

**PROCEEDINGS**  
**of the**  
**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**SOUTH ATLANTIC STATE-FEDERAL**  
**FISHERIES MANAGEMENT BOARD**

May 22, 2002  
Swissotel Washington, The Watergate  
Washington, DC

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ATLANTIC STATES MARINE FISHERIES COMMISSION

Swissotel Washington, The Watergate Washington, DC

SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD

May 22, 2002

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**ATTENDANCE**

Board Members

Dr. Louis Daniel, NC DMF, Chair

Melvin Shepard, proxy for Rep. Redwine, NC Leg. Appte.

William Dukes, proxy for Sen. Drummond, SC Leg. Appte.

Susan Shipman, GA DNR

Dr. Kenneth Haddad, FL FWC

Gregg Waugh, proxy for Bob Mahood, SAFMC

Bill Cole, USFWS

Damon Tatem, NC Gov. Appte.

Dr. John Miglarese, SC DNR

David Cupka, SC Gov. Appte.

Bob Lane, GA Leg. Appte.

Kathy Barco, FL Gov. Appte.

Dr. John Merriner, NMFS

Ad hoc State Representatives

Jack Travelstead, VA MRC

Jill Stevenson, proxy for Eric Schwaab, MD DNR

A.C. Carpenter, PRFC

John Connell, NJ Gov. Appte.

Ex-Officio Members

Spud Woodward, GA DNR, Chair Red Drum TC

Other Commissioners

Pete Jensen, proxy for MD Leg. Appte.

Staff

Dr. Joseph Desfosse

Laura M. Lee

John V. O'Shea

Geoff White

Carrie Selberg

Mike Howard

Guests

Dr. Wilson Laney, USFWS

Wayne Lee, NC

Paul Piavis, MD DNR

Dick Brame, CCA

Anne Lange, NMFS

Dale Theiling, SC DNR

H.C. Whitfield, SC DNR

**There may have been others in attendance who did not sign the attendance sheet.**

South Atlantic State-Federal Fisheries Management Board

May 22, 2002

**SUMMARY OF MOTIONS**

- 1. *Move to approve the minutes of the December 3, 2001 and February 20, 2002 South Atlantic Board meetings.***

Motion by Mr. Cupka, second by Mr. Cole. Motion carries with no objections.
- 2. *Move to recommend approval of Amendment 2 to the Red Drum FMP to the Interstate Fisheries Management Board (Commission).***

Motion by Mr. Cupka, second by Mr. Cole. Motion passes with one abstention.
- 3. *Move that the South Atlantic Board recommend to the Policy Board the development of an amendment to the Interstate Fishery Management Plan for Croaker to conform to the standards and procedures of the Interstate Fishery Management Program.***

Motion by Ms. Shipman, second by Mr. Travelstead. The motion carries by voice vote.
- 4. *Motion to approve the red drum plan review.***

Motion by Ms. Shipman, second by Mr. Cole. The motion is approved with no objection.
- 5. *Motion to approve the Atlantic croaker fishery management plan review.***

Motion by Mr. Cole, second by Mr. Waugh. The motion is approved with no objection.
- 6. *Motion to approve the Spanish mackerel fishery management plan review.***

Motion by Mr. Cole, second by Mr. Cole. The motion is approved with no objection.
- 7. *Motion to approve the spot fishery management plan review.***

Motion by Ms. Shipman, second by Mr. Cole. The motion is approved with no objection.
- 8. *Motion to approve the spotted seatrout fishery management plan review.***

Motion by Dr. Haddad, second by Mr. Cole. The motion is approved with no objection.
- 9. *Move approval of the recommended course of action for examining the blue crab fishery.***

Motion by Ms. Shipman, second by Mr. Cole. The motion is approved with no objection.

# DRAFT

## ATLANTIC STATES MARINE FISHERIES COMMISSION

### SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD

Swissotel Washington, The Watergate

Washington, D.C.

May 22, 2002

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The South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Monticello Room of the Swissotel Washington, The Watergate, Washington, D.C., on Wednesday, May 22, 2002, and was called to order at 7:30 o'clock a.m. by Chairman Louis Daniel.

#### WELCOME/INTRODUCTIONS

CHAIRMAN LOUIS DANIEL: Good morning, seven-thirty in the big room, with a recorder, a live recorder. Welcome, everybody, to the South Atlantic State-Federal Fisheries Management Board meeting. We've got a pretty good agenda, pretty aggressive agenda, and we'd like to make sure we get through everything. First, what I'd like to do is invite anybody who is sitting way back there in the audience, if you'd like to come and join us at the table, we'd be happy to have you up here. You might be a little more comfortable.

And what I'd like to do, there are some new faces around the table, at least some folks that I don't know, so I'd like to start over here with Damon and perhaps go around the table. We're usually doing voice recognition but we'll just introduce ourselves around the table.

MR. DAMON TATEM: Damon Tatem, North Carolina Governor's appointee.

MR. WILLIAM COLE: Bill Cole, Fish and Wildlife Service.

MS. ANNE LANGE: Anne Lange, National Marine Fisheries Service.

MS. SUSAN SHIPMAN: Susan Shipman, Georgia.

MR. BOB LANE: Bob Lane, Legislator, Georgia.

MR. JACK TRAVELSTEAD: Jack Travelstead, Virginia.

MR. WILSON LANEY: Wilson Laney, U. S. Fish and Wildlife Service.

MR. W. PETE JENSEN: Pete Jensen, Maryland

proxy.

MR. CLARENCE W. LEE: Wayne Lee, recreational advisor from North Carolina, guest.

MR. A.C. CARPENTER: A. C. Carpenter, Potomac River Fisheries.

DR. JOHN MIGLARESE: John Miglarese, South Carolina.

MR. BILL DUKES: Bill Dukes, South Carolina proxy.

MR. DAVID CUPKA: David Cupka, South Carolina.

MS. KATHERINE BARCO: Kathy Barco, Florida Governor's appointee.

MR. JOHN W. CONNELL: John Connell, New Jersey Governor's appointee.

MR. GREGG T. WAUGH: Gregg Waugh, South Atlantic Council, proxy for Bob Mahood.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Vince O'Shea, Atlantic States staff.

MS. LAURA LEE: Laura Lee, Atlantic States and Rhode Island.

MR. SPUD WOODWARD: Spud Woodward, Red Drum Technical Committee Chair, Georgia.

DR. JOSEPH C. DESFOSSE: Joe Desfosse, Atlantic States Marine Fisheries Commission staff.

#### APPROVAL OF AGENDA/MINUTES

CHAIRMAN DANIEL: I'm Louis Daniel with North Carolina. On the CD, you should have a copy of the agenda. I think we'll be able to get through everything. I don't have any other business. **Does anyone have any additions or changes to the agenda? Seeing none, we'll adopt that by consensus.**

The next thing we've got is we've got two sets of minutes, the December 3, 2001, and the February 20, 2002, minutes. David.

MR. CUPKA: **Move to approve, Mr. Chairman.**

CHAIRMAN DANIEL: **A motion by David**

**Cupka, second by Bill Cole.** Any discussion? Any objection? **Seeing none, the motion is approved.**

#### **PUBLIC COMMENT**

I think we're close enough to 7:45, so I'll ask if there is any public comment at this time. And if not, if items come up and members of the public would like to address the Board, that will be fine.

All right, the next item on our agenda is to review and approve the final draft Red Drum Amendment 2, and everybody should have a copy of that document. I think Spud is here to answer questions as their arise and Joe is going to take us through the changes. As you will recall at the last meeting, we gave staff license to go in and make necessary changes. Most of those changes or those changes that I can tell have been made, and they're in bold. I'm going to let Joe take us through that as soon as everybody has got a copy and ready.

#### **REVIEW OF AMENDMENT 2**

DR. DESFOSSE: Okay, what I'd like to do is go through the text of the document and leave the executive summary until last. At the last Board meeting, you worked off the executive summary. I'd like to point out the changes that were made to the text.

#### **Current Regulations**

And the first item will be on page 3, table 1. It's the summary of the state-by-state regulations. As you requested, states were polled to update their regulations. I did hear back from four of the states. The rest of the states, I assume, there were no corrections to them. There were updates from Connecticut, New York, North Carolina and Florida. Connecticut, there were no fish less than 32 inches total length allowed to be landed. New York, actually there were no changes to their regulations. North Carolina, the seven-fish trip limit is listed here now and they must be less than 50 percent of the catch by weight. The change to Florida's regulation is that there is a prohibition on sale, but that is on native red drum. It applies to the wild fish. You will note in the footnotes that these are noted down there. There is also a footnote for some of the northern states -- Maine and New Hampshire right now -- in that red drum do not occur in state waters.

This could also apply for states -- actually it does apply for Pennsylvania. They are footnoted there as well. But it could also apply for New York through Massachusetts. If it's the Board's desire, I can make that correction. There was a suggestion from Bruce

Freeman -- and he's not here right now -- Pennsylvania should be asked to prohibit the sale of red drum as well. I don't think that they were included in the original memo that went out a couple of months ago.

With the Board's concurrence, when the final draft of Amendment 2 goes out to the states, another memo will go to them asking for them to implement the non-mandatory or recommended management measures which are included in Section 5.3. The rest of the Section 1, you will note --

CHAIRMAN DANIEL: If anybody has any questions or changes or suggestions, go ahead and let's take them as they come.

#### **Biological/Background Information**

DR. DESFOSSE: There was additional background information included in Section 1. And, as Louis noted earlier, that is in bold italics. There were a number of updates to the life history sections in 1.2.1, particularly for Florida, provided by Mike Murphy, stock structure in 1.2.1.8, and updated stock status for Florida on page 32. I just wanted to point that out because I believe during the development of Amendment 2, there were estimates of escapement in Florida of up to 70 percent. That has been recently updated and it ranges anywhere from 24 to 48 percent right now, depending on the assumptions made in the stock assessment.

#### **EFH Designations**

Okay, skipping right along to page 75, the Board suggested that the South Atlantic Council designations for EFH in reference to red drum be included in this document, and they are included in Sections 1.4.2.1 and 1.4.2.2.

#### **Biological Impacts**

Page 78, biological impacts of the management program, this is just some general text in here outlining the intended benefits of Amendment 2: "To initially decrease the mortality of subadult red drum, increasing escapement into the adult population. This increased level of escapement will promote stock rebuilding and in theory result in increased recruitment, which would fuel the rebuilding process".

#### **Technical Documents**

The next section, there has been some updates to the location of technical documents, page 82 and 83, life history information, stock assessment documents. The Law Enforcement Committee's guidelines

document is now referenced in here and the habitat background information. On page 85 is reference to the implementation schedule.

I'll just bring this to your attention now. When you get into Section 5 on the compliance issues, the Board may wish to modify the implementation date. Right now, the way the document is written, it includes a July 1, 2002, date for submission of state plans. Since this is May, the end of May, that leaves a little over a month for some of the states, particularly in the northern region, to develop and submit state plans. The Board may want to readdress this.

### **Monitoring Programs**

Okay, pages 87 and 88, Section 3.1 and 3.3, these are the monitoring programs. There are paragraphs added to each of those sections, which basically say that the Red Drum Technical Committee will review future monitoring programs and provide recommendations to the South Atlantic Board. The intent was the implement any new monitoring programs through the addendum process and adaptive management.

### **Stock Enhancement**

Pages 88 to 92 deal with the stock enhancement section, Section 3.5. The position statement that was part of the draft that you reviewed at the last meeting has now been removed. The Board wished that the Red Drum Stock Enhancement Subcommittee and the Red Drum Stock Assessment Subcommittee get together and develop a new position statement. I'll turn to Spud and he can update the South Atlantic Board as to the progress of that endeavor.

MR. WOODWARD: Well, I feel a little bit like Colin Powell in the Mideast on this issue. We have made some progress since the meeting in February but this has not been resolved yet. The Technical Committee has pretty much stayed on the line that we had previously in terms of that position statement.

However, the Stock Enhancement Subcommittee has developed a draft position statement from their perspective. I just received a copy of that last week so we're not at the point yet of submitting those position statements to this body.

