion, Mr. Chairman.

CHAIRMAN BOYLES: Motion by Mr. Woodward; second by Dr. Rhodes. Any discussion? Wilson.

DR. LANEY: Can we just further clarify – I think Dr. Daniel said it, but one of the things the TC should do is to **look at the SEAMAP time series to break out those three species and look at the trends and those data.**

CHAIRMAN BOYLES: Okay, there is a motion. The question is, Pat, is this some that we think we can have by the annual meeting? I presume we'll meet in October, so will six months do it?

MR. CAMPFIELD: I'll have to take that to the TC, but, again, I think that data is ready to look at. Tentatively, I'd say it's not an issue; six months is probably doable.

CHAIRMAN BOYLES: Okay, we've got a motion and a second. **Any opposition to the motion? Seeing none, the motion carries.** Good discussion; thank you for that.

RED DRUM STOCK ENHANCEMENT SUBCOMMITTEE REPORT

CHAIRMAN BOYLES: The next item on the agenda, Red Drum Stock Enhancement Subcommittee Report. Nichola is going to give us an update. Recall that we had seated the stock

assessment subcommittee a year ago, I suppose. Nichola, tell us what they've done.

MS. MESERVE: Thank you, Mr. Chairman. The Red Drum Stock Enhancement Subcommittee last met in May to initiate the discussion on developing a guidelines' document for the culture and stocking of red drum. Since then, they have developed an outline and have slowly been filling in that outline.

So far we've worked on the introduction, the background, the reasons for culture and stocking, and some of the sections on red drum life history and stocking history in the three states that stocking has occurred. At this rate it does appear that we're working on maybe a two-to-three year timeline for completing our final draft to present to this board. That's all I have to report at this point.

CHAIRMAN BOYLES: Thank you, Nichola. The question I've got is – I think progress on this has been impeded by just workload issues. My question to the board is, is this something that we need to put a priority on or is a two-to-three year completion satisfactory? Spud.

MR. WOODWARD: I would like to see some final version of a final product from them about the time that we would probably be considering the results of the next assessment. If we are facing management choices as a result of that assessment, it would be nice to know where this one fits into the toolbox. Probably a two-year timeline is reasonable because I don't see us having to deliberate over the Red Drum SEDAR until probably early 2010. If they could shoot for having something by late '09 or early '10, that ought to sync up pretty good with our discussions.

CHAIRMAN BOYLES: Okay, anybody else? Okay, I think we've got a timeline of completion in time for the board to consider with respect to the results of the 2009 – previously scheduled and recently confirmed 2009 Red Drum SEDAR. I've got one other item of business, and I think Lou Daniel wanted to give the board an update of some things with Red Drum in North Carolina.

DR. DANIEL: First, I wanted to let you all know I brought copies. I wanted to distribute here at the South Atlantic Board first, the new North Carolina Anglers Guide, so I've got copies over here if anyone would like to take a look at. We're pretty proud of that new document.

This has been an issue since the last Red Drum Plan that we did. North Carolina has a state plan. The current ASMFC Amendment 2 requirements for us are maintaining a 250,000 pound annual harvest cap. Last year, in '07, we caught 243,000 pounds of red drum, so we were real close. That's with a seven-fish bycatch allowance in other commercial fisheries.

Anyone landing red drum has to have 50/50 other species bycatch to confirm that. It had been going along very well, no problems for the last six years or five years. The landings tend to track year class strength because we're basically harvesting one year class. This year we had some goings on in Dare County in December, January, February and March that was I think was unforecastable in what was going on, that they were directing on these fish.

It was a fairly small handful of folks and a confidential number of dealers that landed about half the quote in those – or cap in these four months. We exceeded our fishing year 250,000 cap. We have a September 1st through August 30th cap. The reason we have a different fishing year than the ASMFC plan is because we had run into problems with the fall fishery getting closed out and the bycatch in the southern flounder fishing being discarded.

In order to facilitate the best use of that bycatch, we started it when the bycatch in the flounder fishery starts, which is September 1. I closed the fishery April 4th to any harvest and possession until the commission met later that month. They directed me to reopen the fishery, and we suggested a smaller trip limit of four fish with only bycatch being allowed as flounder and striped mullet. Those are the two principal fisheries.

So we've tightened on it significantly. We're going to probably have a 50/60,000 pound overage through August. Whether or not we're going to exceed the ASMFC annual 2008 250,000, I don't know right now. My plan is to start our fishing year September 1 with a lower cap, and hopefully that will make up for any small overage we may have of the 250.

I have a feeling, and I bring this up just so if you all are hearing things that we have exceeded cap, we're cool on the ASMFC side now. It's the North Carolina fishing year where we had a problem, and I'm working on that. We're seeing a huge increase in red drum in North Carolina. We're seeing very good escapement into the adult population. Our estimates right now, on our most recent assessment – we're going to see Aquaculture in two weeks for a revision to our plan, which is going to extend the attendance

requirements, and we're going to actually require circle hooks in the trophy fishery in Pamlico Sound.

