

ATLANTIC STATES MARINE FISHERIES COMMISSION

Quality Hotel and Conference Center Arlington, Virginia

SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD

April 25, 2001

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April 25, 2001

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Attendance

Board Members:

Susan Shipman, GA DNR

Bill Cole, USFWS

Dr. Louis Daniel, NC DMF, Chair

David Cupka, SC Gov. Appte.

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

Bob Mahood, SAFMC

Bob Palmer, FL FWC

Paul Perra, NMFS

Kathy Barco, FL Gov. Appte.

John Miglarese, SC DNR

Ad hoc State Representatives:

Tom Fote, proxy for Sen. Bassano, NJ Leg. Appte.

Jack Travelstead, VA MRC

Ex-Officio Members:

Capt. Homer Bryson, GA

Spud Woodward, Red Drum TC Chair

Other Commissioners:

Preston Pate, Jr., NC DMF

Advisory Panel Members:

N/A

Staff:

Dr. Joseph Desfosse, ASMFC

John H. Dunnigan

Geoff White, ASMFC

Dr. Lisa Kline

Guests:

Columbus Brown, USFWS

Greg Waugh, SAFMC

Dick Brame, CCA

Dale Thieling, SC DNR

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

South Atlantic State-Federal Fisheries Management Board

April 25, 2001

SUMMARY OF MOTIONS

1. *Move to approve the agenda.*

Motion by Mr. Cole, second by Mr. Perra. Motion carries with no objections.

2. *Move to approve the minutes of the previous two Board meetings.*

Motion by Ms. Shipman, second by Mr. Cole. Motion carries with no objection.

3. *Move to nominate Bill Cole as Vice Chairman.*

Motion by Mr. Cupka, second by Mr. Shepard.

Move nominations cease, and we accept Mr. Cole by acclamation as our vice chairman.

Motion by Ms. Shipman, second by Mr. Travelstead. The motion passes.

4. *Motion to approve (SEAMAP 2001-2005 Management Plan).*

Motion by Mr. Cupka. Second by Mr. Cole. The motion is approved with no objection.

ATLANTIC STATES MARINE FISHERIES COMMISSION

SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD

Quality Hotel and Conference Center Arlington, Virginia

April 25, 2001

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The South Atlantic State-Federal Fisheries Management Board convened in the Quality Hotel and Conference Center, Arlington, Virginia, April 25, 2001, and was called to order at 1:00 o'clock p.m. by Chairman Louis Daniel.

WELCOME/INTRODUCTIONS

CHAIRMAN LOUIS DANIEL: I will call the South Atlantic States-Federal Fisheries Management Board to order. I'd like to thank everybody for coming. I think everybody knows everybody. The first item of business is approval of the agenda. I think everybody has had an opportunity to look over that.

APPROVAL OF AGENDA/MINUTES

DR. JOSEPH DESFOSSE: There's some additions to the agenda under "Other Business". There's an appointment to the Red Drum Technical Committee and Plan Development Team, and also the Atlantic Croaker Technical Committee and Plan Development Team. Similarly under number 5; there were some Red Drum Subcommittees that were proposed or recommended that the Board should approve.

MR. BILL COLE: Move adoption of the agenda.

CHAIRMAN DANIEL: Well, we also don't have a preliminary -- under Number 5, and we do not have a preliminary report on the croaker assessment from the Technical Committee. So, that is not an item on the agenda. With that, I'll entertain that motion.

MR. COLE: **Move adoption of the agenda.**

CHAIRMAN DANIEL: We've got a motion by Bill Cole; **second by Paul Perra** to approve the agenda. Any objections? **Seeing none, the agenda is approved.**

The next item of business is approval of the minutes. You've got two sets of minutes. You've got a long set from our November 29th, 2000, meeting in Atlantic Beach, and you have a short set from our January 31st meeting.

MS. SUSAN SHIPMAN: **I move approval of both sets of minutes.**

CHAIRMAN DANIEL: Motion by Susan Shipman; **second by Bill Cole.** Any discussion? Any objection? **Hearing none, the motion is approved.**

ELECTION OF VICE-CHAIR

There's one quick item of business before we get started. Susan, as the new Chairman of the Commission, has stepped down over here as Chair of the South Board; and as her vice-chairman, I've ascended to the Chair, and currently we have no vice chair. So with that, we can dispense of that fairly quickly. David.

MR. DAVID CUPKA: Thank you, Mr. Chairman. **I would like to nominate Bill Cole as Vice Chairman.**

CHAIRMAN DANIEL: We've got a nomination from David Cupka for Bill Cole. Second by Melvin Shepard. Are there any other nominations?

MS. SHIPMAN: **I move nominations cease, and we accept Mr. Cole by acclamation as our vice chairman.**

CHAIRMAN DANIEL: Is there a second? **Second by Jack Travelstead.** Any discussion? Any objection? **Hearing none, the motion passes.** Congratulations, Bill.

PUBLIC COMMENT

That moves us into public comment period. Is there anyone from the public? Yes, Dick Brame.