I will promise that by at least the fall meeting we will have this resolved in some manner. I anticipate that we will probably end up having a minority report from the Stock Enhancement Subcommittee on this issue. That's sort of where we are at. It's contentious and it's not something that can be easily resolved.

MS. SHIPMAN: So is the game plan to put some

sort of statement in this plan that we would incorporate by reference a stocking protocol statement upon approval of the Board? I mean, is that possible? We're not saying what we're going to approve, but my reservation is having to go back through a plan amendment to fold something in.

And even adaptive management, that's going to take an addendum; and given the limited resources of the commission, I'm just not sure if that's a wise expenditure of limited resources, if we could go ahead and incorporate a statement by reference, that we will fold it into the amendment upon approval by the Board.

Is that possible? Does anybody object to doing that? That's what I would propose that we do is make some blanket statement in here that there will be a position statement regarding the use of cultured red drum for stock enhancement will be incorporated into the amendment by reference upon approval by the South Atlantic Board.

MR. COLE: I would agree with Susan, if she needs a second to make that a motion.

CHAIRMAN DANIEL: If there's no objection, I think we can just direct them. There's language in the bolded text on the top of page 92 that sort of hints at that, and I think that can be modified slightly to indicate that we would adopt that once we've got a consensus statement or a consensus and a minority report. I think we need to make it clear that the minority report would be included, as well, if there is one. Ken.

DR. KENNETH HADDAD: Why would we actually want to have a position statement? Is it something we need to have? I mean, if we just state the -- you know, it's pretty well worded now. I mean, does this Commission want to take a position on stock enhancement?

MS. SHIPMAN: Well, for instance, sturgeon is the plan that comes to mind. You know, we've got the component in sturgeon on stock enhancement. We have the aquaculture paper that we'll be reviewing in the Policy Board later today.

And we could even put a caveat, if appropriate, or something like that. I appreciate what you're saying. We may or may not want to have it in there. I'm just trying to figure out a more efficient way than us having to come back and do either an addendum or an amendment.

DR. HADDAD: I agree, it's a big debate that may take a while to play out. I'm personally uncomfortable with prematurely having a position kind of identified.

CHAIRMAN DANIEL: Is there any objection to the direction we're heading? Susan.

MS. SHIPMAN: One thing we could do, Ken, is just say "a position statement regarding the use of

cultured red drum for stock assessment will be incorporated into the amendment by reference if approved by the South Atlantic Board." And if we don't approve one, one doesn't come into the amendment.

CHAIRMAN DANIEL: I like that better.

### **Tagging Studies**

DR. DESFOSSE: Okay, the next section is on tagging studies, pages 92 and 93. I don't remember if the Board actually saw the first bold italicized text here in paragraph 2, but I would just point out that there was a recommendation from the Technical Committee as to what types of tags to use based on the size of red drum.

There was Board direction regarding the paragraph on page 93 beginning "The Interstate Tagging Committee strongly encourages programs". There was some rewording done to make that paragraph a little bit stronger, I believe on the suggestion from Mr. Carpenter.

### **Management Program**

Section 4.0, then, gets into the management program. The Board wanted a statement up front regarding the request to maintain the current moratorium on harvest in the EEZ. That's added into the first paragraph under 4.0.

### **Recreational Bag/Size Limits**

The next section is 4.1.1 dealing with recreational bag and size limits. The Technical Committee has reviewed the supplemental analyses that were done on the bag and size limits. And, Spud, do you want to update the Board on that?

MR. WOODWARD: Yes. At the most recent meeting of the Technical Committee, Lee Paramore from North Carolina brought up for our consideration the issue that the reductions in commercial harvest had not been incorporated into the bag and size limit analysis that Doug Vaughan has produced that yielded the tables that we have in the draft. After we discussed that, we sent him back with the mission of giving us the factual basis for why they thought there was a substantial reduction in fishing mortality, which he did. We had a conference call and reviewed it, and then he went off and got married and went on his honeymoon and that sort of slowed things down a little bit. But then we did eventually revisit it, and believe it or not, he could actually remember what he told us the first time in spite of the trauma of his honeymoon. I believe everybody's got this. This is the revised bag and size limit and analyses.

And what has happened is since the original assessment was done, there have been some fairly stringent measures put into place in North Carolina. We felt like the trip limit had resulted in a reduction in fishing mortality that should be reflected the bag and size limit analysis so that this body could make a more informed decision about what would be appropriate in terms of recreational limits.

And what we agreed on was that there had been a 40 percent reduction in fishing mortality. You can see in the first tables here, that's reflected, and it does substantially change the predicted outcome from the suite of size and bag limits that you would get in the northern region.

And since the bulk of the northern region commercial harvest is in North Carolina, we felt comfortable that the numbers they had given us were reflective of what has happened since the time that these new trip limits have been put into place. So by consensus, the Technical Committee approved using this revised bag and size limit analysis.

CHAIRMAN DANIEL: Thanks, Spud. Susan.

MS. SHIPMAN: What's the base? What is this base number? I don't understand what that represents, the 17.8?

MR. WOODWARD: You had to ask that question, didn't you.

MS. SHIPMAN: Sorry, I just don't know what it is.

MR. WOODWARD: Where's Doug Vaughan when you need him. That base, I believe, has got something to do with the particular model that we used in generating the estimates of fishing mortality originally in the assessment.

CHAIRMAN DANIEL: A.C.

MR. CARPENTER: Do I understand that the tables that were passed out will replace tables 19 and 20 in the document, and it is the 40 percent or the 60 percent set of tables that will be replaced?

CHAIRMAN DANIEL: The Technical Committee looked at various reductions in harvest, and it went 20 percent, 60 percent and 40 percent, and they agreed with the 40 percent number, that we had reduced fishing mortality by 40 percent. And so, yes, the tables will replace the ones that are in the current document for the northern subunit.

MR. CARPENTER: And the dividing line between northern and southern is what?

CHAIRMAN DANIEL: The North Carolina-South Carolina line.

MR. CARPENTER: Is that going to be in the document some place?

CHAIRMAN DANIEL: Yes.



DR. DESFOSSE: The intent was to replace Table 19 with the two tables that are under the 40 percent analysis.

CHAIRMAN DANIEL: Anything else on that issue?

DR. DESFOSSE: I did have one question for the Board. There were additional analyses that were run, particularly in the south. I believe it started with a 15-inch minimum size. Do you want to include that table as an appendix to this document for future reference?

CHAIRMAN DANIEL: I'm seeing nods around the table. Is there any objection to including that as an appendix? I think that would be nice to have.

### **Commercial Regulations**

DR. DESFOSSE: Going on to the next Section, 4.2, there is a statement in here that says, "Exceptions to the regulations may be made under the guidance of Section 4.2.2 or as approved by the South Atlantic Board under alternative management."

This refers to a long discussion that the Board had at its last meeting regarding the trip limits, particularly in North Carolina. Although there was no direct Board direction to replace the suggested language under trip or possession limits, staff and the PDT came up with some compromise language which is reflected in Section 4.2.2:

"States without commercial landings cap for red drum shall maintain their current commercial trip or possession limits. States may implement more restrictive limits of desired. States which currently have a commercial fishery landings cap for red drum may adjust their trip limits in order to remain below their cap."

Does this meet with the Board's approval and does it address the concerns that North Carolina had? Just for reference, if you look at the executive summary, the original language is included in there. It says states must maintain their current trip or possession limits.

CHAIRMAN DANIEL: I think the intent there would be that you would not, again, that you would not increase the current trip limits from where they are. The only concern that I would have in that language -- and maybe it's just my concern -- would be that might provide some incentive to harvest the cap when the whole goal and intent is to keep that as a bycatch fishery.

Now that harvest level may increase over time as the stock recovers, but at present I don't think it was the Board's intent to reach that cap because a lot of our 40 percent reduction and the reason for changing table 19

in the document is because of that reduction in harvest.

I just want to make sure that's clear and on the record, and then that reflects, I think, the Board's intent. Anything else on the commercial section?

DR. DESFOSSE: Well, I'm not sure, I'm not clear now. Do you want to maintain the old language or --

CHAIRMAN DANIEL: I think it's clear. I just wanted to make sure it was on the record. I think that bolded text is clear that we can adjust downward, and I think that's the only adjustment that can be made from the current seven-fish trip limit and that the cap is not a goal.

It's not like a quota where you're trying to catch that quota. It's a cap on harvest. I think as long as that is clear to the Board and clear in the document, then I think the language is fine, unless there's suggestions for change from the Board. Susan.

MS. SHIPMAN: No, but I think it needs to be clearly articulated in this document because we've found ourselves years down the road looking at adjustments in fisheries, trying to go back and see what the Board's intent was. I think it needs to be clearly articulated that our intent is that there is not to be a relaxation of the commercial measures. As you've just pointed out, your bycatch fishery is what allows this table. And if we're adopting this table, they've got to be consistent.

CHAIRMAN DANIEL: Yes, I agree. Bill Cole.

MR. COLE: Louis, I understand what you're saying but on the other hand if you look down -- just bear with me, but look down to 4.2.3, the same language, it conflicts with what I think you're suggesting as the bold language at the top of page 95.

What I'm suggesting is whatever we do, let's get this consistent because at one place it says you can't change the cap and yet you're advocating that you can reduce it, not increase it.

CHAIRMAN DANIEL: No, not the cap. The cap is set at a certain level. What we're talking about and what the Board discussed at the last meeting was the commercial management measures, the commercial trip limits could not be less restrictive than are in place now.

That's why that first table with the state restrictions in it was so important to get that up to date and prepared. The principal issue is the cap remains the same. The commercial trip limit remains at least as restrictive as it is now and may be reduced if we need to in order to continue to reduce mortality.

The trip limit could not be increased under any circumstance without coming back to the Board for their approval. That's a little bit later in the document, but that would be the only way that North Carolina, for example, which is the only state with a landings cap, could increase the seven-fish trip limit would be with

the Board's approval. Susan.

MS. SHIPMAN: Louis, I'm confused. Are you seven fish or five fish? I keep hearing both. This says seven fish daily limit but I thought you said you have five fish.

CHAIRMAN DANIEL: No, it's seven.

MS. SHIPMAN: It is seven?

CHAIRMAN DANIEL: It has gone back and forth from 150 to 100 and then we went to the fish count, and it's the highest we've had -- I mean, what we have right now is seven and we've had that since we reopened in December of 2001, I believe it was.

MS. SHIPMAN: Was that what the table says, because I thought it got adjusted to five somehow?

CHAIRMAN DANIEL: No. David.

MR. CUPKA: Louis, I know you wanted to put that on the record and all, but I agree with Susan. I think it needs to be clearly stated in there because right now it just says "can adjust their trip limit". It doesn't say anything about up or down, and the real intent is to keep it as restrictive or make it more restrictive. I think that needs to be spelled out in there somehow with some verbiage so that it's even more clear.

I mean, to me it's not clear the way it reads now. If somebody were to pick this document up five years from now and go back and read that, they wouldn't know what the real intent there was. I think maybe we need to have a little verbiage there to show that it has to be as restrictive or it can be more restrictive and it can't be changed, otherwise, without coming back to the Board.

CHAIRMAN DANIEL: Well, if you will turn back to Section 4.2, it does say that. I mean, it may not be as clear as we want it, but it does indicate that "all states shall maintain their current level of restrictions, i.e., no relaxation of current commercial fisheries management measures." Bill.

MR. COLE: Mr. Chairman, I think you can fix it by saying "may reduce" their trip limit instead of "adjust." The word "adjust" can go either way. When you use the word "reduce", we know in which direction it's going.

CHAIRMAN DANIEL: I think that's a good suggestion. A.C.

MR. CARPENTER: I think there's similar language in one of the other plans that we'll be looking at over the next few days. I have a question that if you currently have a seven-fish trip limit, the plan is approved, two years down the road you decide to lower it to five, do you have to come back to the Board to raise it back to seven?

