

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

**Loews Annapolis Hotel  
Annapolis, Maryland  
November 1, 2007**

Board Approved May 6, 2008

## **ATTENDANCE**

### **Board Members**

Peter Himchak, NJ DFW	Robert H. Boyles, Jr., SC (LA)
Roy Miller, DE, proxy for P. Emory (AA)	Spud Woodward, GA, proxy for S. Shipman (AA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)	John Duren, GA (GA)
Howard King, MD DNR (AA)	Bill Sharp, FL, proxy for G. McRae (AA)
Bruno Vasta, MD (GA)	April Price, FL (GA)
Jack Travelstead, VA, proxy for S. Bowman (AA)	Frank Montelione, FL, proxy for Rep. Needleman (LA)
Catherine Davenport, VA (GA)	Bob Sadler, NMFS
Louis Daniel, NC (AA)	Wilson Laney, USFWS
Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)	A.C. Carpenter, PRFC
John Frampton, SC DNR (AA)	Bob Mahood, SAFMC
Dr. Malcolm Rhodes, SC (GA)	

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

### **Ex-Officio Members**

Bill Windley, Atlantic Croaker Advisory Panel Chair  
Harry Rickabaugh, Atlantic Croaker Technical Committee Chair

### **Staff**

Nichola Meserve	Robert Beal
Melissa Paine	Vince O'Shea
Chris Vonderweidt	

### **Guests**

Pat Augustine

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2. **Approval of Proceedings of May 9, 2007, by Consent.** (Page 1)
3. **Move to advance the recommended SEAMAP funding to the ASMFC Policy Board as presented by staff (Page 7).** Motion by John Duran; Second by John Frampton. Motion Carried (Page 7).
4. **Move to approve the FMP reviews with the approval of *de minimis* status as presented by staff (Page 8).** Motion by Robert H. Boyles, Jr.; Second by Jack Travelstead. Motion Carried (Page 8).
5. **Move to approve Chip Collier, Pearse Webster, Jim Page and Joseph Munyandorero to the Southern Kingfish Technical Committee (Page 12).** Motion by Robert Boyles; second by A.C. Carpenter Motion carried (Page 12).
6. **Move to approve Daniel Dugan, Tom Fote, Jeffrey Reichle, Chris McCurdy, Sherman Baynard, Thomas Powers, Samuel Swift, James Ruhle, Thomas Ogle, Gene Dickson, James Shaw, Greg Davis, James Stockton, William Bird and Tim Adams to the South Atlantic Species Advisory Panel (Page 12).** Motion by Malcolm Rhodes; second by Robert Boyles. Motion carried (Page 12).
7. **Adjourn by Consent (Page 14).**

## CALL TO ORDER

CHAIRMAN SPUD WOODWARD: If I can get everybody to take their seats, we'll get the meeting started. Good morning, everyone. I'm Spud Woodward, chair of the South Atlantic Board. We have a full agenda this morning, and I want to try to move through it as quickly as we can.

## APPROVAL OF AGENDA

Because of some carryover items from the Policy Board meeting yesterday, I'd like to free up a little extra time for that. You've got an agenda in front of you. Are there any additions to the agenda, any changes? I know we've got some things that are not listed on the agenda that we'll cover under other business. Seeing no changes, I'll consider the agenda accepted by consent.

## APPROVAL OF PROCEEDINGS

You also have the proceedings from the last meeting to review in your package. Any changes or modifications or corrections to the proceedings? If not, we'll consider those accepted by consent as well.

## PUBLICCOMMENT

This is the time in the agenda for public comment. If we have anyone here from the public who would like to comment about the business of this board, items that are not listed on the agenda and have not come for public review before, this would be the time to do it. I don't have anybody on the signup list, so I guess we'll move through that.

## VICE-CHAIR ELECTION

My term as chair is coming to an end, so it is time for us to select a vice-chair who can work with Robert Boyles as he ascends to the chair of this committee immediately following this meeting. I'll open the floor to nominations for vice-chair at this time. April.

MS. APRIL PRICE: I'd like to nominate Bill Sharp.

CHAIRMAN WOODWARD: Okay, we have the nomination of Bill Sharp. Do I have a second for that? Seconded by Robert Boyles. Any further nominations? Do I have a motion to close nominations from anyone?

MR. ROBERT H. BOYLES, JR.: So move, Mr. Chairman.

CHAIRMAN WOODWARD: Okay, we have Bill Sharp, who is with the Florida Fish and Wildlife Conservation Commission, nominated for vice-chair. Any opposition to that? I see none. Congratulations, Bill. Bill is just holding down his excitement. I think it will be a good opportunity, Bill. A lot of you don't know Bill. He is relatively new to the process, but, trust me, any man that has worked as long as he has in the state of Florida in the midst of their fishery management issues is well qualified to serve on this board. I look forward to working with Bill.

MS. NICHOLA MESERVE: Now seems like a good time to thank Spud for his service to the South Atlantic Board. (Applause)

CHAIRMAN WOODWARD: Thank you, Nichola, it's been a pleasure. Our next agenda is SEAMAP Update. I am going to call on Melissa Paine.

## SEAMAP UPDATE

MS. MELISSA PAINE: Thank you, Mr. Chairman. The SEAMAP South Atlantic Committee met in August at the Joint Annual SEAMAP Meeting. They discussed research programs as well as funding, which is always a major issue with SEAMAP. For FY 07, it was previously conveyed to this board that the SEAMAP South Atlantic component was level-funded.

As expressed by that committee, this was pretty disappointing, given all the work that had gone into creating those research allocations for those funding levels that never came through for '07. I just wanted to explain one of the handouts that were included in your meeting materials, in case that was confusing to anybody.

If you have that with you, there is a table at the top that just demonstrates how SEAMAP has been level-funded for the last several years. The level under FY 2008 is just a proposed level that's part of a five-year SEAMAP grant. That is just the level that's supposed to take into account inflation levels.

I was just including that to show how far below we are just to account for inflation and not any of the research allocations that have been worked on in that five-year management plan that this board was highly supportive of.

Additionally on that sheet, there is a table that shows again how South Atlantic was level-funded.

I was including that to show how the Gulf got quite a large increase to their funding for 2007, and that was nearly a \$2 million increase. This was due to Katrina effects, and SEAMAP was just seen as a pre-existing conduit where that money could be spent in the Gulf.