MR. RICHEN M. BRAME: Where are we on the croaker assessment?

CHAIRMAN DANIEL: Currently, the croaker assessment has been worked on by Joe Hightower. The assessment has been going through a technical review. There have been a lot of questions raised about the assessment from the group that sort of --I guess it is the Technical Committee. The problem that we've had is that no one is sending in their comments on the croaker assessment.

So, I intend, when we get back -- I've asked Laura to send me an updated version of the assessment. And I intend on trying to get John Carmicheal, who is the

Stock Assessment Chair, to get that assessment back out for review to try and get good, solid comments returned so that we can get more on that assessment.

In fact, since we're on -- we don't have Joe here today, and we're on tape, we need to make sure we indicate who we are when we speak. Jack Travelstead.

MR. JACK TRAVELSTEAD: Since the croaker assessment was brought up, I'm not that familiar with it because I have not attended this Board very often, but the last I saw it was a length-based assessment, and I was wondering why. And I'm wondering if the people who are doing the assessment are aware that there is probably a decade's worth of age data on croaker that is available in Virginia?

CHAIRMAN DANIEL: And in North Carolina. That's been the primary criticism from all that I have talked to about the croaker assessment is the fact that it is a length-based model on a stock that we do have age information on not only from North Carolina and Virginia, which are the dominate players in the fishery, but also some information from Maryland, as well as from SEAMAP.

So, there's a lot of age information out there, and I think we would be willing to make that information available. We're going to need to do that, I think. Susan.

MS. SHIPMAN: I mean, where are we headed with croaker and the assessment, I guess is my question? It sounds like there's potentially alternative models that we may need to subject that stock to. I mean, where do we go from here?

CHAIRMAN DANIEL: Well, essentially, we've got options. Our Stock Assessment Committee for croaker is going to have to make a determination on this length-based assessment. I mean, I can't imagine that's going to be acceptable to that group; and, if not, they're going to have to come up with another methodology using this aging information that's available to conduct some type of age-based assessment.

And that then is going to fall on the Commission's and the states' lap to get that assessment done; and, unfortunately, then we've been put in a delay. And meanwhile we've got a very significant fishery going on for these large fish, and we're running a real risk of seeing another boom/bust in the croaker fishery.

It's going to take awhile for us to get all this fleshed out. There's a lot of big croakers and a lot of numbers being taken right now. Melvin Shepard.

MR. MELVIN SHEPARD: I want to follow up on a little bit where I think Susan was headed. Why is it necessary? If you Board members are seeing a need for this information to be injected into the system, why is there a need to wait until somebody then sees a fallacy in the stock assessment? Why can't we direct that

information to be part of what goes to the Technical Commission?

CHAIRMAN DANIEL: I think primarily the problem has been priorities and timing and other things that we've been trying to do.

MR. SHEPARD: But aren't they available, is what I'm asking?

CHAIRMAN DANIEL: That information is available if the Commission has the necessary monies to bring together the croaker assessment group, and get that information together and conduct an assessment. John Carmicheal is the chairman of that group, and certainly John is capable of putting together an assessment if that's what you wanted to do.

It's simply been priorities of the South Atlantic Board and priorities of the Commission and sometimes not jiving, and we've been fortunate to get this red drum amendment jump started in priorities. So we really have seen -- we haven't really pursued the croaker, as we maybe should have, to be perfectly frank.

MR. SHEPARD: But to follow up, it would seem to me that we don't want to just keep right on letting this thing drag and not have a completion at least in sight.

CHAIRMAN DANIEL: I agree. Susan.

MS. SHIPMAN: If you want me to review, in the Annual Action Plan for 2001, what we have for croaker is the minimal amount of money because we thought we would be beneficiaries of the next internal stock assessment, which wouldn't command resources from the Commission. And what we had written in for the 2001 Action Plan that we all adopted last fall was to monitor the fishery for consistency for management parameters and state compliance, and that, in essence, would be the annual Plan Review Team Report.

Then coordinate technical support for the external stock assessment. I think what we had in mind -- and, Lisa, please jump in if you will -- is I think we were going to take this stock assessment and basically take it back to the Technical Committee and get the Technical Committee input.

We had not envisioned the Technical Committee having to do a stock assessment, quite frankly. But you're right on to what my question is, is where do we go from here with the stock assessment? Do we need to look at writing that back in as an internal stock assessment?

CHAIRMAN DANIEL: I would recommend that we charge the technical committee with providing that as a formal review of the interstate stock assessment and the chairman of that committee coordinate that effort and provide a report back to the board at our next meeting, and that way we will have an answer or a review of the current assessment.

And if it does not pass muster of the Technical

Committee, then I think it would be incumbent upon us to direct the Stock Assessment Committee to begin collecting the necessary information and getting the data in Virginia and Maryland and North Carolina, and SEAMAP, and whoever else has any information on croakers, to begin development of a stock assessment or age-based stock assessment for croaker. All right.

DR. DESFOSSE: You said by the next meeting?

MS. SHIPMAN: It's July.