As this spawning stock biomass continues to increase, the likelihood of good year classes is going to continue to go up, and we're going to be hitting on this 250 cap a little tighter than we have in the past, I think. I'm excited about the SEDAR. I think it's going to be a great opportunity for the South Atlantic and the Gulf states to get together and talk about red drum.

I just want to be on the record that we're on top of it; and if there are any concerns, I'd like to hear them sooner rather than later. I think we've got a good handle on it, and I appreciate the opportunity to just give you a brief update on all that. I'll answer any questions if you have them.

CHAIRMAN BOYLES: Thanks, Louis. Any questions for Louis? Wilson.

DR. LANEY: Not a question, Mr. Chairman, but just a suggestion for Louis. My e-mail has been hopping with questions about that, and so I think it would be beneficial if maybe you put out some sort of a press release that explains the situation just the way you just did for us. That might help to calm down some of the recreational angler angst that seems to be popping into my in box, anyway.

DR. DANIEL: That might be a good – you know, you never know on those kinds of things, whether or not you're going to elicit more heartache and pain. I've caught, you can imagine, a rash from both sides on it. I mean, there were a lot of guys, though, that were excited about the opportunity to take their little video cameras out and videotape all these dead drum floating around.

That's what we're seeing right now in our area because there are so many. Our recreational landings went up in '07 30 percent to 330,000 pounds, I think, last year, and we're seeing another banner year class this year. It looks like the one coming is a big one. It's going to be tough, but with no constraints on the recreational fishery and a pretty significant restraint on the commercial guys, it's tough. We're looking into a way to try to get that information out. It's just you've got to do it very carefully in North Carolina right now on red drum.

CHAIRMAN BOYLES: Thanks, Louis. Any other questions for Louis or comments? Louis, just out of curiosity, if you exceed your state cap is there anything in the way you operate that you've got to subtract overages the following year; are you

compelled to do that or is it the discretion of the commission?

DR. DANIEL: It's at our discretion, but we've always operated under the 250 ASMFC, having to pay that back, but I think there is an expectation certainly from the recreational side and the environmental community that we need to take care of this. What I anticipate doing right now is allowing the fishery to operate the rest of this year, not changing September 1, at four fish with the southern flounder and striped mullet bycatch. We might add speckled trout in the fall.

But then we have Southern Flounder Fishery Management Plan where the southern flounder fishery closes December 1, and if we're close to the ASMFC cap in December we could close the red drum allowance at that time, because there is really no reason to have it if the flounder nets are out of the water, and most of the run-around stuff they can release them alive.

My hope is if we're close, we'll close it in December. If we've got fish left, we'll leave it open, but then maintain that four fish associated with a certain species until the September 1, 2009, start date. That should take care of any overage from the North Carolina fishing year overage and any overage that we may say in the ASMFC cap.

OTHER BUSINESS

CHAIRMAN BOYLES: Okay, thanks, Louis. Any other questions for Louis? Any other business? A.C.

MR. CARPENTER: In the briefing packet there was the Federal Register Notice about changing red drum. Does anybody want to address that issue?

MR. SADLER: The proposed rule comment period ended yesterday, so I really can't get into the discussion of the action other to say that we'll consider all comments received before making the final decision. Any questions?

MR. CARPENTER: Can you tell us kind of comments you received and how many?

MR. SADLER: As far as I know, we've had one comment in favor. We may have another comment in opposition. I don't know since the comment period ended last night.

CHAIRMAN BOYLES: Okay, anything else on red drum transfer? Okay, Louis.

DR. DANIEL: It just dawned on me that Charlie Wenner is retiring June 1, and a lot of the information that has been collected in the South Atlantic is the result of him taking the initiative early on to collect kingfish otoliths out of SEAMAP. I remember when I was in grad school in Charleston him bringing back those danged kingfish and freezing them in boxes, and we would have to process them.

Doing the work he did with weakfish and everything he did, I think it would be appropriate **that this board recommend to the Policy Board that we send a letter of real thanks to Charlie in his retirement for all he has done for the ASFMC with the data collection and the otolith work that he has done. I will make that in the form of a motion.**

CHAIRMAN BOYLES: I have a motion by Dr. Daniel; second by Spud Woodward. Any discussion. Louis, I'd just thank you for that acknowledgement. That's going to be a big loss. I appreciate your recognition of that. **Any opposition to the motion? Okay, the motion carries.**

DR. DANIEL: He was my major professor when I was in Charleston. He is a super guy; you all do have big shoes to fill. I know he can be a crazy one sometimes, and I can imagine supervising him – I can't imagine supervising him, but he is a sweet guy, and we're going to miss him a lot in the South Atlantic.

ADJOURN

CHAIRMAN BOYLES: Yes, no question about that. Any other business? Tom McConnell, welcome. I apologize, I rolled right past welcoming you to the South Atlantic Board. We're really looking forward to working with you. We are done with 15 minutes to spare. The meeting is adjourned.