CHAIRMAN DANIEL: My understanding would be no, that we could adjust downward from seven and

we could adjust -- as long as we didn't go over seven, we could fluctuate back and forth as need be without having to come back to the Board. That would my --

MR. CARPENTER: Well, that would be my interpretation as well but I'm not sure that's necessarily shared around the table.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: I think you would have to look at your state's plan for that year, say, three or five years down the road when we get another assessment; and because of the increase in recreational fishing effort, it shows that you're not making the progress towards the 40 percent.

I mean, theoretically, the minute this goes in, you should be at 40 percent but say something happens and your escapement is not getting there, you may have to further adjust your commercial catch to keep your state on a whole at 40 percent.

That's going to be a Technical Committee call. They will have to evaluate that, I would think. With each year's compliance report, you're going to have to say where you are. I think then, A.C., it would come back to the Board.

If the Technical Committee says they are not achieving the 40 percent because of whatever, it would seem to me we would have to approve that relaxation to go back to that, or maybe we just leave it as a compliance measure and then we just say they're not in compliance.

CHAIRMAN DANIEL: Bill Cole.

MR. COLE: Susan, would you be happy with adding at the end of that bolded statement, "within any given fishing year"? In other words, you're making an adjustment on an annual basis to get around the problem, to make it a little clearer and to remove the potential future confusion that A.C. pointed out -- within any given fishing year.

CHAIRMAN DANIEL: Well, the way the fishery is operated under the seven-fish bag limit, coupled with the 50 percent requirement, has resulted in essentially a bycatch fishery now. So, based on what we've seen in the last couple of years, we're seeing that reduction in harvest and we're not having to adjust the trip limit any longer.

We're able to maintain seven fish, and my hope would be that we will be able to maintain seven fish to give the fishermen some consistency and not be constantly jockeying with that small amount of fish.

Now the problem that we came up with is if we get into fishing year stuff, our fishing year was changed to facilitate making certain that the true bycatch fisheries were accounted for in the fall, and we didn't have a fishing year start January 1 and end up having to shut

the fishery down because of some targeting of red drum. And that was the problem that we faced early on. We'd shut down in October and that's when the bulk of the bycatch occurs in the large mesh flounder fishery, October-November, into December.

And so what we did was we changed out fishing year to start September 1st so that we would be able to account for that bycatch; and if it was shut down at any time, it would be shut down in the summertime when the numbers are the lowest. So I think based on our experience thus far, the seven-fish trip limit will get us through the year with the reductions that we've seen in the last two years.

If we find ourselves in a situation with that seven-fish trip limit that we're approaching the 250,000 pound cap, then I think we're definitely going to need to come back here to the Board and discuss that. But until that time, I don't know really what else we can do with this or if we want to spend any more time trying to adjust what's already a pretty low trip limit. And with the 50 percent provision in place, it sort of protects us from having any directed harvest. Is there any more?

I thought Bill's suggestion was good in that the bolded language that top of page 95 would read, "States which currently have a commercial fishery landings cap for red drum may reduce their trip limits in order to remain below the cap." I think that helps everybody. I'm seeing nods around the table. Gregg.

MR. WAUGH: So then if you were to reduce from your current seven to five, then you would not be able to go back up to seven should you want to?

CHAIRMAN DANIEL: My hope would be that we could. I mean, once we get through the landings year and be able to come back, we could adjust back up to seven once we got through that crunch time.

MR. WAUGH: But I don't see how you could do that if you just change it to "reduce." That's saying you can reduce your trip limit, but you wouldn't be able to then subsequently increase. It is reducing from wherever you are. It makes it unidirectional in any adjustment.

DR. JOHN MERRINER: That wording is a one-way street.

CHAIRMAN DANIEL: Melvin.

MR. MELVIN SHEPARD: I don't see the worry about whether someone is in compliance or out of compliance any different from any state. If any state is not in compliance, that state has to do whatever necessary to adjust to make sure they're in compliance.

It seems to me the better fix on solving the problem would be to say something like "any state may adjust within the limits of their cap", which would then allow you go to down or up or do whatever you needed to do.

But, that would mean the cap would stay rigorous and the adjustment could be within the limits of that cap.

DR. HADDAD: I think that puts us back to the original wording, which is probably appropriate after all the discussion.

CHAIRMAN DANIEL: So where are we? We're going to leave the bolded text like it is and adjust with the language in the beginning of Section 4.2, well, 4.2, or, no, 4.2.2? I mean, it's pretty clear that you're not going to relax your commercial restrictions in 4.2, and so adjustments would be below the seven fish or less, up and down. Is that clear as mud? Joe.

DR. DESFOSSE: Let me just try to run through something here. Each year the states are going to have to submit an annual compliance report which would include the program for the next year's management regulations. In this case North Carolina would say they have a seven-fish trip limit, but states are allowed to be more restrictive. So, during the course of the year, if you wanted to go down to five fish, say, you could do that. But then you realize that the fishermen -- there was some need to raise it back up to seven within the year, the Board has already, in theory, approved that seven-fish limit for that year.

Would it then be possible for the state to go ahead and relax its measures back up to where it was at the start of the year that the Board had approved? You couldn't go any higher.

CHAIRMAN DANIEL: With the bolded language at the top of page 95, you would be able to do that, if we kept it like it is written now. So I think we're covered, and I think everybody is clear?

DR. MERRINER: Okay, the wording is retain "adjust"?

CHAIRMAN DANIEL: Yes.

DR. MERRINER: With the understanding that it can go down --

CHAIRMAN DANIEL: It cannot go higher than seven.

DR. MERRINER: And may go back up to seven but not exceed seven?

CHAIRMAN DANIEL: Correct.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Well, I still am not convinced that says that. I think Anne's point of you've got a base trip limit at the time of implementation adoption of this amendment. You can go down or you could go back up to that base, but the base is where you are.

You cannot adjust it above that base to remain within your cap. I think you all are harvesting 145,000. You could theoretically raise that trip limit right now to allow you to get to the 250. I think we want that reserve to help feed the recovery of those fish to the north.

CHAIRMAN DANIEL: I mean, that was the whole goal and intent of our plan, the North Carolina plan.

MS. SHIPMAN: Right.

CHAIRMAN DANIEL: And that's reflected, I think, in the language here, that we will retain or maintain our current level of restrictions.

Now if we need to make some language in here to specifically say that at no time during the plan period will the trip limit exceed seven fish in North Carolina, which is essentially the only state that we're talking about here, I have no objection to adding any language necessary in order for the Board to feel comfortable that the goal and intent here is to maintain a bycatch-only fishery and not have harvest levels go up from seven fish. Gregg.

MR. WAUGH: If you insert a sentence just saying that trip limits may not exceed the trip limits established upon implementation of the plan, it would address Susan's point.

CHAIRMAN DANIEL: Is there any objection to inserting that language for clarification? Does that satisfy your concerns, Susan?

MS. SHIPMAN: Yes.

CHAIRMAN DANIEL: Okay, anything else on this section? Joe.

#### **Landings Cap/Overages**

DR. DESFOSSE: The next section is Section 4.2.3., commercial landings cap, payback of overages. I believe this bold italicized text was in the last version, but just to be sure, the states which currently have a commercial fishery landing cap for red drum shall maintain the current commercial cap. States may implement -- and I did a little wordsmithing here a minute ago -- states may implement a more restrictive cap if so desired. Is that consistent with the previous section, as well?

#### **Gear Restrictions**

Section 4.2.4, commercial gear restrictions, Amendment 2 does not impose any new commercial gear restrictions for harvesting of red drum. I believe that was a statement that was offered at the last Board meeting. I believe that's it for the actual management measures.

#### **Habitat Recommendations**

The next section where there is new text is in the habitat recommendations. On number 1, page 97, Melvin suggested that a reference to mark recapture studies or other means as available be added to the first

habitat recommendation. And then in a number of these other habitat recommendations, 2, 3, and 4, it was suggested that the words "each state should notify", et cetera, et cetera, be added to each of the recommendations. And I believe that's it.

#### **Adaptive Management**

Section 4, 4.6.2 on page 101, there were additions made to the adaptive management measures. The list here, number 4, catch controls, including bag size and trip limits, was included as a possible addendum. Management measures and the *de minimis* requirements and criteria were listed as well.

#### **Management Institutions**

Okay, continuing on, there was also concern expressed at the last Board meeting that there could be future revisions to the ISFMP charter, and the language in this amendment should reflect such possibilities. In Section 4.8, you'll see new text that accomplishes this, I believe. Basically 4.8 just lays out who the management institutions are, basically the committees, the Advisory Panel. These are all laid out in much more detail in the ISFMP charter.

#### **Recommendations to the Secretaries**

Section 4.9 on page 104, recommendations to the secretaries for complimentary action, the Board wanted that strengthened a little bit in terms of the commission believing that the measures contained in Amendment 2 were necessary to prevent the overfishing of the red drum resource; therefore, the recommendation to the Secretary to continue the prohibition on harvest and/or possession of red drum in the Atlantic EEZ.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: On that one, do we need to say anything about being necessary to recover overfished populations? I mean, clearly, we have an overfished stock in all parts of the range, and this says it's necessary to prevent overfishing, and that's true.

But it could be implied we have a recovered stock and we don't. Is it more helpful to the Secretary in continuing the moratorium to say that we believe the measures contained in Amendment 2 are necessary to recover overfished stock and prevent the overfishing of the red drum resource? I would recommend we add that.

DR. MERRINER: I would concur. Anything that would strengthen it would be great.

CHAIRMAN DANIEL: Is there any objection to

that language? I think whatever we have to do to facilitate these two plans dovetailing to here where, when the South Atlantic plan goes away, there's not a gap in the timing for harvest in the EEZ. I think that's critical. Gregg.

MR. WAUGH: The last line there where it says, "Continue the prohibition on the harvest and/or possession of red drum in the Atlantic Coast Exclusive Economic Zone", the current prohibition is just South Atlantic EEZ. It's just the EEZ off of our council area where that prohibition is in place. So it seems to me if you want that to carry forward -- that's my recollection.

DR. MERRINER: I don't recall the specific wording, but we can check on that. I thought it was the entire Atlantic seaboard.

MR. WAUGH: Then, if that's the case, then, okay.

CHAIRMAN DANIEL: But if it's not --

DR. MERRINER: I'll check on that.

CHAIRMAN DANIEL: -- then we would want it to be the entire Atlantic Coast EEZ, I would think. Melvin.

MR. SHEPARD: Something is bothering me. We haven't touched on anything to do with rollover, and I'm not for there being any rollover at all in the red drum fishery. And if we don't address that at all, then I think we ought to at least say that it's not our intent to allow that at all.

If anyone comes up short of what their cap is, you can't go get it the next year. You can't add it to your next year's quota. I think if we don't say that, that would be an error in this plan. In this plan, I'm not for having any kind of rollover at all.

CHAIRMAN DANIEL: That's a good point for at least down the road. I think it does need to be clear that the intent is to reduce the harvest. Melvin.

MR. SHEPARD: To follow that, I think that probably penalizes North Carolina more than it would anybody else, but I think it would tell somebody around the table or anybody around the table that it's our intent. You know, we say we are at 145,000 with a cap of 250,000 in our state plan. It's not our intent to go next year and try to get 400,000 to make up for the difference.

CHAIRMAN DANIEL: And in our plan that's the reason we changed the language in all of our rules and in all the discussions, and it's still hard to not call it a quota, but that's why we call it a cap. I mean, that was our intent was that it's not a goal. We're not trying to catch the quota. We're trying to reduce the harvest. And so the cap is simply a ceiling that you absolutely don't want to go over, but that's also not your goal. You're not trying to facilitate management to get to 250,000 pounds every year.

But I don't know if we need language added to accomplish or to address Melvin's concerns or whether it's implicit that we're not going to add. I mean, if we're under by 100,000 pounds, great, with reduced harvest, 100,000 pounds. We're not going to tack an extra 100,000 on to the next year. Susan.

MS. SHIPMAN: My suggestion is we make it as explicit as possible. Our experience with the North Carolina fishermen is they come to this commission repeatedly reading these documents, reading these plans, asking for certain things; and when we are not explicit, it puts us in a box.

I think given our history, I think we need to state back in that section that's talking about it to say it is a cap; it is not a quota, and any underage that is not harvested of that cap is not to be rolled forward into a future year.