CHAIRMAN DANIEL: Well, the next meeting of the Board. Any other public comments? Seeing none, that moves us to the Red Drum Technical Committee Report. Spud.

RED DRUM TECHNICAL COMMITTEE REPORT

MR. WOODWARD: This is one of those times when you always wonder how you got to be chair of a committee that you never can remember when they actually did it.

What I'd like to do is basically take some excerpts from Doug Vaughan and Dr. Carmicheal's bag and size limit, and ad lib over his with my own to bring us up to the current situation on red drum with regards to the patterns of red drum along the Atlantic Coast and what the recommendations of the committee are in terms of management measures.

Just a quick review of where we're at. Back in the early 90s, way back then, when the initial assessment was conducted, we had very low static spawning potential ratios; very low escapement rates on the order of less than 1 percent. There was pretty clear evidence, given the shortcomings of the assessment process, that we needed to take some action. The Council enacted a closure of the EEZ in 1990, which remains in place today. The intermediate steps through Amendment I to the ASMFC with the Red Drum Fishery Management Plan were implemented in 1992.

That was a couple of management alternatives. Each state fell into compliance with that very quickly after the passage of Amendment I. The last assessment which was conducted in 1999 showed improvement. We were at a 15 percent static spawning ratio, according to that assessment, which put us beyond the interim goal defined by Amendment I to the Red Drum FMP.

However, if, contingent on whether the Commission takes the action to bring us within a coordinated approach to the Council in terms of defining overfishing and target levels of static SPRs, then we have got to make a decision about where do we go next.

One persistent problem is that we don't know what the status of the spawning stock biomass is. There's

some very sparse data, other than time and space, coming from North Carolina and a little bit of data from South Carolina that shows that the adult spawning biomass has contracted in terms of the abundance of year classes, but we don't really have anything on a region-wide basis that tells us what the status of the spawning biomass is.

There are several biological issues around red drum that complicates this business of regional management. One is that we do have a decreased population of the red drum along the Atlantic Coast. We've done quite a bit of tagging work all the way through the range of the species up and down the Eastern Seaboard. And while they may be homogenous from a genetic standpoint, the fish in northeast Florida are ultimately isolated from fish in South Carolina, as are fish in South Carolina pretty much mostly isolated from fish in North Carolina. So we have several distinct populations, which is subject to their own factors bearing down on them, and yet we still have to do assessments on a region-wide basis because of the sparseness of the data.

Pretty much throughout the range, the immature fish reside in native estuaries for the first five years of life. There are some occurrence of immature red drum offshore, which further confounds this whole business of the assessment. I myself have laid my eyes on two-year-old fish offshore in Georgia on the Continental Shelf where they weren't supposed to be, and so the disappearance rate from the estuaries is a function of not only natural mortality and fishing mortality. There is emigration.

(Whereupon, Mr. Woodward continued with his report with questions and answers, which were inaudible on the tape.)

MR. CUPKA: Some of the problems that I've had is that the assessment relies very heavily on MRFSS data, and we all know the problems with that. We've got some additional data in South Carolina because we really don't have a lot of confidence in the MRFSS for a number of reasons that I won't get into.

But, we've got our own state survey ongoing, and when we looked at some of that data, our catch per unit effort from a state survey of recorded mandatory charter boat report, and all that data, we get a little different picture. That's part of the problem we're struggling with because we've got several different datasets, only one of which got incorporated into the assessment for which they all aren't showing the same thing.

We don't have any doubt that we probably need to do something, but the question is what?. At the same time we realize what the political reality is, we've got to have something that people will support and that they are able to get through the legislature.

So, we conducted a survey of our licensed

saltwater fishermen, a subset of them, not all of them. And based on feedback we got, about two-thirds of them tend to favor going to a three fish bag limit, and you know there's going to be some opposition to try to go to two, and especially if we try and go to one.

What we're looking at is possibly going with a three fish bag limit, but decreasing the slot size from 27 down to 22. And I know you can get that number from the table. And actually, we were going to increase the minimum from 14 to 15, but we don't have the data. But looking at the data and the tables -- like with two fish and the 27 or the 14 and 27 and converting that, using our state data and the fishing mortality for South Carolina, it looks like it gives us like about 29 percent reduction in fishing mortality.

But if we go with the option that we're looking at, with three and with a different slot limit, it looks like it's actually, based again on just state data, it will actually reduce fishing mortality about 35 percent, which is even higher than I think what the recommendation would be from the technical committee.

So we've just got some concerns about that. And I know some of that is not reflected in the PID; and when we get to that section on the agenda, I'd like to revisit this whole issue of conservation equivalency, because it's something we're going to have to -- we also want to reduce that fishing mortality and get it down to where it needs to be, but there's other ways to do that, particularly the ways that the fishermen might find more acceptable. We'd like to add that option to do that, even though I think the Technical Committee had agreed with that and maybe didn't come out quite as strong.

MR. WOODWARD: Well, I can assure you that the Technical Committee found itself thrust onto the horns of a dilemma.