It was conveyed to all the components that for FY 08 the president and senate markup were at \$5.098 million, and that is in conference right now. At that meeting the South Atlantic worked on research allocations similar to what they had done for FY 07, and that's the second table in your meeting materials.

It just breaks down all the different research allocations for the research programs according to that \$5 million level. Additionally in that table there is a core funding level that the committee determined would be the bare minimum that would be necessary for a full functioning of the coastal survey primarily as it is, without having to have any cutbacks.

At that joint meeting all the SEAMAP components supported an increased allocation to the South Atlantic component, and that would be an increase from – historically they were receiving 27 percent; so if an increased funding came through at the \$5 million level, then they would then receive 33 percent, and all components were supportive of that.

Since that \$5 million level is not guaranteed and clearly did not come through in '07, the South Atlantic Committee wrote up a bunch of letters that were actually e-mailed out to this board last week asking for support for increased funding for all of SEAMAP but most primarily for the South Atlantic component.

Actually, there is a correction to the funding level that was in that letter. We're asking for support for what was in the president's budget right now, and that's \$5.098 million. But, in speaking with Gulf states' representatives, they conveyed to me that actually all of SEAMAP wants to push for \$7.4 million, and that's more along the lines of what was discussed in that five-year management plan. That's to expand SEAMAP to its real full potential.

What they're asking for is support for the \$5.098 million in the budget as it is this year, but then for increased allocation at \$7.4 million as a continuing allocation for FY 09 and beyond. Today the South Atlantic Committee wanted to ask this board for support in asking the commission to support SEAMAP as a funding priority in addition to the priorities that the commission already has established as an additional funding priority.

This could be done through a letter to the National Marine Fisheries Service, similar to what the draft letter that was included in that e-mail that was sent out last week. Then, additionally, another part of that e-mail was kind of an overview of SEAMAP that could be used by the states to be brought up to their congressional delegates to ask for support for SEAMAP. That's all I had.

CHAIRMAN WOODWARD: Thank you, Melissa. Any questions for Melissa or comments on this? Robert.

MR. BOYLES: Thank you, Mr. Chairman. Melissa, let me make sure I'm square. What we're looking for from the South Atlantic for Fiscal Year 2008, which is in conference, is support for the \$5.098 million for SEAMAP as a program; and then for the FY 09 process, many of the delegations are starting to work on the '09 process now to seek \$7.4 million; is that the strategy?

MS. PAINE: That's correct, yes.

MR. BOYLES: Okay. I will say, doing the near-shore trawl survey in South Carolina, Mr. Chairman, it's incredibly important I think to all of us. I come here today acknowledging that the operational costs to do this survey have increased. There was a time when states like South Carolina could foot some of the bill with respect to vessel costs, but as our state support has eroded, it has forced us to have to go to increased vessel rates, for instance, so I do know that this is very, very important to all of us.

I'm very familiar with the operational cost of the bottom trawling component at least, and it's something that we wish there were another way to do it outside of seeking additional federal funds, but as we get squeezed it's just very, very difficult to make that case. I'm very supportive of this strategy.

CHAIRMAN WOODWARD: Thank you, Robert. John Duren.

MR. JOHN DUREN: Mr. Chairman, do you need a motion that we approve the actions as recommended in the report?

CHAIRMAN WOODWARD: Yes, I need a motion to advance this up the Policy Board for their consideration so that they can recommend or not recommend the commission issue an appropriate letter on behalf of SEAMAP funding that is, I guess,

in synergy with some of our other funding things. That is one of our biggest challenges.

As all of you know, when we deal with Capital Hill, you need to go up there with a coherent voice, and I think it's important that we put SEAMAP in the context of an Atlantic coastwide data collection program, and I there are some ways we can do that with some wordsmithing. I do need a motion to move it from this board up to the Policy Board.

MR. DUREN: I'll make that motion.

CHAIRMAN WOODWARD: Okay, do I have a second to that? I have a second from John Frampton. All right, we have a motion on the board to advance the recommended SEAMAP funding to the ASMFC Policy Board as presented by staff. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I think one thing, just to make it clear, as long as you have the discussion – you know, what is sort of recommended in front of you is a letter coming from the chair of the South Atlantic Board. I think you and I have chatted off line.

That's already been changed, that it would be a letter coming from the commission if the Policy Board would go forward. I presume that's the recommendation of this, so that part of the staff recommendation you wouldn't necessarily be following to have it come from the South Atlantic Board, but instead you're asking that the commission communicate to the National Marine Fisheries Service.

CHAIRMAN WOODWARD: That is correct.

EXECUTIVE DIRECTOR O'SHEA: If it's with that understanding, Mr. Chairman.

CHAIRMAN WOODWARD: Yes, I think that's the intent, but I want to make sure if we need to polish that up a little bit. Robert, comment?

MR. BOYLES: Just a question if we're in the discussion phase now. I want to make sure I'm clear on the funding history here. Melissa, is it fair to say that there were some internal discussions among the SEAMAP partners back in 2005 about bumping up this funding, and there was some internal agreement should additional appropriations be made – I know after the Katrina and the hurricane season of 2005, the SEAMAP increase did become part of the budget initiative in FY 2006 for the Gulf.

I wanted a little bit of clarification on – I don't want to have a repeat of what happened after the 2006 appropriation where we thought we had some agreements about splitting the pie that were overridden by congressional directives.

MS. PAINE: I think that was an unusual, specific case due to hurricane effects in both of those circumstances. The Gulf wasn't excited that they got that much more money because they took it to mean that it could very well happen to them as well where one of the other components would be granted more than what was previously agreed upon by all three components.

The general feeling of the SEAMAP program is that it's a collaborative effort, and every year they agree upon those allocations. If there are no other hurricanes this year, it should break down the way that they agreed upon.

MR. BOYLES: To follow up, if I could, then the funding strategy that we're talking about here has been agreed to by all three components of SEAMAP in terms of the \$5.098 million for 2008 and the \$7.4 million for FY 2009?

MS. PAINE: Right.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I think in the interest of full disclosure, when this issue comes to the Policy Board, one of the points that I'll bring out is that there are really two issues in the staff recommendation. One is to write to Dr. Hogarth about the '08 budget and the president's request. In my mind that's a different issue than what we're going to ask from the president in the '09 budget.