DR. MERRINER: That can be done back on 95; is that where it should go? And I was curious about one other point and it can be accommodated there.

My curiosity is why we have this sanitizing of states when there's only one state with any commercial cap? Just say it up front, boom, North Carolina, unless that was something that was particularly sensitive, I don't know.

CHAIRMAN DANIEL: I certainly don't have a problem saying that it is North Carolina.

DR. MERRINER: My curiosity was when you mention plural, the only one I can come up with is a singular point, so we either have "the state" or say it up front. I'm halfway jestful but halfway serious, too. For clarity, anyway.

CHAIRMAN DANIEL: Melvin.

MR. SHEPARD: Dealing further with Susan's comment, I would think we would want to seek some legal advice about singling out North Carolina as laying a basis for some kind of discrimination against those people, and maybe we ought to include that this applies to all states.

I'm not quite sure but I hear you loud and clear, Susan. I'm on the same page you are, but do we need to say things so that there cannot be any claim of discrimination or are we not just picking on North Carolina. I bring that point up strictly to head off some kind of claim that we are discriminating.

CHAIRMAN DANIEL: Well, there's also nothing that would prevent, for example, the state of Georgia from saying they will not allow the sale of more than a certain amount of fish. And I think our language in 4.2, the very first sentence in Section 4.2, "In order to avoid the establishment of any new commercial fisheries for red drum", I think that's a pretty clear statement, too.

But it wouldn't prevent any states that currently

allow sale from putting in a landings cap, so I would agree with Melvin. And it may create some problems for us, thinking about it now, if we change it from "states", because I'm not sure what might happen in other jurisdictions -- outside of North Carolina, I mean.

DR. MERRINER: I can agree with the statement as made by Louis and raised by Melvin, that does help clarify it so let's stay with "states" at this time, "state or states", and that keeps it general and could cover any potential for other states taking action to establish a limit for their landings in their individual waters. So the comment is leave it plural, "states". That keeps the stuff straight.

CHAIRMAN DANIEL: Well, at the bottom of page 95 we indicate -- this is in the payback section -- we indicate that any quota overage would be subtracted from the next year's. Perhaps a sentence after that indicating there would be no rollover for underages of the cap, I think that might solidify that position a little better. Yes, Melvin.

MR. SHEPARD: And the sentence might ought to go far enough -- and still in light of what Susan commented on a few minutes ago -- the sentence might ought to go further to say something to the extent that it is to further the conservation or recovery of this fishery, that it is the intent of the Board to utilize any perceived underages to further add to conservation measures.

I mean, somebody said something about clearly writing in what our intent is; I think Dave Cupka mentioned this. I think that's probably the place to do it to forestall any type challenge at all.

CHAIRMAN DANIEL: Any further comment? So we'll give Joe the license to insert that sentence in that section. All right, back to page 104. Thank you, Melvin.

MR. COLE: Louis.

CHAIRMAN DANIEL: Bill Cole.

MR. COLE: Gregg has a clarification on something that we probably need to fix, and why don't we do it before we get too far away from it.

CHAIRMAN DANIEL: Gregg.

MR. WAUGH: Coming back to this issue of the Atlantic Coast EEZ, the management unit goes up through the New Jersey-New York boundaries. So in the EEZ south of that, that portion of the Mid-Atlantic and the entire South Atlantic EEZ harvest and/or possession of red drum is prohibited.

So the area north of the New Jersey-New York boundary, the EEZ is not closed. So it just needs to indicate that this request applies from that line south; or if your intent is to prohibit it in the entire EEZ, then some additional action would need to be taken.

DR. MERRINER: Well, I think the only thought

here would be if -- the only hangup could be in the transition from the Magnuson Act, or the ease of transition from the Magnuson Act to the Atlantic Coastal Act.

Changes in the boundary line or area in which you anticipated there being a need for prohibition would, I guess, would entail a number of changes, some of which could involve EIS and the rest of the thing because you're expanding an additional area being impacted or people being impacted by the rule.

If it was to be the intent to be the same area that is presently covered in the rules and regulations, then I think it would be a fairly simply -- I'm hoping it can be a fairly simple transition between the two Acts per request to the Secretary.

If that was a request to the Secretary originally and that's what the verbiage is now and it has worked, my suggest would be we would take the bird in the hand and proceed with it rather than trying to go further to the north where we have no evidence that there are fish in the EEZ nor do we have any evidence that there is any commercial fishery for them in those waters. So, possession south of there I think we would be pretty much protective of red drum.

CHAIRMAN DANIEL: Joe.

DR. DESFOSSE: Okay, I've got a suggestion here. Added on to the last statement in Section 4.9, then, right after "EEZ", would be "within the management area of the resource; i.e., south of the New York-New Jersey border." Does that do it?

CHAIRMAN DANIEL: I'm seeing nods to the affirmative. I'm waiting for a federal head to nod.

DR. MERRINER: Well, I think that's correct. The comment Gregg had was the boundary line was described as being the New York-New Jersey boundary in the federal rule, so I think we're consistent with that statement. If you use that same verbiage, it should pass through the system more steadily than having anything that might hang up. Just check with Gregg on what the word -- if you have the word there, it's New York-New Jersey boundary.

MR. WAUGH: It gives degrees and latitude and longitude and I can give that to Joe.

CHAIRMAN DANIEL: But that border being at the New Jersey-New York line makes at least the prohibition on harvest and sale of fish over 27 inches being complemented outside the management unit states, New York north, that much more critical. So, I don't have a problem with that, just keeping what we've got, but as this resource recovers and looking at the historical landings from some of those north of the border states, we could have a problem down the road.

But I don't want to forecast but it just emphasizes --

I think, the Commission, the folks on the Commission need to just emphasize the need to those states to try to get some of these preemptive measures into place so that we don't have a problem down the road. Susan.

MS. SHIPMAN: Now the management unit area early on in the plan, the unit is defined as "the red drum resource throughout the range of the species within U.S. waters of the Northwest Atlantic Ocean from the estuaries eastward to the offshore boundaries of the EEZ." And then it goes on to say "The management unit is the entire Atlantic Coast distribution from the Florida East Coast through New Jersey."

So you've got two distinctions there. You've got an area and you've got a unit. You may want to just request that the moratorium in the EEZ be applied to the management area.

DR. MERRINER: That would be consistent with the present rule, then.

MS. SHIPMAN: I'm on little Roman numeral three of the executive summary. 2.4 is the section it's in.

CHAIRMAN DANIEL: Page 85 in the text. Does that suit everybody? I think that's a good suggestion. Wayne.

MR. LEE: Thank you, Mr. Chairman. I'm not a member of your panel, but if you look at historical landings of red drum, at one point in time we had 11 million pounds landing in the Mid-Atlantic region. If this species starts recovering under the plan that you all are about to adopt here, it would appear to me that we should have --not only the management area but the restrictive area should be included well beyond New York and New Jersey.

You have boats that come out of that area that fish in the EEZ and south of that area and go back north. It would just appear to me if we want to protect these stocks, if we're going to keep the moratorium in place in the EEZ, that it should be for the entire region of the Atlantic Ocean.

DR. MERRINER: Let me pose the question to the Board, then. If it desires the entire Atlantic Ocean or at least the U.S. Atlantic waters, then that can be the request that goes forward to the Secretary. That may engender more work or it may be simpler. I honestly can't answer what the NOAA General Counsel would do with that. But it may make it slightly more complex. I can understand the added protection, if you would, that would be afforded to the resource by that.

Well, it was just mentioned it could be an equity issue as far as the lawyers; again, we're discriminating against the fishermen to the south when we're allowing the fishermen in the north to continue with the harvest in the EEZ if the stock expands with global climate change or through our wise management of the

resource.

CHAIRMAN DANIEL: Well, as Joe points out, that part is in our adaptive management. I think what we need to do is facilitate the transfer. Now, clearly, we're not going to give up our Red Drum Plan in the South Atlantic Council until we're sure that this thing is moving at least at some measure of warp speed.

But if we can get that in and then we -- I don't think it's an imminent problem, Wayne. I think it could be five or ten years down the line. If we start to see fish showing up that way, then it may be a time when we need to come back and possibly modify our recommendation to the Secretary.

But, again, I just emphasize the need for those New England states to complement the restrictions that we will have in the management unit and at least protect those big adult fish so that there wouldn't be a loophole where somebody, if they did happen to come down south, catch a large quantity of large red drum and take them back north to Jersey, theoretically, I guess some of them, they could be sold.

And then that could create a problem, and that problem could become greater and greater as the stock increases. Susan.

MS. SHIPMAN: Yes, I think I'd rather handle it in the future, largely because if we get into the EEZ issues above the New York line, I think we're going to get into the New England Council's area of jurisdiction. Based on our experience with red crab, I'd just as soon not go there right now.

CHAIRMAN DANIEL: Enough said. So are we happy with Section 4.9, with the changes that Joe suggested?

DR. MERRINER: Would you repeat those so we are straight on them.

CHAIRMAN DANIEL: Joe.

DR. DESFOSSE: Yes, at the end of the last sentence in 4.9, just tack on "within the management area of the resource, i.e., south of the New York-New Jersey boundary". And I'll get the exact verbiage from Gregg and insert that as well. There was reference to lat and longs.

CHAIRMAN DANIEL: Federal heads are nodding. Section 5.

### **Compliance/Regulatory Requirements**

DR. DESFOSSE: Section 5 deals with all the compliance elements of the management plan. There are no changes until you get to 5.1.1.1, regulatory requirements. The Board recommended striking the first sentence about "states may begin to implement Amendment 2 after final approval by the Commission."

There is only one change to the regulatory requirements, the third one there. You'll see the italicized text; "all states must maintain current or more restrictive commercial fishery regulations for red drum under the guidelines of Section 4.2". That was just to cover any changes that were made to the commercial management measures at this meeting.

### **Monitoring Requirements**

Okay, monitoring requirements on page 106, Section 5.1.1.2, this was agreed to at the last Board meeting: "States, Florida through Virginia, shall document and roughly characterize all areas currently closed to fishing which may provide reserves for larval and juvenile red drum." The Technical Committee suggested that a deadline of two years from implementation of the management plan would be sufficient to gather this information. And the second paragraph under monitoring requirements, again, just details that the Technical Committee will work to develop appropriate protocols for future monitoring programs.

CHAIRMAN DANIEL: Gregg.

MR. WAUGH: This is just my ignorance but why just through Virginia? That may come up somewhere down the road and it would probably be helpful to have some explanation of why.

DR. DESFOSSE: Spud is whispering to me over here that it's probably due to where the significant fisheries are, and those states north of there really don't have major fisheries.

CHAIRMAN DANIEL: Wilson.

MR. LANEY: Also, if I remember our discussions at the Technical Committee meeting, Spud, that was our perception as to where most of the nursery areas were, as well. We thought that would cover, pretty much, the historic nursery areas for the species.

CHAIRMAN DANIEL: Thank you, Wilson.

### **Law Enforcement Requirements**

DR. DESFOSSE: Okay, moving on to the next section, law enforcement requirements. The dates have been changed to reflect the calendar year beginning January 1, 2003. That's predicated on the implementation date decided at the last Board meeting. You will also note that at the bottom of page 106 the deadline for reports on compliance will be May 1st beginning in 2004, which skips over Section 5.1.2, basically the compliance schedule.

### **Submission/Implementation Dates**

The first date there I referred to earlier was the submission date for state plans, July 1, 2002. There's a little staff note down in parenthesis here, does this give enough time for the northern states to develop and submit their plans?

CHAIRMAN DANIEL: Jack.

MR. TRAVELSTEAD: You know, I don't think July 1 does give us enough time. I think we still need time to get back to the different groups in our state. I suspect some of the other northern states may feel that way, too, who haven't been as up to date on this thing as the rest of you have. So, probably August 1 would do it for me. I don't know how the other states feel, but that extra month would help. It would still allow us to come back to the ASMFC meeting in August for approval.

CHAIRMAN DANIEL: Is there any objection to changing that to, say, August 15th? Would that give us time to get it out to the -- to have the review and -- August 1 is cool; is that better? Susan.