MR. CUPKA: Well, I certainly think that everybody would agree we're moving in the right direction, and the question is how quick do we want to get there and are you going to have good enough data to do it.

MS. SHIPMAN: Back to Melvin's question on the way the commercial fishermen have partitioned out, correct me if I'm wrong, but those weren't mortalities, were they? That was just the fishery apportioned by gear?

CHAIRMAN DANIEL: And that information doesn't appear to be correct in looking at our plan, the data from 1988 through 1997. So do we want to go ahead and address the subcommittee's issues. That was under the Technical Committee's report before we get into the PID? Joe, can you update us on that?

Red Drum Stock Assessment Subcommittee Appointments

DR. DESFOSSE: The Technical Committee requested appointing the Red Drum Stock Assessment Subcommittee, and the volunteers that they have are John Foster, John Carmichael, Mike Murphy, Rob O'Reilly Doug Vaughan and Charlie Winter as the Stock Assessment Subcommittee for the ASMFC's Red Drum. Is there any objection to that recommendation? Okay, so noted.

(At this point, another subcommittee was appointed, but it was inaudible on the tape.)

CHAIRMAN DANIEL: By consensus? Bill.

MR. BILL COLE: I may want to have somebody on that.

CHAIRMAN DANIEL: With Fish and Wildlife Service representative?

MR. COLE: Yes.

CHAIRMAN DANIEL: By consensus. Done. All right, that will move us into review and approve the Red Drum PID. Joe.

RED DRUM PID REVIEW

DR. DESFOSSE: The Red Drum Plan Development Team put this document together. It was compiled between the Red Drum Technical Committee meeting and last Thursday. This is a first draft. It's a pretty rough draft.

The first section of the Public Information Document provides background material and the problem statement, the biological status of the resource. In this case red drum is on a state-by-state update on the status of the resource, views of the commercial and recreational fishery prior to management of the fishery. Are there any questions on the first section or the background material?

MS. SHIPMAN: I guess my only suggestion is we might want to reference the SFA in here, say the SFA and the --

DR. DESFOSSE: Do you want to go on to Section 2?. John.

MR. JOHN MIGLARESE: As I read through this, I think we need a real clear statement of the problems as we go back through this. Is the public information document really clear about the problem statement. We have a lot of great background, but where is the exact statement of the problem?

CHAIRMAN DANIEL: Look at page 5 under History of Prior Management, and perhaps we could pull it out of this statement, that this was a recommended change.

If you look at the very last sentence in the first paragraph, it says, "All Atlantic coastal states within the management unit had implemented measures to modify

harvest regulations and/or commercial quotas to increase escapement of subadults", and then add the text, "but only interim goals have been met. It is clear and was expected that additional harvest restrictions would be required to meet the ultimate goal of the FMP", and have some language like that maybe as a problem statement to address that.

MR. CUPKA: Isn't that indicated on page 2 under the problem statement section?

CHAIRMAN DANIEL: Right, wherever there is an appropriate place to put that. Anything else before we go onto the next section? Bob Mahood.

MR. BOB MAHOOD: I'm not sure if this is the appropriate place, but maybe Jack can help me with it. One of the things that occurred to me is if we do this amendment to the ASFMC plan at the same time we're involved in the process of shifting the plan to the ASMFC of which the federal regulations would be maintained through the Atlantic Coastal Act, correct? Once that happens, will there be any requirement on ASMFC to go through the NEPA process with this relative to the Atlantic Coastal Act?

EXECUTIVE DIRECTOR JOHN H.

DUNNIGAN: No, there's no requirement for the Commission to undertake the NEPA process. However, when the Secretary proposes a rule under the Atlantic Coastal Act, that rule would have to be covered.

MR. MAHOOD: From a Commission standpoint, we don't have to worry about that at this point?

EXECUTIVE DIRECTOR DUNNIGAN: Correct.

MR. PAUL PERRA: One of the things I can say, though, it takes a lot of work to transition once the Secretary gets the plan from the Commission. It's almost like doing a whole new plan over again. If there could be a concurrent development somehow, that would shorten a lot of the frustration that we've had in the past when the commission is finished with its plan and says, "Okay, it's adopted now", and hands it to the secretary. It usually takes us a year, or more sometime, to start the process.

But we shepherd those regulations through, and it takes a long time. We were involved, though, in the weakfish transition, sturgeon, and recently in horseshoe crabs, and they all took a long period of time.

It seems almost like in the NEPA process, you mentioned the Commission process and all the hearings and everything else, but when we take it before our lawyers they say, "That doesn't count. Start all over". And you're like starting a whole new plan. So, what you need is to start the process of -- once the Commission starts in earnest with the new amendment, you need to start in earnest the process of letting go and switching.

MR. MAHOOD: I just want to make sure we don't

get down the road on this amendment, and then somebody comes in and says, "Wait a minute," and there's some requirement there for NEPA.

MS. SHIPMAN: It's our intent, though, Paul, regardless of what the transition is -- I mean, the federal regulations under Magnuson will not go away. We have a total moratorium on this fishery in federal waters, and we have no intent of doing anything and actually withdrawing that plan or those measures until that transition. It's suppose to be seamless.