It may make sense to actually deal with them in two different letters, because we have other things we want in the '09 budget that we haven't communicated to the president or, frankly, members of congress necessarily or directly. So, I guess what I'm trying to set up, Mr. Chairman, is the sense of the board that this is likely to get – when the Policy Board gets it, it may get split.

One letter goes to Dr. Hogarth to deal with '08, and then '09 might be treated a separate way. In case the Policy Board asks you what the reaction of this board was, you might want to have a discussion on that.

CHAIRMAN WOODWARD: Thanks, Vince, for that perspective. I think from what I get, that

everybody understands that there is a certain amount of mechanics that have to be incorporated in this process. I think that is the intent of what we're discussing. The question is whether we need to change the language in that motion to clarify it for the record or whatever, or do we all understand what this motion means in terms of what will be advanced to the Policy Board?

Are there any questions or concerns about that? I want to make sure the motion captures exactly what our intent is. I will defer to staff if they understand this or we need to make some changes here or not. I don't want to drag this out any longer than we have to. Are we all clear; everybody is clear on where we're trying to go with this?

All right, any further discussion on the motion? Any opposition to the motion as presented? We have one abstention from the National Marine Fisheries Service. Without opposition, the motion is accepted, and we'll bring this to the Policy Board later on today. All right, thank you, Melissa. All right, our next agenda item is a long list of FMP reviews, and I'll turn it over to Nichola and we'll move through it. I guess if you've got a burning question in midstream, we'll take it. Otherwise, maybe we can wait to the end of it.

## **REVIEW OF 2007 FMP REVIEWS**

MS. MESERVE: Thank you, Mr. Chairman. We do have five FMP reviews for each of the species under this board's purview, and I am going to start with Atlantic croaker. I'll just try to keep to the main points since all the documents were on the briefing CD.

### **ATLANTIC CROAKER**

For Atlantic croaker, we're under Amendment 1, which was implemented in 2006. A couple of the big issues in that were defining two management areas and establishing biological reference points. There are currently no additional amendments or addenda under development.

The last assessment was completed in 2004 – it included data through 2002 – and found that for the Mid-Atlantic Region overfishing was not occurring nor was the stock overfished. The South Atlantic Region's status is unknown. This assessment was peer reviewed through the SEDAR process, and the next assessment is scheduled for 2010 for SEDAR 20. Also, the TC did its annual trigger exercises, and an earlier assessment was not triggered in 2007.

Harry Rickabaugh, our new TC chair, is going to cover this more thoroughly in a later update.

In terms of landings, the fisheries are doing quite well. The commercial fishery is shown here in blue. The landings for the commercial fishery have been above 20 million pounds since 1996. In 2006 they were 22 million pounds. Together, Virginia and North Carolina landed about 90 percent of the fish by weight in 2006.

The recreational landings show a pretty linear increase over the time series. They're shown here in purple. In 2006 the harvest was 9.2 million pounds, which is just a little below the high of 11 million pounds in 2001. Virginia anglers harvested about 70 percent of the recreationally caught fish in 2006. This slide shows that the recreational releases are growing similarly to the recreational harvest.

For de minimis, the definition is a 1 percent coast-wide level of the three-year average and a state can be granted de minimis for either its commercial or recreational fishery. The commission received several requests in its process. These are from Delaware for the commercial fishery; South Carolina, the commercial fishery; Georgia, the commercial and recreation fisheries; and Florida for its commercial fishery.

All qualified for de minimis by the definition in the plan. However, the PRT also noted that de minimis status does not actually exempt a state from any compliance requirements because there aren't any in the plan other than the annual reporting, which is still required of de minimis states. The PRT found that all the states have fulfilled the requirements of Amendment 1. Unless there are any questions, I'll just continue on with the next one.

### **RED DRUM**

For red drum, we are currently under Amendment 2. This was implemented in 2003. It altered the overfishing definition to 40 percent SPR, required appropriate recreational bag and size limits from the states to achieve that; and also maintained the current commercial regulations. There are currently no amendments or addenda under development. The authority transfer is still ongoing. The EA is under review by the Office of the General Counsel.

The last assessment was completed in 2000, and this included data through 1998. It showed that overfishing was not occurring in either region. There were some uncertainties noted by the assessment,



which included not including discards and there were some within-region differences in the stock status.

The next assessment is scheduled for 2009 and will be peer reviewed through the SEDAR process. The TC and Stock Assessment Subcommittee have begun preliminary work, and they actually held a conference call on Friday to discuss data collection.

Here you see in yellow the recreational fishery. It continues to be strong and dominates the landings. The recreational harvest peaked in 1984, and in 2006 there were 1.3 million pounds or about 381,000 fish. The commercial landings are in green. In 2006 there were 172,000 pounds. Over 98 percent was landed by North Carolina. The number of red drum released by anglers shows an increasing trend, as shown in the yellow part of those bars. In 2006 the recreational releases numbered approximately 2.3 million fish, and this was the second highest for the time series.

For de minimis under Amendment 2 for red drum, there is no specific criterion defined in the plan like there is for croaker, a certain percentage and the average of certain years you're supposed to use. We did receive requests from New Jersey and Delaware for de minimis status, so the PRT chose to look at it with a two-year average, less than 1 percent for the total combined fishery.

The PRT found that using that definition, New Jersey and Delaware would qualify for de minimis. What Amendment 2 says about de minimis status is that a board can grant a state exempt from measures established subsequent to Amendment 2, so, really, at this point de minimis status does not exempt a state from any requirement.

Just a brief update on some changes to state regulations, in 2007 South Carolina altered its bag and slot limit. The slot limit changed from a 15 to 24-inch slot limit to 15 to 23 inches in conjunction with an increase in the bag limit from two to three fish. This alters the projected static SPR from 44.5 percent to 45.5 percent, so it's expected to be more restrictive and is still within the limits of the plan. Florida also let us know that they are considering some more restrictive management to increase SPR. However, it's uncertain when such changes would occur.

The PRT overall found that all the states had fulfilled the requirements of Amendment 2. The PRT did make one recommendation, and this was to support the continued moratorium on red drum fishing in the

EEZ for now. There are also research and monitoring recommendations in the documents. Any questions?

CHAIRMAN WOODWARD: I knew we couldn't get by with that plan review without at least one question. Louis.