MS. SHIPMAN: It's more of a question for staff. What kind of turnaround are they going to need to route it through the PDT, Technical Committee, or whomever, and then bring it to the Board?

DR. DESFOSSE: My feeling for this is if you made it mid-August, we could probably meet the deadline for the South Atlantic Council meetings if the Board could meet for, say, an hour during the Council meeting.

CHAIRMAN DANIEL: I would certainly prefer that. Melvin.

MR. SHEPARD: Mr. Chairman, the Technical Committee review group made some recommendations, and I can't remember what those recommendations are.

But one of the things we talked about and decided was unfair and unjust to members of the Boards and of the technical committees and the other groups was these things delivered too late to do proper justice to get them to the next Board meeting without really putting clamps on the technical committee.

I don't remember what those time restrictions were. It seems to me it was something like two weeks before a Board meeting or something, something that's reasonable. That's the only thing. I would like to see these Boards begin to observe that consideration for the technical committees and their reviews and approval of these things.

CHAIRMAN DANIEL: If we had the program required to be submitted by August 15th, then that would give us a solid month before the September South Atlantic meeting, where we could address these. And I don't think -- I mean, I think the Technical Committee -- and, Spud, jump in here if I misspeak -- I mean, I think we've worked out a lot of the compliance



stuff.

I think all the states are aware of the compliance criteria for Amendment 2, and a lot of the states have already implemented some of those or if not all of those requirements. I don't foresee any major technical problems with any of these plans for this fishery.

So, I think this one will be easier than, say, Weakfish Amendment 3 was, that did take six months to get through. But, I think, Melvin, you're loud and clear because as a Technical Committee representative on some of these things, it is tough when you get these and have to turn them around real fast, especially when you get a stack of thirteen compliance reports that you've got to go through. Susan.

MS. SHIPMAN: Melvin is correct, and later this afternoon in the Policy Board we're going to be working through the recommendations basically for the technical support groups. And there is something in here, Melvin, and I can't find exactly the wording, but it's something like a four- to six-week advance period to route it through the technical support groups.

And, Louis, while you're correct, I think the states in the south, we're okay. It's those states to the north. They've got to go back and look at their either regulatory or legislative calendars and figure out what they're going to do because many of them allow harvest over 27 inches.

They're going to have to make a change and they've got to come forward with what their strategy for that is. I don't think we're the ones affected, that's why I defer to the folks from the north. You all are the ones affected and what's going to work for them.

CHAIRMAN DANIEL: But as far as the technical review of the plan, it's pretty straightforward. A.C.

MR. CARPENTER: Is it possible to have two compliance dates; one for the southern section of August 1st and one September or even October for the northern states because that can then be taken up at the annual meeting for Virginia through New York and above? There's no threat to the fishery.

You would still end up with a January 1st effective date on all of them; but if you need to get the southern states through the South Atlantic Board, we don't need to go through the South Atlantic Board. That's literally a Commission issue from there north.

CHAIRMAN DANIEL: I certainly have no objection to doing that. I mean, certainly right now the critical issue is getting them in place in the southern zone and in North Carolina. They're in place in North Carolina. They've been in place for three years.

There really is no -- I really don't see that there are a lot of changes that need to be made in the core area right now, or that will be. There might be a little

tweaking but, I mean, there's not any more or less restrictive measures that are going to go in place from North Carolina south. Susan.

MS. SHIPMAN: Why don't we recommend a date of July 1 for the states of North Carolina and south and a date of October 1 for Virginia through the rest of the management area?

CHAIRMAN DANIEL: Without objection, so be it. Next.

DR. DESFOSSE: Next on page 107, just another reference to future revisions to the ISFMP Charter. This is procedures for determining compliance in case any changes are made to the ISFMP Charter. It will track as well.

### **Non-mandatory Recommendations**

Section 5.3 on page 108, just a little wordsmithing. I wrote out the full name of the South Atlantic Board and also included Pennsylvania, which had been left out in previous drafts. These are for the non-mandatory or recommended management measures which is to "implement a provision to prohibit harvest, possession and sale of red drum greater than 27 inches total length." As I said earlier, staff will send a letter to those states once the amendment has been approved by the Commission.

### **Management/Research Needs**

The next two sections, Section 6.0, the management and research needs, these have been updated and reviewed by the Technical Committee. They have been reprioritized. There needs to be a little bit of wordsmithing here, move things around so that they track high, medium and low priorities within each category.

### **Protected Species**

And Section 7 is protected species. It has been updated extensively since the last Board meeting; information that was provided through Gregg and Margaret Murphy of the South Atlantic Council. Most of the marine mammal information is new and it is up to date. And I believe that is it for the document.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: On the protected species section, has staff incorporated the suggestions or the edits that came back to Margaret from the states on the Dolphin/Wahoo section? I would just suggest maybe editorial license be given to fold in that final version because I know the states did comment back to Margaret on that.

MR. WAUGH: I'll get with Margaret and Joe because it probably does not, because I think those comments came in relatively recently and we got this to Joe a while back. I'll make sure that Margaret gets in touch with Joe and provides those changes.

CHAIRMAN DANIEL: David.

MR. CUPKA: **Mr. Chairman, I'd like to go ahead and make a motion that we recommend approval of Amendment 2 to the Red Drum FMP to the Interstate Fisheries Management Board.**

CHAIRMAN DANIEL: **I've got a motion from David, seconded by Bill Cole, to recommend approval of Amendment 2.** Susan.

MS. SHIPMAN: Just a clarification. It needs to go to the Commission and not the Policy Board. The way the Charter is now the (Policy) Board does not have to approve this. It goes straight to the Commission.

CHAIRMAN DANIEL: With that change, do you need to see it on the Board or is there any discussion on the motion? Seeing no discussion, do we need to caucus? Yes, the motion is to recommend approval of Amendment 2 to the Red Drum Fishery Management Plan to the Commission. I'm seeing no indications that we need to caucus. **If not, all those in favor signify by saying aye; all those opposed; null votes; abstentions. John Connell abstains. All right, the motion passes.** Thank you, Joe. Neither I nor Bill Cole are members of the Commission and so I've asked Jack Travelstead to make this motion on behalf of the Board to the full Commission.

All right, with that I would like to -- it's 9:00 o'clock. This took a little longer than we expected, and that's not a problem. I would like to move the Croaker Technical Committee report up to this point so that Laura doesn't have to come back for the fourth or fifth time to do this for us. So, with that, I'll turn it over to Joe to handle that issue.

#### ATLANTIC CROAKER TC REPORT

DR. DESFOSSE: And this is a little awkward because the Technical Committee did not elect a chair at its meeting in November so you're getting a staff update of that meeting. The Management Board had some questions regarding the stock assessment, and that's why we have Laura here to answer those questions.

So, briefly, the Croaker Technical Committee met in Baltimore on November 27-28. They didn't elect a chair but they did provide nominees for a Stock Assessment Subcommittee, which the Management Board needs to approve at the end of this report.

They reviewed the stock assessment as done by

Laura and Dr. Joe Hightower and Peter Rand. They also reviewed the draft FMP review and update on the status of the stock and fishery. Briefly, the assessment used data through 1998. The recommendations from the Technical Committee is that they estimated it will be two to six months to update the assessment if they just incorporate the most recent data, 1999 and 2000, if they use the same model that was used in this assessment. Additional time might be needed if the model was changed. They would need more time to incorporate some of the tasks that were identified in their report, which is on the second page.

There's two lists in here. One is detailing some of the uncertainties and limitations of the current assessment. The second list is tasks for the Stock Assessment Subcommittee.

The Technical Committee reviewed the assessment and there's some major highlights to go over. The biomass has increased for Atlantic Croaker from 1991 through 1996. The assessment modeled a downward trend in '97 and '98, but this needs to be reevaluated given the uncertainty in the terminal years of any of the assessments. The Technical Committee did feel that this was just an artifact of the assessment based on other information, the increased landings, the increase in the age structure of the stock, that the stock is still expanding. It is not on a downward trend. They expected this trend to disappear with the inclusion of new data, basically the 1999 and 2000 data. Yield per recruit analyses suggested that maximum yield per recruit would occur at age of entry of age three. It's currently age one in the fishery.

And in reviewing the report last night, I just wanted to point out a couple of the figures. Figure 2.6, unfortunately, the page numbers aren't on here, but figure 2.6 gives an overview of the commercial landings coastwide of Atlantic Croaker. Most of the landings are occurring in North Carolina and Virginia. Figure 2.9 is length-frequency distribution of the coastwide recreational landings. This demonstrates the increase in the age and size structure of the catch. And note that there's an increase in modal size. In 1992 it was about 20 inches. In 1995 it was approximately 23 inches, and in 1998 it jumped up to above 28 inches.

Figure 2.10 shows the length frequency distributions of the recreational catch in North Carolina and Virginia. And particularly in Virginia, you will note the increase in the age and size structure of the population or of the catch. 2.17, these are results from the model. They are annual estimates of the biomass, recruitment and fishing mortality. The first graph on figure 2.17 is biomass and recruits. You will note that the recruits have increased since 1992. They bottomed

out in about '91 and '92 and they're back up to a relatively high level. The biomass, you see the decline in '97 and '98. This is what the Technical Committee was referring to. They felt that this decline was an artifact and that the stock was still continuing to expand.

You will also note an increase in the fishing mortality in the second panel of figure 2.17. The fishing mortality has increased from about 1995. And then in the appendices, table B-2, this gives the annual estimates of population size in millions of fish by age and year from the model. One thing I wanted to point out and I noticed here. If you look at the first set of numbers in table B-2, you'll see an increase in the age structure. You can see those older ages out to age seven starting to fill out from about 1993.

Going back to the Technical Committee report, as I mentioned earlier, there's a number of tasks that the Technical Committee has identified. I guess you could consider them charges to the Stock Assessment Subcommittee when they begin work.

They also reviewed comments that were provided by Dr. Charlie Wenner regarding an earlier version of the stock assessment. The Technical Committee did prepare responses to almost all of the comments by Charlie, and they are included as part of the Technical Committee report here.

And on the last page of the report, there is a recommendation -- well, not a formal recommendation, but the Technical Committee did identify the need to conduct a workshop to develop aging criteria for Atlantic croaker. The committee would like the management Board to decide what direction the stock assessment should take. Should it be an update or should it be running a new model which would take additional time. The committee identified the need to designate a lead assessment person to head up the Stock Assessment Subcommittee and update the assessment. The volunteers that were identified for participating on the Stock Assessment Subcommittee are: Paul Piavis from Maryland; Janaka da Silva from Florida; Eric Williams from NMFS; and Jeff Brust of Commission staff.

CHAIRMAN DANIEL: Thank you, Joe. Are there any questions for Joe off the top here? Susan.

MS. SHIPMAN: Your statement that the addition of additional data will indicate the stock is in better shape than I guess some of this output would suggest seems counter-intuitive to what we've seen in weakfish, that as you add in more data into your terminal Fs, typically they go up and your biomass goes down. Can you explain that to me?

DR. DESFOSSE: I can try. From what I recall, the Technical Committee would be basing that conclusion

on the relatively high rates of recruitment that are seen, the juvenile abundance indices. They continue to be high; the expansion of the age structure and size structure in the catch. They don't see a decrease in the size of the fish that are being caught or the age of the fish that are being caught.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: I would just submit that's probably the same picture being painted in weakfish, but that's not what the assessment is telling us. As you add in those additional years of data, that F goes up and that biomass comes down. That has been a standard trend we have seen in about every assessment that has been run. Just an observation.

CHAIRMAN DANIEL: In a lot of respects, though, if you look at a recent example that's near and not at all dear to my heart, when we start to see that first -- when that first up-tick starts to occur, the assessments can tend to depress that recovery trajectory early on in the process. But what we're seeing here, based on appendix B, is we're seeing a stock that has gone from an extraordinarily truncated age structure down to age three and the stock is basically filling out through age seven in 1998. And I can tell you, based on the age work that has been going on in North Carolina for the last, well, '99-2000, is we are seeing some eight, nine and ten year olds, as well, in the catches. So we are seeing those fish out to age ten, at least.