EXECUTIVE DIRECTOR DUNNIGAN: And that will make this one a lot easier than the only other one we had experience with, which is American lobster, where you were substituting one complicated management program for another complicated management program.

It seems to me that the Commission process in this case ought to be able to go through to finality, have it done, and then at that point, the Council and the Secretary can adjust what they want to do in terms of withdrawing the federal plan; whereas in the lobster situation, the way it worked, the two had to go sort of hand in hand, and it still didn't work out. It took well over a year to get that rule back.

CHAIRMAN DANIEL: All right, Joe, if you'll go ahead and go through the elements on page 6.

DR. DESFOSSE: Okay, this starts the meat of the document in terms of the proposed measures that would go into in Amendment 2.

The first would be the Management Goal. One of these was copied directly from the Amendment 1, and one was adopted from the Council plan with slightly different language. I'm not sure which direction this is going. It's basically maintaining SPR at or above 40 percent. I think the Council plan, if I'm correct, also identified optimum yield, while maintaining SPR at or above 30 percent. I'm not sure if the Board has a preferred language at this time. Do you want to get rid of one of these and make it simple or keep both of them in there as options for the public information document?

CHAIRMAN DANIEL: There's no problem in having the OY language in there. That would be consistent with the Council's plan as well as the North Carolina plan, which is identical. So I would submit that that is what we're going to go with by consensus? Okay. Bob.

MR. MAHOOD: One of the reasons, obviously, is that the Council is turning it over is the fact that it cannot meet the mandate of SFA which really gets away from SPRs. We couldn't come up with the value. And so I think at some point in time the Commission ought to have the option of using whatever criteria they think is correct.

I know somebody said they would rather have

maybe an escapement rate or something like that as the target. And I think the Commission will certainly have that option. I think right now, for ease of operation, we've kind of kept it the same. So it no longer meets the criteria under SFA or even the Council.

CHAIRMAN DANIEL: Well, I think the primary issue here is that, as the Technical Committee has continued to state, and that is the lack of information on this fishery, and the fact that we have the constrained slot limits on these fish that only allows us to have two and a fraction years of aging data, and so what we have done is used the escapement as a proxy for SPR with the assumption that if you hold escapement at 40 percent, it's going to fluctuate 35 percent to 40 percent, somewhere in that neighborhood, 45 percent. If 30 to 40 percent of every cohort makes it into the adult spawning stock where you assume that F equals zero, then over the course of the life of that stock, by definition SPR is going to be 40 percent.

And that's where we're getting confused here in terms of comparing and contrasting SPR in the statement, and as we understand it, they're the same thing. It's just going to take a longer period of time. What we have to do is we to figure out what management actions are we going to take with this stock to get that first cohort to 40 percent. Once we figure out what regulations we need to get that first cohort to 40 percent, then that's what we need to maintain for a long period of time. Then we're in good shape over the long haul.

So, there's no way with the data that we have -- and, Spud, chime in and disagree from the technical perspective -- but there's no way that we can assess that without being more restrictive than we have been because it's only gotten us about 15, 16, 17 percent over the last eight years, and then assess after a plan period, or after an assessment period what the impacts of those results have been. What we do know is that we have to be more restrictive than we have been in order to reach that 40 percent goal.

Do we need to go to one fish across the board, 18 to 27 coastwide, or is there some wiggle room there to use conservation equivalency to address the different social and geographic variances we have in the fishery? So, I think that might be where we're headed in terms of the management and recommendations and options that we have. David Cupka.

MR. CUPKA: I just want to make a general comment about this. You know, as was mentioned early, this document was just put together. I mean, the ink is practically still wet on it. We haven't had a chance to really do a good review and submit concerns beforehand, but I got some faxes as late as just today from staff people who have read some of this, and we

do have some things we would like to see incorporated.

For one, the South Carolina section, for example, I don't think it's fair not to mention some of these other datasets that we have. I think we need to incorporate that somehow. So, I would like to have the opportunity to submit those additional wording and other changes to you before it gets mailed out so we can review it. But the timing was such that we couldn't get some of that in there to you beforehand. So, with that understanding, I would ask to do that.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: So we're going with this second statement until the Technical Committee comes up with a better statement?

CHAIRMAN DANIEL: If they do, yes. That's what I heard by consensus.

MR. MAHOOD: And all I would point out is that I think that some point in the future there would be more flexibility.

CHAIRMAN DANIEL: Right. The Objectives, Part II.

DR. DESFOSSE: And these were taken directly from Amendment I. I don't know if there is a need for them to be updated. "Maintain the spawning stock biomass sufficient to prevent recruitment failure, providing a flexible management system, and to have a cooperative collection of biological, economic and sociological data". Does anybody have any comments on that?

CHAIRMAN DANIEL: I would suggest that for Objective, I that to be as clear as we can be, to say, "maintain an escapement rate sufficient to prevent recruitment failure and achieve a static spawning potential ratio of at or above 40 percent". And that way, that's sort of how we're going to reach our objective is by maintaining an escapement rate.