DR. LOUIS DANIEL: Well, I just wanted to make sure it's on the record – and I think I'm correct here – that the technical committee indicated that our compliance with Amendment 2 resulted in no longer overfishing and that we are rebuilding from an overfished status for our issue paper that we want to put together from the ISFMP Policy Board meeting.

I also wanted to mention that the executive order in the EEZ, how does that affect – and this is not a rhetorical question, but not one that can be answered right now – how does that affect our request from the South Atlantic Council to transfer management authority from the council back to ASMFC? Then, lastly, but just a point – and I've said this, but I don't know that it's true – does anybody have red drum in the slot limit in the EEZ; or, is there a de facto moratorium in the EEZ regardless of what the executive order does because of the maximum size limit?

CHAIRMAN WOODWARD: I'll tell you what, Louis, let's defer your discussion about the executive order to other business because I think that will be a good time to talk about it since we want to ask Bob to give us an update on the status of that transfer of authority, anyway. As far as the occurrence of slot-sized fish in the EEZ, from the Georgia perspective, when we had a 27-inch maximum size on our slot, there were fish occurring in the EEZ below that maximum size limit.

They were not abundant but they did occur out there. Now, with the new – well, relatively new 23-inch upper end, it would be a very rare occurrence for a slot-sized fish to be in the EEZ. Robert, do you have a comment?

MR. BOYLES: More of a question, Mr. Chairman. Nichola, could you go back to the South Carolina slide? The state of South Carolina, for the board's information, as we reported probably at the August meeting, we had a comprehensive finfish bill that was passed by our legislature.

On record, the South Carolina Department of Natural Resources did not support the increase in the bag limit from two to three fish. This was done over our objections. The state did inform the staff of this

change. Spud, I'm asking you, according to Amendment 2, do we need this board to approve our change? It's a procedural question.

CHAIRMAN WOODWARD: I'll probably have to defer this to the guru of the ISFMP, but at first pass, I wouldn't think so because you are still producing an escapement rate in excess of what the goal of the amendment is. I mean, in terms of how you get there, I don't believe this board has to approve that as long as you stay above the threshold. Am I correct in that interpretation?

MR. ROBERT E. BEAL: Thank you, Mr. Chairman. My understanding is that the plan has a provision that if a state is implementing a more restrictive management program, they don't need approval by the board. If they are implementing something that is less restrictive but still within the range or meets the requirements of the plan, then they would need board approval. Since this increases the SPR, it appears to be more restrictive, so I wouldn't think it would need a review and approval by the board.

CHAIRMAN WOODWARD: Thank you, Bob, and thank you for checking, Robert. Louis.

DR. DANIEL: I also wanted to just let the board know that we're in the process – towards the end of our process of revising our Red Drum Fishery Management Plan in North Carolina. There will be some changes, but they will be more restrictive. We're adding a 50/50 provision to the bycatch in the commercial fishery.

Right now we have a seven-fish bycatch allowance, and it's going to be attached to 50/50 other species, but we're going to maintain – there has been some talk about raising our bag limit and raising that trip limit. We feel that is inadvisable at this point. We're also looking into more restrictive attendance requirements on gill nets, particularly in nursery areas, primary nursery areas and secondary nursery areas. We will get a copy of that revision to the commission once it's approved.

CHAIRMAN WOODWARD: What is your timeline on that, Louis?

DR. DANIEL: We've got one last advisory panel meeting just to go over the socio-economic stuff. My hope is that my commission will approve that to go to the Secretary in February.

CHAIRMAN WOODWARD: All right, thank you. Robert.

MR. BOYLES: Given the recent activities on authority transfer, Nichola, I just wanted to make sure that we're still on the glide path for that '09 assessment. I know there has been some discussion. As we do the authority transfer from the council to the commission and given the workload associated with the various species that are planned to be covered by the SEDAR process, I just want to just put another plug in that – obviously, as you can see from the legislative action this past session from our General Assembly, this is a fishery that is just very, very, very high profile for us, and I want to make sure that we're still on target for that stock assessment.

MS. MESERVE: I have received no indication from John Carmichael, the SEDAR chairman, that there is to be a change. We're currently working on scheduling the dates for the three workshops.

CHAIRMAN WOODWARD: Yes, we had a little bit of confusion about when exactly that assessment was going to be done. Remember, it was '08 and then it turned into '09, but I think everybody understands now that we need to stay the course on this. I know at home there is some interest in doing some changes to the red drum possession limits, and I am fending that off by saying that we've got an assessment coming. We're going to be doing one. It's a couple years out, but it's coming, and you need to just stay the course and we'll see what happens then. All right, any other questions on the Red Drum FMP Review? Robert.

MR. BOYLES: Do we need a motion to approve de minimis status?

CHAIRMAN WOODWARD: I think we can do all those at the end of this, I believe, because we've already blown past Atlantic croaker. We can do them all at the end. We'll review the de minimis requests before we take that action.

### SPOT

MS. MESERVE: All right, moving on to spot, the status of the FMP, we're still under the original FMP from 1987, and this does not include any compliance requirements for states. No amendments or addenda are under development. There has been no coast-wide assessment for spot. The lack of biological and fisheries data has been the limiting factor in the past.

In 2007 the PRT did compile numerous fishery-dependent and independent indices from Maryland,

Virginia and North Carolina. Some of what they looked at suggested that there could be a possible long, slow decline in spot, and that there is declining effort in some commercial fisheries. This report was presented to the board earlier this year. The PRT is planning to report back to this board on age-length keys that it's currently developing and hopefully catch-at-age matrices as well.

For the fishery, the blue line here are the commercial landings; green is recreational. Since 1950 it looks like there might be some decline in the commercial landings. In 2006 the commercial harvest was 3.2 million pounds, which is the lowest in the time series.

The recreational landings have varied between 3.6 and 20 million pounds. Anglers harvested an estimated 10 million fish or 4.2 million pounds in 2006. For the first time the recreational harvest in pounds was greater than the commercial harvest. Here you just see the recreational catch. The number of fish released alive in 2006 is the fourth highest in the time series.

The plan review team recommends to the board that it continues to support the PRT's work to develop the age-length keys and the catch-at-age matrices. The research and monitoring recommendations are in the document. Any questions on spot?