We know that those are out there. You know, the confounding thing about this fishery, though, is looking at the trends in the catches and the increases in the Fs, you know, it may just be circumstantial, but they're out of phase with weakfish, and you see these big increases in weakfish as the croakers, you know, and when they go away, the croaker starts up. And then the croakers go way up and then they're going to drop off here. They can't withstand the pressure that they're undergoing right now. I mean, I just don't see how that's possible with potentially 50-75,000 pound catches of these large older croakers.

You know, I may get strung up from a tree for saying that, but I just don't see how that stock can withstand that level of pressure. And I look at these Fs, and I see Fs that are ranging, you know, that are up in the 1.6 on age ones and up to 0.55 with the natural mortality rate in the probably 0.3 range.

Charlie Wenner has brought up I think some good points and I realize that there is -- I think there needs to be some discussion about the inclusion of all the data sources that we have, and that we've got to have an updated assessment using all those data sources, particularly the commercial information that we know we have from Virginia, and also talk to some of the

folks from Maryland and places where these fish are very important. There may not be tens of millions of pounds of fish landed but that fish is important to the northern component of the range. I don't know what we do at this particular point in time, where we've got catches going up or extraordinarily high, at least.

We can't get a Technical Committee chairman. We don't have the folks to do the assessment and the folks to commit. We kind of ran into a problem in North Carolina where we lost Jim Armstrong to the Mid-Atlantic Council -- he was going to be a big player in the assessment for croaker -- and then Chris Wilson, who was our Technical Committee chair, who moved into another position in another section in the division.

Otherwise, we would happily take the ball and run with it. I think John Carmichael has been stretched to his utmost limits of what he can accomplish. So, I think the Board members here, we need to think long and hard about what staff we have that might be able to participate in this process, because I hope we haven't missed the boat on it. Maybe we have with the timing that we've got. But certainly, we need to take a look at this because it's a very important fishery for the Mid-Atlantic, at least. Gregg.

MR. WAUGH: While in no way commenting on who should do the assessment or the timing for an assessment, but to respond to Susan's point about those terminal years and the VPA or any analysis like that, there are newer models that are being applied that address that issue of those last several years. We just went through this with another red fish that I won't mention. But there are models out there that address this and there are people who have used these. And I, personally, would like to see them used in other fisheries to get a better idea of how those outputs relate to different species.

What we're seeing in how this was applied, in the instance I'm talking about, any time you have Fs that approach M, you start getting very concerned. And there is some new thought, at least in the assessments that are being done for the South Atlantic Council, that target Fs equal to M should be viewed as caps. Anything exceeding that is risky management. And if you look at figure 2.17, you've got average estimated Fs that are almost three times M. So, clearly, this is something that needs to be looked at.

Again, I'm not commenting on the priority that this should get or who should do the assessment, but just that observation that there are other models out there that would address some of the concerns that have been raised.

CHAIRMAN DANIEL: And to that point, the level of information that we have for croaker would

facilitate that statistical catch at age model, which is what we used where it actually hind-casts -- and you're most uncertain in your earlier years as opposed to your terminal year. And you have much more certainty in that last year of estimate than you have in the earlier stuff. So it's kind of a reverse of the typical, retrospective bias patterns that we see in a lot of the VPA-type analysis.

But when you've got -- I mean, we'll say it, croaker have a lot more -- there's a lot more age data. There's a lot more commercial statistics data. There's a lot more comfort in the landings data for croaker than red porgy, which is the one that we ran the statistical catch at age model for the South Atlantic Council.

And so, I mean, that's a potential that we have. Eric Williams just so happens to be the statistical catch at age model guru at the Beaufort Lab with the National Marine Fisheries Service. So, certainly, he and the folks that are listed on that are highly capable folks that could do this, I think, with relative ease and we could go through this similar process.

Because of the concerns that Charlie brought up and I think because of the concerns that I know I had and I think Jack had, as well, in terms of the data being incorporated into the assessment, we could have something similar to what we did in the South Atlantic Council, is have some type of a data workshop where the Technical Committee could come together and everybody agree on the data and the input parameters that would go into that model and then have the model run.

Because once the decision has been made on what to use in the inputs, it's just a matter of hitting the button, really, and letting it run. And I have some comfort and confidence in that model and the way that it was run through our SAW/SARC process, our new SAW/SARC process. So, I don't know what to say about priorities. John.

DR. MERRINER: I would thank Louis for the comments that we have an expert at Beaufort who's experienced in using this new approach, this statistical catch at age methodology. I would caution you, however, that it is not something like you'd go to Radio Shack and you'd bring it back in, you turn it on and you punch the button and it runs. There's an awful lot of code work that has to be done in getting it set up with your input information and getting it runnable.

Now, the guts of it are there in the analyses but there's a lot of code work to be done. So it isn't just a quickie, buy it, bring it off the shelf, plug it in and see it run, watch Eric run or whatever it is, see Johnny run.

But I think the cooperation that has been shown with red porgy under the council system and having that

data workshop I think was very valuable. I think it would suit very well the croaker end of it.

I think we need to identify two or three additional parties, if you would, that would be participating in an assessment activity. I would note specifically that we have Eric and then Janika out of Florida. I don't know Paul from Maryland.

So we have a central core, but I don't know that we have the total team that it would be advisable to have that. I think it is critical to find someone to lead that group. Eric has offered himself as a participant and he will bring in his tools and toolbox. Okay, that's all I can say.

CHAIRMAN DANIEL: Dick, come to the public comments mike.

MR. RICHEN BRAME: Dick Brame with CCA. I just thought a comment from the peanut gallery was appropriate. We came to this meeting wanting to hear the assessment. And, indeed, my group was hoping that we would start down the road of an amendment to the plan, especially in light of yesterday's Weakfish Management Board where there were some on the Board that seemed to be galloping toward a declaration of recovery in order to ease restrictions on weakfish.

I think that if we fiddle and allow the croaker population to begin to decline, and they do, indeed, as Louis said, recreationally and commercially start hitting weakfish, we may have problems again in that fishery. I think that time is of the essence.

It seems to me that if you just look at the history of this, it's a boom-and-bust fishery. It seems to me it's fisheries' driven, even though the assessment may not say that. And we may be down the back side of that slope already.

So just as a member of the public, I would urge you to begin whatever technical assessment you need to do as soon as possible and begin an amendment in order to begin to manage this stock because it is critical to a lot of states. It takes pressure off other species. It's a stock that's able to withstand a lot of pressure. So I would urge you to move with haste. Thank you.

CHAIRMAN DANIEL: Some of the things that we're seeing in this fishery are just are so contrary to what a lot of us are seeing in a lot of these other fisheries where you've got an increasing F up to three or four times M and the structure is expanding. I mean, that just -- and it's there.

I mean, it's happening, but is there a point of no return in protecting those larger, older fish. Do we just go back to the, you know, three-plus max age and let weakfish take over for ten years, and then we'll come back and then the croakers will be back.

But one point I do need to make, and I failed to

make this -- and Laura passed a note over -- the model that was used in the croaker assessment is very similar to statistical catch at age model. It's a very similar model. So I don't think there's really a problem with the model that was used in the assessment. I think the only problem that I have with the assessment was whether or not all the available data was being used to assess the stock and using just, for example, the commercial length frequencies from North Carolina.

And I don't know if some of the updates may have taken care of some of those problems. But, I mean, we know that there's a lot of data from Virginia and Maryland and some other areas that could be included in the next run of the assessment and perhaps give us a little better picture of the coastwide condition of the fishery.

But we have had our Technical Committee report from croaker. Are there any other comments from the Board on the assessment report or the Technical Committee report? Jack.

MR. TRAVELSTEAD: Well, I guess I don't understand the problem. What needs to be done? What can we do to move forward?

CHAIRMAN DANIEL: It's my opinion that what we need to do is we need to have this Technical Committee up and running with a chairman. I don't know how we do that when we don't have anybody willing to take the chair. And we need to get the Stock Assessment Subcommittee together, perhaps with -- Rob is a member of the Technical Committee -- perhaps with somebody from Virginia and North Carolina adding to the Janika, Paul Piavis and Eric Williams trio to help to put together, have this data workshop, find out what all the information is that's available for croaker, and then run this statistical catch at age model and let's see where we are; with the intent being to develop Amendment 1, I guess, to the Atlantic Croaker Fishery Management Plan.

MR. TRAVELSTEAD: Is it a definite that this workshop is going to happen? I mean, has that been decided or --?

CHAIRMAN DANIEL: It's budgeted to happen. I mean, just from our recent experience with the South Atlantic Council, I think it's the way to go. That way the people that are collecting the data could be invited to that.

It could be held in a central location down in a more southern latitude where we could get some of the folks from North Carolina and Virginia principally there that collect the information and just make sure that everybody is in agreement of the data parameters that are going into the assessment and then turn it over to the Assessment Committee and get an updated assessment

through 2001 would be my hope.

MR. TRAVELSTEAD: Okay, well, you know, I'll do what I can to solicit the help of VIMS, I guess, and see if we can't find someone there who could participate on the Technical Committee or Stock Assessment Committee.

CHAIRMAN DANIEL: That would be great. I think VIMS would be great. Bill Cole.

MR. COLE: Could we get a clarification of who's on what, starting with the Technical Committee. Because I'm like Jack. I'm not real sure what the problem is and where it is.

CHAIRMAN DANIEL: Well, one of the problems is we've got a technical committee, but we don't have a chairman. That's problem one. And then I'm not sure -- and then a lot of the folks on the technical committee, I think we had some good assessment capabilities on the technical committee, but we're limited in that now from where we were.

MR. COLE: Well, let me come back again and ask who is on the Technical Committee, for the record.

CHAIRMAN DANIEL: Okay, Joe.

DR. DESFOSSE: I do not have a list in front of me of the Technical Committee. I can tell you who has been nominated for the Stock Assessment Subcommittee and that's Janaka da Silva, Paul Piavis, Eric Williams and Jeff Brust.

MR. COLE: Do you have any notion of who might be on the Technical Committee?

DR. DESFOSSE: Okay, let me start in Florida, Janaka da Silva. Georgia, I don't recall -- it's John Foster. South Carolina was Charlie; I'm not sure if Charlie is still on the Croaker Committee. North Carolina is Tina Moore. And Virginia was Rob O'Reilly. Maryland is Paul Piavis; NMFS, Eric Williams; Fish and Wildlife Service was -- he works in a fish hatchery and I can't remember his name off the top of my head.

MR. COLE: Well, Wilson Laney will be on that Technical Committee. Let me get that straight right now. Now we can find a chairman.

DR. DESFOSSE: Looking back at the work plan, there was money budgeted for this year for this Stock Assessment Subcommittee to meet and also money budgeted for the Technical Committee to meet as well.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Has the Technical Committee met recently? I forget when they met.

DR. DESFOSSE: The Technical Committee met last November. Prior to that, they did not meet since 1998, so it was three years in between meetings. At the '98 meeting they did have a Technical Committee chair but he is no longer on the committee.

MS. SHIPMAN: But did they attempt to elect a chair, I guess, in November, that's my question? I mean, basically we need to tell them they need to elect a chair, like we do all the other Technical Committees.

CHAIRMAN DANIEL: Do you want to respond to that? Bill.

MR. COLE: Well, it's a follow up to what Susan suggested. To me, rather than call a meeting or if we can get them to a meeting, that's fine. If nothing else, let's get a conference call going and just tell them you can't hang up until you've elected a chair. I mean, these people are good. They'll resolve it. They'll come forward with one.

CHAIRMAN DANIEL: Anything else on croaker? Are there any questions for Laura, who is here and ready, and she's so glad to have this over with. Susan.

MS. SHIPMAN: My only comment is I think we need to clearly either reiterate or restructure where we want to go with croaker because it has got to be worked into the Action Plan for next year, which means allocation of resources. So I think this Board needs to clearly state where we want to go with this, and it sounds like I've heard two things. We want to have a Technical Committee meeting, which I think is budgeted for this year, and we want to have this stock assessment work group get together.

And all of that not withstanding, I mean, the Croaker plan is very much out of date with the provisions of the Charter. It simply does not conform. It has got to be amended at some point in time. Now the priority it should receive among all the other things on the Commission's platter, I don't know.