MS. SHIPMAN: Would you repeat that, please?

CHAIRMAN DANIEL: I'll try: "To maintain an escapement rate that's sufficient to prevent recruitment failure and achieve a static spawning potential ratio at or above 40 percent". Is there objection to that language change? By consensus, then. Okay. Otherwise, I think we addressed some of the social concerns of Number 2.

(Apparent gap in tape)

DR. DESFOSSE: Change the New Jersey/New York state line to New York/Connecticut. Number 4, Overfishing Definition.

UNIDENTIFIED SPEAKER: Just a quick question. I was looking at the objectives and was thinking of striped bass and fisheries that had an age structure component as an objective. I don't know if it's

appropriate to think about that.

CHAIRMAN DANIEL: We're making the assumption through our goal here to achieve a 40 percent SPR, and that's maintaining that escapement rate over a generation time, whether it be -- I know there's a little bit of debate on generation time -- but that that will in fact, increase the population. But we really don't have the mechanism to assess that. That's the problem. .

MS. SHIPMAN: Yes, to that end, I think the northern part of the range that (?), I think, (?). I would assume for the bi-product (?). If you're not going to allow harvest time (UNCLEAR).

CHAIRMAN DANIEL: Paul.

MR. PAUL PERRA: That was my question. Down the line, is there any research used (?). I'm assuming that's been there to look at --.

CHAIRMAN DANIEL: (UNCLEAR).

UNIDENTIFIED SPEAKER: (?) fishing definition we have (?) that are identified. The first is the (?) overfishing mortality rate of 30 percent SPR.

(Apparent gap in tape)

CHAIRMAN DANIEL: Okay, new Section 5.

DR. DESFOSSE: New Section 5, these are the management measures under consideration, recommendations from the Technical Committee.

CHAIRMAN DANIEL: Yes, why don't we do that, just go through those.

MR. PERRA: Question. Couldn't you add in there "are not expected", or "inadequate".

CHAIRMAN DANIEL: Have been determined to be inadequate to reach the goal of the plan.

MR. PERRA: Otherwise, we wouldn't be around this table.

MS. SHIPMAN: Well, as a Board member, I would consider them inadequate to get us to where we want to, given increased fishing to ensure an effort that we know and so on and so forth.

CHAIRMAN DANIEL: Unknown sources of mortality that are out there, too, that are not being accounted for.

MS. SHIPMAN: Yes, exactly.

CHAIRMAN DANIEL: Well, good. I would prefer to have that language in there.

DR. DESFOSSE: Item Number 2 is recommended that there be a two fish limit per day. And this was based on the Technical Committee's recommendation, looking at the distribution of successful angler trips. Most of the trips caught one to two fish that ranged from 70 to 80 percent of the trips. So, in order to get any real reduction and bang out of your management measures, they recommended that you go to a one to

two fish bag limit.

CHAIRMAN DANIEL: All right, I know there's -- David.

MR. CUPKA: Well, we can either wait and go through them all, but somehow this section needs to be structured differently because it doesn't really give you a picture of what the alternatives are. I mean, it considers bag limits separately from size limits, and there are combinations that are allowed to achieve our objectives, and somehow that needs to be reflected in this document.

I mean, this is a public information document. It's important that we get this right. People are not going to know that, otherwise. I mean, we may know it because we deal with it all the time.

It has to be presented differently, and I don't know how to organize it. I'm just saying that I don't think we can have one section that talks about bag limits because the general public that's reading that is going to think that that's the only alternatives you've got to achieve your goals, one or two.

CHAIRMAN DANIEL: Well, based on the Technical Committee's report that we just received, there are definite differences between what's available to meet the targets in the northern region and the southern region. And perhaps if we were to do -- based on the Technical Committee report, break this down -- instead of having a two and a three for bag limits and slot limits, have some options for the northern group and options for the southern group.

What you could have is for the southern group, you could have a one, two, three fish bag limit and the slot limits that were associated with that to say, "Here are your options. If you want one fish, this is your size limit; if you want three fish, this is your size limit". Do the same thing for the northern group, and that way you don't have a bag limit section and a slot limit section. You've just got 1, 2, specific.

MR. CUPKA: You've got to get away from that. You've got to spell it out.

CHAIRMAN DANIEL: John.

MR. MIGLARESE: Can I comment on that because I have some options, sort of like the same suggestion, except add to the fact that the goal was 40 percent. That's why I asked the question earlier.

It seems that the public can read something that says "our goal is 40 percent", and then they see the alternatives. We've got relate the goal back to the alternative. So, I think the northern and southern is a good way to delineate, but also include those options. They understand that in order to get to 40 percent, here are your alternatives.

UNIDENTIFIED SPEAKER (SPUD WOODWARD?): Well, just to comment on that, we

were concerned that we were going to turn this thing into an over- complicated presentation of information that could be disapproved. But I don't think anybody on the Technical Committee would be opposed to presenting as in as well-defined manner as you can. It's just the opposite. We were just -- we were scared of putting anything that resembled one of these matrices up there without having the public overwhelmed by it. So, if it could be done, this has to be done very carefully.