### **SPOTTED SEATROUT**

All right, I'll move on to spotted sea trout. Spotted sea trout is under the original FMP from 1984 and also Amendment 1, which set the 20 percent SPR goal. There are no compliance requirements in the plan. The PRT looked at the FMP in 2006 again, and the board agreed that it provides an appropriate level of interjurisdictional management for this species. There are no amendments or addenda under development.

There have been several state stock assessments to look at spotted sea trout or some that are being planned. In North Carolina they are planning to complete an assessment for the species in 2008. The South Carolina assessment from 2005 suggested that SPR was above the goal; however, there was some uncertainty in those results.

In 2002 the Georgia assessment suggested that the stock might be overfished, but those results were also unreliable. Florida, the last assessment was in 2006 and showed a 52 percent SPR for the northeast portion of Florida's Atlantic coast and 51 percent for the southeast Atlantic coast. The PRT recognizes that

limited data and staff shortages have made assessing the health of the stock difficult.

For the fishery, the commercial landings are in orange and in 2006 they were 392,000 pounds, which is a 90 percent increase from the harvest in 2005. The recreational harvest is shown on this slide in red, and it continues to be relatively stable. However, the releases, as you can see, have grown. There are no management or regulatory recommendations in this FMP review. The research and monitoring still stand, though. Any questions?

### **SPANISH MACKEREL**

Okay, I'll move on to Spanish mackerel. This stock is managed through the commission's FMP, which tracks the federal FMP. The fishing year for 2006 was from March 1<sup>st</sup> of '06 to February 28<sup>th</sup> of '07. It had a 7.04 million pound total allowable catch, which is split 55/45 between the commercial and recreational sectors.

There have been some recent actions with the amendments to the federal FMP. Amendment 18 was recently sent to the Secretary of Commerce, in September, I believe, for final review. This amendment alters the timing of the trip limits to coincide with the new fishing year, which was implemented under Amendment 15.

Previously Amendment 18 also included some options to alter the total allowable catch. The 2003 Mackerel Stock Assessment Panel found that if the fishery developed greater capacity and utilized the whole total allowable catch, overfishing could occur after several years. However, those options were removed from the draft. They were postponed until after the next assessment is completed.

As I mentioned, there was a 2003 Mackerel Stock Assessment Panel Report. They found that overfishing was not occurring in 2002-2003 and that the stock was not overfished. The panel an absolute biological catch of 6.7 million pounds. The next assessment is scheduled to go through the fall 2008 SEDAR.

For the fisheries, the commercial here is shown in orange. The harvest in 2006 is estimated at 5.04 million pounds. The recreational fishery was estimated at 820,000 fish in 2006. Here you can just see the recreational harvest in blue and stacked on top are the recreational releases.

The original FMP did not set any compliance requirements. There are just recommendations to the states. However, in 1994 the board set the following as mandatory quota closures, ten-fish bag limit, a 12-inch minimum size limit, 3.5 inch minimum stretch mesh size for the directed gill net fishery and commercial trip limits. The compliance date was back in 1995, and the PRT found that all the states have achieved full regulatory compliance with this plan.

Any questions on the Spanish Mackerel FMP Review?

CHAIRMAN WOODWARD: Thank you, Nichola, for that very thorough and concise job. Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman. Nichola, are those slides that you used, would they be available? I'd like to be able to go over them in more detail.

MS. MESERVE: Sure, they can be sent around to the board.

CHAIRMAN WOODWARD: All right, questions or discussion about the FMP reviews? I know she moved through them pretty quick, but we can certainly go back to anything we need to. Pete.

MR. PETER HIMCHAK: Nichola, I was asked to inquire about the status of a potential Atlantic croaker aging workshop, possibly in combination with red drum. Although it's not a compliance requirement, we are collecting the croaker samples under ACCSP, under FY 06, and we have continued to do it since. So, in the event that there is an aging workshop, I think we have a substantial amount of data to contribute.

MS. MESERVE: That's great to hear. Right now the Red Drum TC is planning to hold an aging workshop next year in September or October, which will follow the end of a sampling period for adult otoliths to assist the stock assessment. If funding is available, we're going to combine this with a croaker aging workshop. It would be held in South Carolina. I think it's contingent on the Policy Board approving the 2008 budget.

CHAIRMAN WOODWARD: Thank you, Nichola. Any other questions or discussion? What I'd like is a motion to approve the FMP reviews with approval of the de minimis status requests. Just as a review, under the Atlantic Croaker Plan, that would be Delaware commercial fisheries; South Carolina

commercial fisheries; Georgia, commercial and recreational; Florida, commercial. And under the Red Drum FMP, it would be New Jersey and Delaware. Do I have a motion?

MR. BOYLES: Mr. Chairman, I make the motion to approve the FMP reviews with the approval of de minimis status as presented by staff.

CHAIRMAN WOODWARD: Do I have a second? Seconded by Jack Travelstead. Any discussion on the motion? Any opposition to the motion? If not, the motion carries. Thank you very much and thank you, Nichola, for that review. There is a lot of hard work that goes into these FMP reviews.

### **ATLANTIC CROAKER TECHNICAL COMMITTEE UPDATE**

Take a look at the people who represent the various interested parties and members of this board; and when you go home, thank them for their work because they're the reason we can sit here and do this in 15 or 20 minutes. It's all their time put in. All right, our next agenda item is an update from the Atlantic Croaker Technical Committee. This group met in September of this year. Harry Rickabaugh from Maryland was elected as chair, and he is here to make the presentation.

MR. HARRY RICKABAUGH: Thank you, Mr. Chairman. The analysis uses biological and landings data through 2006 to determine if a stock assessment should be triggered ahead of schedule. The trigger analysis data was analyzed by state or by region. The regions are the same as those used in the stock assessment, which is the Mid-Atlantic, which is North Carolina north through New Jersey; and the South Atlantic, which is South Carolina through the east coast of Florida.

The only hard trigger for a stock assessment are the landings' triggers, and they are a 70 percent reduction or greater in the current year's landings compared to the previous two years' average. As in this particular table, the top part of the graph is the Mid-Atlantic Trigger Analysis for 2006. The bottom part is the 2005, which is just there for comparison purposes.

As you can see on the far right column, both commercial and recreational landings did decrease in 2006, but not nearly by the 70 percent required to trigger a stock assessment. Only the Mid-Atlantic trigger would trigger an assessment because there is not adequate data for a South Atlantic assessment, and one was not done in the previous stock

assessment. I also present that just for your information.