To me that's a question more for Maryland, North Carolina and Virginia for whom this is a significant fishery. You all are the ones that need to, I guess, tell the Board where we should place this with regard to priorities when we're going forward to ask for resources.

DR. DESFOSSE: I can't remember if the South Atlantic Board has made a recommendation to develop a new amendment to croaker. If they did, it has been a long time.

CHAIRMAN DANIEL: Bill.

MR. COLE: Joe is right, we have not. What we did is we thought about it, but we delayed it pending this assessment that Laura has done. Now that she's done it, we're right back where we started. We have an assessment. We've got a new Technical Committee. We've probably got a new stock assessment. The questions that Susan is raising for the Commission's business purposes we still need to answer.

CHAIRMAN DANIEL: Jack.

MR. TRAVELSTEAD: Wilson just pointed out

this document called "2002 Atlantic Croaker Work Plan"; are we going to go through that?

CHAIRMAN DANIEL: Yes.

MR. TRAVELSTEAD: Because it sets up some milestones and schedules that would leave one to believe that we have already established croaker as some priority. And, of course if you look at it closely, you'll see that we're probably already behind what someone had set up on this document.

But, certainly, croaker is very important to Virginia. I think everyone knows that. I don't know what the other priorities are for this Board because I don't go to all of your meetings, but certainly I would favor putting croaker near the top of the list for work over the next year or two to get a new amendment to the management plan.

CHAIRMAN DANIEL: I think with the completion of red drum, that was our priority. I mean, red drum was our priority and now we haven't really set a priority after red drum. So I think the feeling I got from the Board in the early stages of the red drum plan was that croaker was next as a priority because just of the reasons you stated.

I mean, it is very important to North Carolina, Virginia, Maryland, even up into New Jersey. It's an important fishery. It's not a high-volume fishery but the catches are important up there. I feel like having that data workshop, taking advantage of the resources that we have, the physical resources that we have in order to move forward with that and make sure everybody is on Board on an assessment so we can have that information to develop a PID and move forward with it. I had Pete and then Gregg.

MR. JENSEN: Well, I think we would echo Jack's position and make it a Chesapeake Bay position. It may not be high volume for you folks in North Carolina, but, believe me, it's high volume for some of the people in the Chesapeake Bay right now. It's keeping them going.

CHAIRMAN DANIEL: Well, it's a very high-volume fishery in North Carolina. I mean, the croaker fishery in the last several years has been the mainstay of the offshore trawl fishery and a lot of the gillnet fisheries, as well.

MR. JENSEN: Yes, well, you're talking about pound netters now that are getting 15-16,000 pounds per pull per day, so that's high volume for some of our folks.

CHAIRMAN DANIEL: Gregg.

MR. WAUGH: Just another factor to crank into the planning here, the South Atlantic Council has requested ten species be assessed by our December meeting, and so we have put extremely high demands on the NMFS Beaufort Lab. We are currently

undergoing negotiations on the timing on that. It does give me a little concern to hear Eric Williams' name crop up in this discussion.

And, indeed, if this is such an important fishery north of North Carolina, perhaps those Board members from that area can coerce an additional scientist that might be able to do the analyses to participate.

CHAIRMAN DANIEL: Well, I can tell you through the new cooperative agreement with North Carolina and CMAST, which is the new NC state lab in Carteret County in North Carolina, the desire of the folks like Pete Rand and Joe Hightower and Jeff Buckle, who's the new resident professor down there, have indicated an interest of becoming more involved in the Council/Commission process through the technical committees and the science and statistics board.

So I think we'll have to do some digging, but I think we can find some folks that can take that burden away from one person in that regard. But I think it's important and as we go through this process that we get -- consistently at home we're getting comments.

You know, croaker is the one thing that's real abundant and we don't have a management plan for it, and so the one fishery that we've left alone and haven't messed with is doing just great. And that, I think, is a misstatement or some serious misstatements when you look at the impacts of the bycatch reduction devices in the shrimp trawls, the closure south of Cape Hatteras to flynets, the mesh size restrictions that have been implemented in all of the fisheries, as well as the closures in Virginia and some of the other areas.

I mean, our Weakfish Plan has been a de facto croaker plan. It just it appears to me that there needs to be some specifics there so that if we do start to relax or start to back off on weakfish, that the croaker resource doesn't suffer for that relaxation. I've got Melvin and then Susan.

MR. SHEPARD: I've had the impression for a little while that we were putting off doing croaker until we could get to them kind of thing. And I feel strongly, like Dick Brame and others have stated, that we need to get on with this plan. Your comments just a second ago were accurate, but I think there are some triggers that we know about that other people do not where croakers actually trigger in some of the effects of things that happen to weakfish.

I mean, some of the fishing effects of croaker -- and maybe everybody knows about this -- but I know it's really, really happened in North Carolina. You and I have discussed this before. My comment for North Carolina would be that it's time we got on with doing a croaker plan, and let's do it. Let's do whatever we need to do to get this thing up and going.

CHAIRMAN DANIEL: And what we would need is a recommendation from the Board to the Policy Board to put this as a priority action item for the South Atlantic Board, if that's something that the Board would like to move forward with. Susan.

MS. SHIPMAN: **I have a motion for you, that the South Atlantic Board recommend to the Policy Board the development of an amendment to the Interstate Fishery Management Plan for Croaker to conform to the standards and procedures of the Interstate Fishery Management Program.**

MR. TRAVELSTEAD: **Second.**

CHAIRMAN DANIEL: I have a motion from Susan Shipman, second by Jack Travelstead, to recommend to the Policy Board that we begin development of Amendment 1 to the Atlantic Croaker FMP. Is there any discussion on that motion? If not, do we need a caucus? I don't think so. All those in favor, signify by saying aye; opposed; null votes; abstentions. **The motion carries.** John.

DR. MERRINER: Just to cover Eric for one point, note back at the minutes from the November 27-28, '01 meeting, Eric was already a member of the red -- oh, excuse me, the brownish, brownish orange fish, rather than the red fish -- the Atlantic Croaker Stock Assessment and Technical Committee prior to the submission of the list of species for additional assessments that was referred to by Gregg.

But indeed, Eric is a new staff member. We don't want to overburden any staff member, as has been alluded to by each of the individual states and the Center in the same fashion, but the Center's responsibilities include Commission and three Councils in the Southeast.

We will use our resources wisely and the request that comes forward from here is addressed at the Center level. It most likely will be Eric since he is already on the list as the Stock Assessment Subcommittee. But it could be someone from Miami or for that matter Galveston, but that's the range of resources that are available to the Southeast Science Center.

CHAIRMAN DANIEL: Thank you, John. Susan.

MS. SHIPMAN: I intentionally said actually an amendment because I'm not sure this is Amendment 1. I think I was sort of a very loose amendment we did for bycatch reduction devices and delaying the age of entry into the fishery to age one for spot and croaker. I think that may have technically been kind of an amendment.

CHAIRMAN DANIEL: I don't know.

MS. SHIPMAN: And so let's leave the number blank there.

CHAIRMAN DANIEL: Okay, does that mess me up, Joe? The motion that passed was the South Atlantic

Board recommend to the Policy Board the development of an amendment to the Interstate Atlantic Croaker FMP to conform to the standards and procedures of the ISFMP. Thanks.

All right, we're moving away from croaker, without objection. What we're going to do now is go through the fishery management plan reviews. Joe.

#### 2001 RED DRUM FMP REVIEW

DR. DESFOSSE: Okay, the first one is the 2001 review for red drum. With all of these, please remember that they are for the 2000 fishing season or calendar year 2000. They are written in 2001, so things may seem a little out of date compared to what you've just done today. Most of these are similar to past FMP reviews that you have seen. There are no major changes to them. There are no compliance criteria to any of them.

I'll quickly review the Red Drum FMP review. On the first page, you'll see a bold, italicized paragraph here that references the development of Amendment 2 to the commission's FMP. A little of it is out of date now. But, as I said before, it's about a year in arrears. You were originally supposed to review and approve these documents at your December meeting, but due to taking up red drum, you had to spend more time on red drum and didn't get to any of these FMP reviews.

On the second page you will note that new estimates in Amendment 2 to Florida's stock assessment status, the escapement rates are 24 to 48 percent. In here I think it references somewhere between 55 to 62 percent. That was the old assessment. The regional assessments that were done, the escapement rates have been referenced here using the data up through 1997, escapement rates of 17 percent.

Moving on, quickly, all of the landings tables, commercial landings in table 1, recreational landings in tables 2, 3 and 5 have been updated to include the 2000 fishing season.

Moving to page 6, Section 6, it is anticipated that Amendment 2 will have new compliance criteria. What's listed in Section 6 is the old measures, 18-inch size limit, 18-inch minimum, 27-inch maximum and five-fish bag limits or the 14-27 with no fish exceeding the 27 inches.

The table of management regulations reflects regulations that were in effect up to October 1, 2001. And you'll note corrections to the management and regulatory recommendations. The PRT recommends removing the first one because that is in development.

It actually has now been approved by the Management Board. They also recommend deleting



six, seven and eight. They have been moved into the research recommendations. They also note that an updated list of the prioritized research and monitoring recommendations have been developed and are included in Amendment 2. And table 5 is just an updated table of the recreational releases, including the 2000 data. Questions?

CHAIRMAN DANIEL: Any questions on the red drum plan review? **I have a motion by Susan Shipman, second by Bill Cole to approve the red drum plan review. Any discussion on the motion? Any objection? Seeing none, the motion is approved.** Next.

#### 2001 ATLANTIC CROAKER FMP REVIEW

DR. DESFOSSE: The next one is Atlantic Croaker. The same as with red drum, this one was done in the fall of last year. It has been updated with information through the 2000 fishing season.

On the first page it notes that the Technical Committee was waiting for the assessment, and they were in the process of reviewing it in November 2001 and would report on it to the South Atlantic Management Board. The status of the stock section has been updated, including the fishery-independent data available from Maryland and Virginia, and I believe North Carolina as well, and also references the recent stock assessment.

The status of the fishery has been updated to include the 2000 fisheries data, both the commercial and recreational data. The status of the assessment advice, page 6, also references the Croaker Stock Assessment and has been updated as well with the information from that assessment.

The status of research and monitoring, there has been a number of different programs that were updated here. Page 8, there's an update to the status of management measures which are included in table 4.

There was some additional information available for North Carolina and Florida. The recommendations of the FMP Review Team -- one of the things not noted in the review that you have but a question to the Board, do you want to appoint a Plan Development Team to begin drafting or do you want to wait until perhaps after the data workshop has been conducted for croaker?

CHAIRMAN DANIEL: I would suggest we wait, and that way we'll know who all the players are and who the different states have sent to the data workshop and then we can perhaps pick and choose from that. I don't know if I need to do anything specific. I mean, will I need to have a motion made to replace myself on some of these. I probably shouldn't be on. I'm on these Plan

Development Teams. I don't know if that's a problem or not. I mean, it's not appropriate; I didn't think so, either.

I'm on the Croaker Plan Review Team and the red drum and several others, I think, so just keep that in mind.

DR. DESFOSSE: The final thing on the Atlantic Croaker FMP review, the research and monitoring recommendations have been reviewed and updated by the Technical Committee.

CHAIRMAN DANIEL: Bill Cole.

MR. COLE: **Mr. Chairman, move approval of the Atlantic Croaker Fishery Management Plan review.**

CHAIRMAN DANIEL: **Motion by Bill Cole, second by Gregg Waugh to approve the Atlantic Croaker Plan review. Any discussion on the motion? Is there any objection? Seeing none, that motion carries.** Next.

#### 2001 SPANISH MACKEREL FMP REVIEW

DR. DESFOSSE: The next one is Spanish mackerel. It has been updated as well, including the fishery data for 2000. Under status of the stocks, that has been updated to include information that was provided in the most recent mackerel stock assessment document.