CHAIRMAN DANIEL: Well, if the desire is to have a 1, 2, 3 fish --if the Board's desire is to have a 2 or 3 fish bag limit option for the southern region, then we could simply provide that 2 and 3 fish bag limit option and not to be taken as worthless information, especially in the PID. Then when we move forward with the public hearing document and move forward with actually a draft amendment, we may want to elaborate on that.

But it sounds like to me, from what I'm hearing from the southern area, that what you essentially want to take to public hearing are the options of going to 2 to 3 fish.

UNIDENTIFIED SPEAKER: We're probably going to need to get Doug to run another analysis if we want something that can't be extracted from those matrices that we have; like the 15, that combination.

MR. CUPKA: But you can go with the three and leave it at 14, and just drop it to 24. You could achieve that goal. So the bag limit would be like 3, 14, and 24, with the understanding that if we want to go to 15, that that's going to be even better because it's going to save even more.

So, I think if we just give them the minimum combinations to achieve your goal, with the understanding that if we come down more on the upper end, or up on the lower end, then that's going to be even better, because you can't give them all the combinations, obviously. But this doesn't even acknowledge that you can have a three fish bag limit scenario. I think we need to point that out in our area.

CHAIRMAN DANIEL: Well, there also needs to be --I mean, also we need to consider and the Technical Committee needs to consider how that is going to confound our ability to assess the stock in the future. By going to 14 and 24, we've essentially now reduced the ages that we have available to assess, too, and we no longer have partial recruitment of the three pluses.

That could create a problem for the assessment group, since there is going to be a disconnect between perhaps what's done in South Carolina and Georgia, and then the 18 and 27 that currently exists in Florida, unless they intend on doing something different than what they have in the last 6, 8 years, which I don't know

they do. That's just a point that I think needs to be, maybe certainly not in the PID, but it something that needs to be considered by the Technical Committee. Susan.

MS. SHIPMAN: Yes, but that emphasizes the need for a more comprehensive fishery-independent sampling program for those ages that you're not going to get through the fishery-dependent. So I think that you just put a greater emphasis on that need, if you will like to go that route.

CHAIRMAN DANIEL: And it might be nice to look at -- I mean, it might be nice instead of just arbitrarily picking out -- or not arbitrarily, but if you could pick a size range that does encompass two age classes so that you can be assured to have full recruitment of two year classes for your assessment, for the escapement work.

I mean, you would hate to narrow it down to such a level that you don't even have two full year classes any longer that you could assess. So that's something to at least keep in mind in consideration.

DR. DESFOSSE: I think most of what I was going to say has been addressed already.

MR. BOB PALMER: Yes, thank you for bringing it up. I guess I'd like to figure out some way to put in this document the fact that there are other alternatives, such as the size limit that we have in effect now, and give a value for that.

I'm not suggesting that -- I really don't think that we're going to want to change ours. I assume under equivalency we won't have to. But it might be clearer if we're going to hold a hearing in Florida that we're not -- I mean, we're not going to go to a 14 inch size limit.

CHAIRMAN DANIEL: Bob Mahood.

MR. MAHOOD: Yes, you eluded to this document as a public hearing document. Is this the public hearing document?

CHAIRMAN DANIEL: I'm sorry, I misspoke. We're going to have this and then we're going to have the draft amendment.

MR. MAHOOD: Okay, so this is the public -- you do need to have all of the options available so we meet the criteria.

MS. SHIPMAN: This is like our scoping document, Bob.

MR. MAHOOD: Right, but I mean, at some point the public needs to know what suite of options will meet the reduction. As far as the Technical Committee, I think they need to go out and point out that the Technical Committee recommendation was this, but we certainly need to provide all the options. And as far as size, I mean, we routinely go to public hearings with a 300-page document.

MR. MIGLARESE: He said it better than I have,

but that's what I was trying to get to is there ought to be a suite, but there also ought to be a Technical Committee recommendation that goes along with it, so it's pretty clear that what we're trying to get at. I mean, we've got the best of the minds together, take them as best they can, and even at 40 percent, the recommendation of a 1 to 2 bag limit is far beyond 40 percent.

CHAIRMAN DANIEL: I think a lot of that, though, has to do with the uncertainty of the assessments. I mean, certainly, there's a lot of uncertainty in the assessment, and we, I mean -- but we've made the determination in most of the plans that we've dealt with, particularly at the South Atlantic level, to be precautionary and to be risk averse.

And from what we know through a lot of years working on red drum, is that they have to be treated with kid gloves just because of the nature of the fishery. So, I do think we need to be careful not to be overly liberal with anything that we're trying to do with this fishery in order to reach that 40 percent goal. If we find out that we've got more than 40 percent of a cohort into the spawning stock, that's not going to be the end of the world. That's going to be a good thing; and if we do have an opportunity to relax some of those restrictions, then so be it.