The South Atlantic landings are drastically lower than that of the Mid-Atlantic. As you can see in 2006, as compared to the average of 2004 and 2005, the landings more than doubled for commercial. The recreational fell slightly. As I mentioned, the only hard quantitative trigger is the landings.

We also look at several other biological triggers, which are looked at in combination to determine if there is some reason to believe the stock is in trouble from a truncated age or size or weight. The first thing we looked at was the mean length. This is from the recreational fisheries, using MRFSS data. It's weighted by state landings and numbers of fish.

This is again for the Mid-Atlantic, North Carolina through New Jersey. As you can see, the mean length has been relatively stable over the past three years with the fish averaging around 12 inches. This is for the South Atlantic. Unlike the North Atlantic, the size has been on the increase, from 2004 to 2005 approximately a half inch. It increased a full inch in mean length for the recreational fishery in 2006.

As you'll notice, it's still significantly smaller, by an inch and half smaller mean length than that of the Mid-Atlantic. Mean length and mean weight at age were also calculated for commercial fisheries from Maryland, Virginia and North Carolina. First I'll look at the mean length at age. First is from Maryland and pound nets. The croaker doesn't generally recruit to this gear until about age two.

As you can probably see by some of the missing age information, beyond age seven the sample size is relatively low, so the area to concentrate on these graphs is generally age two through seven as the most reliable data. In general, in 2006 the mean length at age increased in Maryland.

For Virginia, the three main gears are haul seine, pound net, and gill net, so they were broken down into their three fisheries. In Virginia the mean length at age decreased for most age classes in all three gear types. Next is North Carolina. This is for several gears combined. It also shows a decrease in mean length at age for 2006. The TC was not immediately concerned with the decrease in these mean lengths at age since they did not cross all states, but they did think it was something to keep an eye on for the future.

We did the same thing for mean weight at age. I'll just go back real quick. We did leave in the older ages and the mean length at age just to represent that there are some older fish in the population. Prior to the last assessment, it was believed that age eight or so was the maximum age, and since then we keep getting older and older fish, clean up through age fourteen.

For the weight at age, they're just lumped into a plus group just for easier reviewing. Maryland's weight at age, as you would expect, since the length at age increased the mean weight at age also increased. For Virginia, for the three main gears combined, it also showed a decrease in the mean weight at age in 2006. Again, there was a decrease in mean length at age so that's something you would expect. The same holds for North Carolina.

Again, the TC will continue to monitor mean weight and mean length at age. We weren't immediately concerned with the declines, but we want to track that through time to make sure it's not a true decline in the mean weight and mean length and not just some inter-year variability.

The next thing we looked at from Maryland and Virginia was the commercial catch at age. For Maryland we used pounds. As you can see, in 2006 Maryland's catch dropped off significantly as compared to other states. We're not really sure why that is. The adjacent states did not have the same decline. Again, there is no good reason why. Hopefully, it was just a one-year event.

But you can see on this graph that the strong year classes do persist through time – carry on through the different years. In 2004 age two and six were the dominant year classes; in 2005 it moved to age three and seven; and in 2006 four and to some degree age eight, although they're starting to fall out of the fishery. For Virginia, this is again for all gears combined. It's the same sort of pattern where you see a few dominant years, age threes and sevens, four and eight, and then in 2006 age five and the plus group at nine. You probably noticed that is one year older than the ages in Maryland. This is one of the reasons why we were hoping to have an aging workshop is it appears that different groups are using a different technique to find their first annulus. Again, I'll flip back to the previous slide, and you can see it's age two, three and four are clearly the dominant year classes for Maryland.

Those were aged at South Carolina for Maryland. We don't do our own. In Virginia they're aged at

ODU, and they're three, four and five. So it seemed reasonable that these are adjacent states with the same peaks but one year off, that there is some sort of aging difference between the two states. That's something that we'd like to get corrected.

The next thing we looked at was some CPUE type data. The TC felt that the catch-per-unit effort data was adequate to evaluate, but not to then take over as the main trigger. These are primarily just number of trips and total catch by gear. They are refined down to actual effort. We're eliminating potential trips that maybe weren't targeting this species. This is just a first cut.

As you can see, this is for Virginia. This was done for Virginia and also for North Carolina and Florida. I'll do Virginia first. It's by gear; the top gear being gill net, followed by pound nets and then haul seine. For the gill net fishery, the effort has been relatively stable. It's declined a little bit in recent years, and in 2006 both effort and catch increased.

For pound nets there has been a general decline in both effort and catch by the late 1990s. The 2006 effort decreased again while catch increased slightly. With the haul seine, the 2006 effort increased while catch took a small dip. When you do the catch-per-unit effort, the large yellowish bars in the bar is the haul seine.

As you can see, in the last several years there has been a decline in the catch-per-unit effort for haul seine, although it is coming off of a very high peak. For the pound net, which is the bluish bars, increased in 2006, and for the gill net it also has a slight increase in 2006.

A similar type of thing for North Carolina was done for the ocean sink gill net and fly net trips. The gill net trips have been a general decline since the late 1990s also, and in 2006 there was a slight increase that corresponded with a drop in landings. The fly net fishery has been fairly stable in terms of both trips and landings for the past few years. Again, if you look at the catch-per-unit effort, the fly net has been relatively high and stable for the last few years. Gill net did decline in 2006, but that is still a catch-per-unit effort that's higher than anything prior to 2002.

We also looked at this for Florida's two primary gears that catch croaker, which are cast net and hook and line. You will notice this is a substantially smaller fishery than the two Mid-Atlantic states. There is a lot more variability in both the catch and the effort, and it does appear that there was some

increase in effort through the 1990s for both gears. If you look at the catch-per-unit effort, you can see that it's generally declined in the last several years, except for 2006 has a small spike.

An MRFSS index was not updated since the last stock assessment. The individual who did that index is no longer available. It's a fairly involved process he used to include – what trips to include and not to include. The TC felt that it was a fairly sizeable effort for someone to look and become familiar with it to take on, and that this upcoming stock assessment subcommittee should determine what method to use to create an MRFSS index for the next assessment. We'll wait for the next assessment to update that index.