I would note for the Board's information in that document there was a comment made that there is a very low probability of overfishing or of the stock being overfished if the 2000-2001 landings were between 3.84 and 7 million pounds, approximately 7 million pounds. The landings have only been around -- they have been less than 4 million pounds at this time so there is very low probability of overfishing the resource. It's unlikely that the fishery currently has the capacity to realize the TAC of 7 million pounds. This low level of harvest in relation to the stock size is encouraging for stock rebuilding. And that's sort of a paraphrase of the status of the stock section.

Again, recreational data has been updated for 2000. I was talking to Gregg yesterday. This FMP review needs an update. If you look at Section 7, implementation of the FMP compliance requirements as of October 2001, it makes reference to the bag limit of 10 fish.

There was a framework, I believe, that was implemented within the last two years that raised the limit to 15 fish. I asked Gregg to check on that. I don't know if he has.

CHAIRMAN DANIEL: Gregg.

MR. WAUGH: Yes, that was something our council did in June of 1999 and was included in our 1999-2000 framework document. The final rule was

published on July 3, 2000, and regulations became effective August 2, 2000.

DR. DESFOSSE: And that information will be added to this FMP review. The state-by-state regulations are listed there as of October 2001. They have been updated.

The management and regulatory recommendations, the first one, the consensus of the Plan Review Team is that this has been done or it can be deleted or modified to reflect the language "maintain trip limits consistent with the federal plan", with the approval of the Management Board.

CHAIRMAN DANIEL: Any discussion on that?

DR. DESFOSSE: Okay, the next section there is amendments. In light of the mandatory nature of these regulations, it's implied as a result of the federal action it is preferable that the Commission have a mechanism to independently affirm the measures. There was an additional means of accomplishing this. Previous FMP reviews had listed just an amendment or a joint federal-interstate FMP for Spanish mackerel. The addition is by a state law that automatically tracks federal regulations.

There was a question from the Plan Review Team as to the status -- we thought it was Amendment 15 -- with splitting the coastal pelagics from the Spanish mackerel.

MR. WAUGH: Yes, that's still a part of our divorce proceedings from the Gulf Council, and we're still living apart. We still haven't finalized the legal document. This is somewhat dependent upon getting an updated assessment so that the specific allocations can be dealt with.

And the issue of assessment is something I'd like to come back to later on, but it still is slated for Amendment 15 but it may slide into a future amendment because we do need an updated assessment for both king and Spanish mackerel.

DR. DESFOSSE: Okay, staff will make that correction there. The research and monitoring recommendations, they were sent out to the Plan Review Team. They have been reviewed and they are updated. I think that's it.

CHAIRMAN DANIEL: Bill.

MR. COLE: **Mr. Chairman, move approval of the Spanish Mackerel Fishery Management Plan review.**

CHAIRMAN DANIEL: **Motion by Bill Cole, second by David Cupka to approve the plan review for Spanish mackerel.** Gregg.

MR. WAUGH: Just one comment. Again, in terms of how this factors into assessment priorities, I don't know, but we're in a somewhat awkward position in that

we have management regulations in place for Spanish mackerel, but the fish that were included in the later assessment have all died or been caught.

So in essence we're riding along with no real idea of what's going on in the real world out in the water. And we're very susceptible to fishermen coming forward and saying, "We have a problem." And, you know, we're sitting in the barn still.

DR. MERRINER: There's a story and then there's other stories that go along behind it. Like I say, as far as the mackerel assessments for the South Atlantic, they're factored in to be determined when. And I think the last guidance from the Center and commentary by the South Atlantic Council relative to mackerels was that it is not overfished; we are not overfishing; continue to monitor the trends, CPUE indices, et cetera, And ride that wave until you see some signal, perhaps, that there is a down turn.

That's the interpretation I had from the discussions at the South Atlantic Council meetings relative to when the next assessment would be needed for Spanish mackerel, or for both mackerels, for that matter. And there's nothing that says it can't be done. I think we talked a three-year cycle or something like that for mackerels, was part of the recommendation. But they can be put on a list. They can be brought back to the surface. It depends upon when there is a clear and obvious need to do so. That's a determination made by the Council making the request to the Southeast Science Center and the priority listings for what species need to be assessed by when. But, yes, for right now we appear to be in good shape. If we're riding the wave absent information, I argue that we're not absent information on the resource. It may not be an assessment but all the trends are still positive and not showing signs of overfishing.

CHAIRMAN DANIEL: Any other discussion on the motion? Seeing none, is there any objection to the motion? Seeing none, **the motion is approved.** We've got two more to do in two minutes.

#### 2001 SPOT FMP REVIEW

DR. DESFOSSE: Spot is the next one and hopefully you can deal with this one quickly. There are no major changes to the text. The updates for the commercial and recreational fishery data has been included.

The states were canvassed as to regulation changes and those were made in table 4. And, like I said, the text has just been updated to reflect new information on the commercial and recreational fisheries data. There's no stock assessment, no information on status of the

stocks; no new information, I should say.

CHAIRMAN DANIEL: Does the same hold true for the speckled trout?

DR. DESFOSSE: There is one minor difference.

CHAIRMAN DANIEL: Okay, then do we want to handle spot? **Motion by Susan Shipman, second by Bill Cole to approve the spot FMP review. Is there any discussion on that motion? Is there any objection? Seeing none, that motion carries.** Spotted seatrout.

#### 2001 SPOTTED SEATROUT FMP REVIEW

DR. DESFOSSE: Spotted seatrout is almost the same as spot in terms of the FMP review. No major changes to the text. Landings have been updated. State regulations were updated.

There was one recommendation I noted here under recommendations of the FMP review team on page 7: Develop an amended spotted seatrout FMP with objective compliance criteria. This is another one of the FMPs, as well as spot, which are relatively old. The spotted seatrout FMP was done in 1984. This is something to keep in mind for the management Board of whether this becomes the next priority after Atlantic croaker or spot.

CHAIRMAN DANIEL: **Motion to approve the spotted seatrout FMP review by Ken Haddad, second by Bill Cole. Is there any discussion on the motion to approve the spotted seatrout FMP review? Is there any objection to the motion? Seeing none, that motion carries.** Melvin.

MR. SHEPARD: Would it be appropriate at this time to make some sort of move to place spotted seatrout as the next agenda item behind croaker; to begin to acknowledge exactly what Joe said, that this is an old plan that needs correction, so that it can begin to get into the process of funding somewhere down the road.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: I don't disagree, Melvin, but given that it took us four years to get croaker kind of moved up onto a burner while red drum was being cooked and brewed and so on and so forth, I think if we adopt this plan we are endorsing, if you will, that recommendation. But I would hesitate to try to get it in to some sort of funding priority because I have a feeling we're two years out. What I would suggest is I think the states probably need to be updating their stock assessments for spotted seatrout, and then that will give us a good basis to go forward from when we get croaker done.

CHAIRMAN DANIEL: Next.

#### PRT MEMBERSHIP

DR. DESFOSSE: The next item, quick item, is just an update to the Board. Membership on the Plan Review Teams for each of the species, you will note that there have been some changes, particularly Charlie Wenner has resigned from the committees that he has been on. Louis also referenced himself being on croaker and red drum PRTs. If there are changes to PRT membership, if you'd get them to staff, I will make changes to the database.

CHAIRMAN DANIEL: So those changes don't require a motion?

#### 2002 SPECIES WORKPLANS

DR. DESFOSSE: No. One more quick item from me. The work plans that were passed out earlier, the Atlantic Croaker work plan will be updated with milestones and schedules based on actions that were taken at this meeting.

Red drum, I believe, is okay. The Board will review and approve state implementation plans in November. Spanish mackerel and spotted seatrout, there's only one milestone on there, and that is to develop the FMP review, the annual FMP review. And with that, you're left with your last agenda item.

CHAIRMAN DANIEL: Any other business?

#### SEAMAP UPDATE

DR. DESFOSSE: SEAMAP update, that's your last agenda item.

CHAIRMAN DANIEL: Oh, we're going to do SEAMAP update?

DR. DESFOSSE: It's a quick one.

CHAIRMAN DANIEL: Okay, go.

MR. GEOFFREY G. WHITE: Thank you, Mr. Chairman. Geoff White with a quick update on SEAMAP, two items. The first is very minor. At your last meeting, there was a question as to whether the trawl survey was going to continue the biological sampling this summer with that position. And although the funding through SEAMAP was redirected, the South Carolina trawl group was able to maintain the same person that they had last year and are continuing to do the biological sampling on just a couple of species. I think weakfish and croaker were the main ones. So that is just a quick follow up.

#### Blue Crab Symposium

Secondly, the one sheet that was handed out to you

today, I do need to go over a little bit of background with this. At your last meeting, it was brought up that the crustacean work group was planning on holding kind of an international shrimp symposium in the summer of 2003. After the meeting, there were a few requests to see if we could change that focus to blue crabs, and we went back and forth. The plan for the meeting is to hold it in conjunction with the Crustacean Society. There is already a Blue Crab Technical Research Symposium being planned by Jeff Shields down at VIMS, and the SEAMAP work group can be working on some shrimp things and possibly crab issues where they overlap or where the Board would like to direct them.

However, the question was raised again at the Policy Board level of management issues and blue crabs, and so staff did a little bit of behind-the-scenes work with a few of the Board members and came up with the action option down at the bottom of the page. Because the SEAMAP work group is really focused on technical issues and may not be the right forum for the management issues -- however, both approaches are probably necessary -- the two-step approach listed here would be to continue planning a technical workshop both for shrimp and crab in conjunction with Jeff Shields at VIMS for summer of 2003, write up a summary of that, and then in step 2 provide that information back to the Policy Board for direction on management issues and probably a workshop in spring of 2004 to explore some of the management issues that the Policy Board is interested in.

The reason that this is coming before the South Atlantic Board is, again, just because you have purview over the SEAMAP activities, and it's also a venue to move this item up to the Policy Board as a method to approach that request as well. So, with that, are there any questions or changes to what we've suggested as an action plan?

CHAIRMAN DANIEL: Gregg.

MR. WAUGH: Just a question. The note at the bottom about the funding from SEAMAP; is that already budgeted and identified?

MR. WHITE: The SEAMAP Committee allocates their funding every year in August during their joint meeting, and so it is on the request list but it is up for discussion with the South Atlantic Committee and then the Joint Committee, if that will be approved or not. We should know by the middle of August, and then usually that comes back to the South Atlantic Board for approval.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Yes, just quickly, you'll recall at the Policy Board meeting, as Geoff mentioned, there

was a request from basically Maryland -- and Georgia certainly endorsed that -- of having some sort of symposium with regard to the decline in blue crab population. That stock is on the skids coastwide; and if nothing more than getting together and commiserating and wringing our hands, but we need to address that as a Commission. Even though we don't have a fishery management plan for it, I think it would behoove us to get together.

I think the technical approach is fine and followed up by more of a policy level management symposium for spring, so I would certainly endorse this approach.

CHAIRMAN DANIEL: Do we need to have a formal recommendation to the Policy Board or to the Commission, or is that what you're looking for, Geoff?

MR. WHITE: It's my understanding that for this to go to the Policy Board for a planning action for 2003 and to basically address the question that was raised at the Policy Board, that this plan would have to be forwarded to them, so, yes.

CHAIRMAN DANIEL: Certainly from the states in between the ones Susan mentioned, there's a great deal of interest in this issue, as well, and perhaps even further south and north. Do we have anybody that wants to make that recommendation? Susan.

MS. SHIPMAN: **I'd move approval of the recommended course of action for examining the blue crab fishery.**

CHAIRMAN DANIEL: Motion by Susan, second by Bill Cole to recommend moving forward with the technical meeting for blue crabs. Is there any discussion on that motion? Is there any objection to the motion? **Seeing none, that motion is approved.** Anything else, Geoff?

MR. WHITE: Thank you, no further action.

CHAIRMAN DANIEL: Thank you. Other business? Bill.

MR. COLE: Just a short thank you to Joe for the amendment and all that work.

CHAIRMAN DANIEL: To staff and the Board, I thank you, and everyone else who helped from the different states. With that, I'll entertain a motion to adjourn if there's no further business. Made, second and thirded. We're adjourned. Thanks, everybody.

(Whereupon, the meeting adjourned at 10:10 o'clock a.m., May 22, 2002.)