The last thing the TC looked at was the fishery-independent indices. The two I'm going to present are the two that were used in the last stock assessment. The first one is the National Marine Fisheries Service Trawl Survey. This index is only calculated for sites that are less than 27 meters in depth, and it's limited to some northern strata.

This was done to alleviate sites that never caught or very rarely caught croaker. As you see, it has generally been on the incline since 1990. It's been more variable in the last several years, but still at a very high level.

The other index that was used in the assessment was the SEAMAP Trawl Index, which is divided into two parts, the northern, which coincides with the Mid-Atlantic portion for the stock assessment. For this particular survey, it would be from Cape Hatteras south to the North Carolina/South Carolina border. The southern leg of the survey is from North Carolina south through Cape Canaveral, Florida.

The northern part of the index has been a general incline since probably around 2001, and is at a very high level, probably the second highest in 2006, while the South Atlantic has always been below the north and has been at a fairly low level the past two years. That's all I have. Do you have any questions?

MR. VASTA: A very good report. Was there taken into consideration there was a big fish kill of croakers that were off the Atlantic coast, I guess, in Maryland, Delaware, and Virginia waters? How does that show up in this? I think that took place in, what, 2005?

MR. RICKABAUGH: Yes, I think you're correct, I think was 2005. That was not brought up, but previously, in 2006, when we did this, it was

discussed, but it does not appear, if you look at the landings and whatnot, that it had much of an effect. As I recall, that was mostly large, older fish, and it doesn't appear to have affected the stock in any negative way.

DR. DANIEL: Yes, a very nice job in putting that information together. The issue between the two labs in the aging stuff, is it a similar situation with red drum where they might be counting a false check after that first winter with croakers since they're false spawners as well? Is that the expectation? I don't understand why, in the research and monitoring recommendations, there is discussion of having a scale-and-otolith comparison study. Can you address that, too?

MR. RICKABAUGH: Yes, the concern is that there is a false annulus. I believe they even realize it is a weak annulus. I believe ODU does count it. Considering it is a fish that moves into the Chesapeake, there is – I believe my understanding is that they feel since they come in July through the end of the year, that they're counting that annulus where in South Carolina they discount that small check. It's not even an annulus, but they're always finding it in ODU; and if it's there, they're discounting it in South Carolina.

And as far as scales and otoliths, I think that was originally put in there to take into account some older data, because I imagine that recommendation has been in there for quite a while. At this point, everyone is using otoliths, so I don't think that would really be necessary.

CHAIRMAN WOODWARD: Any other questions? Pete.

MR. HIMCHAK: I'm noticing all the length-at-age and weight-at-age data is essentially starting at 2004; and, I'm looking back over how the technical committee for tautog handled the aging requirements to the point where we recognized that it had to be a compliance requirement put in for each state.

What is the sense of the technical committee on having some kind of a compliance criteria for a number of ages per state. We're modeling our sampling after weakfish at the time. I'm bringing this up because, well, it would reinforce some of the need for our continued request for ACCSP funding to continue the aging. Thank you.

MR. RICKABAUGH: I think the technical committee has generally strayed away from that

primarily because, as Nichola mentioned, the two primary states landing croaker are Virginia and North Carolina. They land 80 or 90 percent every year. Those two states are very committed to collecting otoliths on croakers and do a fairly good job of doing it.

I don't want to be strongly against it, but I think there is also a slight feeling that every state doesn't want to have to be required to collect otoliths when Delaware or some other states that probably wouldn't make de minimis states – or maybe they would, but would be forced to take X number of otoliths when they have no aging program now, and they're a very, very small part of the fishery. The bulk of the fishery comes from those two states and they have no plans of relaxing their otolith collections.

CHAIRMAN WOODWARD: Any other questions? Thank you, Harry, very much for that report. It's nice to be kept up to speed on this, and I appreciate the hard work of the technical committee on that, keeping us apprised of the situation with Atlantic croaker.

### **SOUTHERN KINGFISH TECHNICAL COMMITTEE NOMINATIONS**

All right, our next agenda item addresses the need to appoint a Southern Kingfish Technical Committee. I just remind everybody that this board approved us proceeding with an investigation of the feasibility of developing an interstate fishery management plan for southern kingfish. To do this, we obviously have to have a core group of people who can delve into this species and do the kind of work that's necessary to inform this board as to the next step in the process. I will turn this over to Nichola.

MS. MESERVE: Okay, the nominations are on the screen. We received four from North Carolina, South Carolina, Georgia and Florida. They are Chip Collier, Pearse Webster, Jim Page and Joseph Munyandorero.

CHAIRMAN WOODWARD: Okay, do I have a motion to approve these nominations? Motion by Robert Boyles; second by A.C. Carpenter. Any opposition to the motion? If not, we'll consider these nominees approved and look forward to hearing what they have to say about the humble southern kingfish.

## **SOUTH ATLANTIC SPECIES ADVISORY PANEL NOMINATIONS**

All right, moving along, we'll go to Item Number 9. This is something in a similar vein. Last May this board approved the consolidation of our standing species-specific advisory panels into one consolidated South Atlantic Species Advisory Panel. We've made some progress along those lines, but we still have a ways to go to fully flesh out that AP. We do action some necessary on that. I'll turn this over to Nichola. I want to recognize the hard work of Tina Berger in keeping folks on task with coming up with nominees. She is going to pester you so we can fill this advisory panel up and get it active.

You will remember the purpose of this was to try to ensure some continuity over time with our interaction with our customers. A lot of times we'll put together a species-specific advisory panel. They're busy for a year or two, and then they go inactive and kind of wonder what happened to us and we wonder what happened to them.

Then five years later we decide to do an amendment and we try to call them back in, and they have lost touch with the process. So, hopefully, by appointing this group, we will meet with them at least once a year and keep them up to speed on what we're doing in terms of interstate fishery management on those species.

MS. MESERVE: All right, I don't have too much to add. The nominees are up on the screen now. I believe there are seven recreational nominees and four from the commercial sector and also four from the for-hire or charter fishery. Several panel members are new to the process, and a number of them were carried over from the red drum and croaker advisory panels.

We will look for a motion from the board to approve the list of nominees. Since there were a couple of new nominees, Tina Berger is going to send out an updated memo that has all the advisory panel nominations attached to them, if you would care to look at them.

CHAIRMAN WOODWARD: Okay, any questions about this slate, what we're trying to do, what our needs are? I do know we've still got a spot on there for a Georgia penaeid shrimp representative. I'm not sure whether we need that anymore. We've got Jimmie Ruhle from North Carolina that may be covering that, so we'll have to think about that. All right, there is a motion on the board. Motion made

by Dr. Malcolm Rhodes; second by Robert Boyles. Any discussion?

The motion is move to approve Daniel Dugan, Tom Fote, Jeffrey Reichle, Chris McCurdy, Sherman Baynard, Thomas Powers, Samuel Swift, James Ruhle, Thomas Ogle, Gene Dickson, James Shaw, Greg Davis, James Stockton, William Bird and Tim Adams to the South Atlantic Species Advisory Panel.

Any opposition to the motion? Seeing none, we'll consider the motion approved. Thank you very much, and we'll look forward to getting this group involved with us. At this time I do want to acknowledge that Bill Windley, who is sitting to my left here, has been steadfast with us as the chair of our Atlantic Croaker Advisory Panel for a few years now and helped get us through the amendment to the Croaker Plan.

You know, the folks who serve on these advisory panels do it by taking time out of their lives, and we very much appreciate the work that they do. It helps us groundtruth our good intentions and make sure that we are trying to be at least somewhat in touch with the world outside of the fish tank of fisheries management. So, thank you, Bill, for your service. We very much appreciate it.

## **OTHER BUSINESS**

All right, we're going to move on to other business. At this time I'd like to call on Bob Sadler from the NMFS Southeast Region Office to give us an update on the transfer of management authority from the South Atlantic Fishery Management Council to the commission. I do believe that we are now into the eighth year of this process, so, hopefully, the executive order is not going to change this.

MR. BOB SADLER: Good morning. As you know, the Southeast Regional Office has had the management transfer under general counsel review for some time. This was delayed by a continued vacancy with their staff, as well as litigation which has occurred, other issues in terms of FMP reviews.

We have been moving rapidly on the action, and we were quite close to being able to send the proposed rule package forward. Unfortunately, the executive order has caused some consideration which has delayed general counsel's clearance. We're going to continue to work with general counsel to make sure that the proposed rule package continues forward.



We haven't gotten guidance yet on how the executive order is going to affect the action. I do expect that the proposed rule to be sent forward following deliberations and guidance from general counsel on how to address that executive order. I'll entertain any questions.

CHAIRMAN WOODWARD: Thank you, Bob. All right, here is your chance, Louis. We've got some time available if we'd like to have a discussion about this. I am not sure we want as far into this as the Striped bass Management Board did, but let your conscience be your guide.

DR. DANIEL: I just wanted to know if anybody has any good information that we can use. I'm going to work with Nichola to put together the white paper that we're going to do for striped bass, and we're going to do it for red drum as well on the status of the stock and the impacts and the like. That was the reason I got into that discussion about it.

My question that I asked Bill the other night, and it kind of threw him back, was we've been waiting for this transference for, gosh, it's been four or five years since we did it, I think, and it still hasn't happened yet. How it affects it, I don't have a clue if it has any effects or not. But information on – I think some good information would be if we have data from some of our independent sources like maybe our longline work, what is the likelihood of catching a legal red drum in the EEZ. That might be some helpful information for us in the future. But if anybody has that kind of stuff that we could use in this white paper or fact sheet from individual states, it would be just helpful to send it to me or Nichola.

CHAIRMAN WOODWARD: All right, Louis. With all due respect to our federal partners at the National Marine Fisheries Service, I don't think we could slow it down anymore than it already is, but maybe so, maybe so. Wilson.

DR. WILSON LANEY: Thank you, Mr. Chairman. One of the questions that I have been persistent in asking is what happens to essential fish habitat once red drum is transferred to commission authority. In informal conversations with my National Marine Fisheries Service colleagues, they have indicated to me that there is some possibility at least that the Secretary – once authority is transferred to ASMFC, when the commission makes a request to the Secretary for complimentary actions in the EEZ, one of those requests could be that essential fish habitat be maintained in place.

I think that would be a beneficial thing. EFH, as you know, is a provision of the Magnuson Act, and it doesn't apply to the Atlantic Coastal Fisheries Act. However, it's been a very useful tool, I think, for the National Marine Fisheries Service, as well as the Fish and Wildlife Service who refers to that authority on the part of the National Marine Fisheries Service when we have to do regulatory reviews and we're dealing with trying to minimize or avoid the impacts of projects that require federal approval or federal permits.

So, that's something I'll just toss out for the board's consideration they might want to think about. I guess it's not something that could happen until the transfer is complete, and the ASMFC would then have to ask the Secretary to maintain that or at least ask the Secretary if that's an option. Some of my colleagues at the National Marine Fisheries Service think it is an option. I'll just throw that out for the board's consideration.

CHAIRMAN WOODWARD: Thank you, Wilson, that's a very good point. I know although the definition of essential fish habitat as it applies to red drum is pretty broad, it's still at least something that we can use. That's definitely something we need to stay on top of when this transfer ultimately occurs. Bob Sadler and then Bob Mahood.

MR. SADLER: Yes, Wilson is correct on that. We will work on that with the secretarial action to address the essential fish habitat designation.

MR. ROBERT MAHOOD: I think Louis and those who have been around the council, that was one of the caveats that the EFH designation go along with that and be implemented at the appropriate time with the appropriate mechanism to ASMFC. I think the council thinks if it transfers, it will still have that protection of the habitat.

CHAIRMAN WOODWARD: Well, it certainly never hurts to give that extra due diligence to things like this because they have a tendency to fall through the cracks sometimes. I appreciate Dr. Laney bringing that to our attention, and that's something that Nichola can certainly put on her list of things to continue to follow.

Any other business to be discussed; any burning issues? We've got a little bit of time we can certainly use. It doesn't look like it. I would like to thank the support that I've received from the staff. Nichola has done an outstanding job; and before her, Nancy Wallace, in making this a very easy job, as all the

other staff has done. It's their hard work that makes it possible for us to sort of drop in there and pick up an agenda and get this work done, and I very much appreciate their hard work and support. I know that it's in good hands; and when the helm is passed to Robert, he'll have a sound ship to keep steering on course.

### **ADJOURN**

With no other business, we'll stand adjourned.

(Whereupon, the meeting was adjourned at  
10:30 o'clock a.m., November 1, 2007.)