But until we've figured out how to reach 40 percent, we need to try to get there first, and then figure out how to relax the details. Joe and then Tom.

DR. DESFOSSE: Yes, I remembered something else. Bob Mahood reminded me. When the Commission usually does its public information documents, when it gets to the management measures, it doesn't usually identify specific suites as we have in the past.

We've kept things general, and that's why, when we set up Section 5 and Section 6, the Board is considering higher and lower size limits, to keep things -- the specifics are usually held back until the draft amendment, or draft FMP, where you can tell the public, "Okay, we've gotten your input on size limits, bag limits, these are the range of options now that we are considering".

MR. MAHOOD: But, Joe, the problem I saw there is that 6 and 7 doesn't really solve South Carolina's problem. Now, if you put under Other Management Issues a combination of bag limits and size limits, then you would have it covered. But it's not covered there like David had talked about.

DR. DESFOSSE: And if we go back and change Section 5 so that Items 2 and 3 are now combined with the suite of options for the northern and southern regions, then that would get around it.

MR. TOM FOTE: Since we have a declared

interest in this, I figured I'd better sit up here and get involved. You don't have New Jersey's regulations in, and I've got them. It's a five fish bag limit, 18 to 27 inches, with one fish allowed to be over 27. Well, I'm looking at this sheet here. I don't have that.

CHAIRMAN DANIEL: In the public information document, New Jersey is 18 to 27 with no bag limit.

MR. FOTE: Well, there's a five fish bag limit.

UNIDENTIFIED SPEAKER: But this says through '98.

MR. MAHOOD: You might want to update that.

MR. FOTE: Okay, five fish bag limit, but there's one allowed to be over 27 inches.

CHAIRMAN DANIEL: What about sale? Are they allowed to sell?

MR. FOTE: We don't get that many fish to sell. I mean, truthfully, we didn't have size limit until we got the Governor's surf fishing tournament one year, and we had 10 redbfish the first year we had the tournament, weighed in on fly rods. Nobody caught them on bait. They caught them strictly on fly rod, and we've never had another redbfish weighed in. So, we put the regulations in place to match everybody else. But they might catch more on Cape May, but I'm not familiar with that. I'll find out.

CHAIRMAN DANIEL: So, are we happy with combining two and three, and breaking it out southern and northern? Susan.

MS. SHIPMAN: So two and three would be sort of a continuation of traditional management measures; combination of size and bag limits, and there will be one to three fish for the southern end and whatever that matrix turns out to be as far as the size limit?

DR. DESFOSSE: Number 4 then -- skip over three. Number 4 is Prohibition of Harvest of fish greater than 27 inches in those states that currently allow the harvest of one fish greater than 27.

CHAIRMAN DANIEL: Bill Cole.

MR. COLE: Louis, to me if a fish over 27 is so valuable, I don't think we ought to allow anyone to sell one. I think we need to take them out of that. I mean, there may not be many of them, but let's don't provide any additional incentive for somebody to play around. I'm kind of wondering prohibition on the harvest or sale of fish greater than 27.

CHAIRMAN DANIEL: Any objection to that?

UNIDENTIFIED SPEAKER: Just a clarification. I mean, if you can't harvest it, you can't sell.

MR. COLE: But then change the word "harvest" to "possession". Isn't that the correct language that we can use, and then take and do away with the harvest and sale. That means you can't hold him by the tail.

CHAIRMAN DANIEL: Now, I probably should pass the baton to say this, but I'm not, I guess. One

thing that we have in the North Carolina Fishery Management Plan that was adopted by our Commission and our Legislature -- well, not really Legislature -- was that in order for us to collect some information on adult red drum in the future, that once we had achieved the escapement rate goal, that we could have a controlled harvest of adults through a trophy tag system with mandatory reporting.

That is something that currently exists in the North Carolina Fishery Management Plan. And if there's not some type of consideration to that in Amendment 2, then we would not be able to adopt that into our current plan.

UNIDENTIFIED SPEAKER: Just a point from the management plan unit, in some states -- and I know Florida was one of them -- where it says "prohibition of possession", they take that as far as actually you can't possess the fish to bring it on board, tag it and release it.

MR. COLE: The way we had figured that was that you do have to have a special permit to exempt you from the possession rule, if you're in a tagging program.

CHAIRMAN DANIEL: All right, any other discussion on Action 4?

MR. MIGLARESE: Summarize the northern recommendation again.

CHAIRMAN DANIEL: Well, it wasn't necessarily a northern recommendation. It simply --

MR. MIGLARESE: What's going to be put under the northern?

CHAIRMAN DANIEL: Well, what's going to be put everywhere is going to be a prohibition on the possession of fish greater than 27 inches in total length.

MR. MIGLARESE: I'm looking here under northern, one fish?

CHAIRMAN DANIEL: One fish. That's the only way we can reach the 40 percent goal based on the Technical Committee report. We're really not addressing the commercial fishery in this amendment other than maintaining the moratorium in the EEZ, which is currently in place.

And so, I guess we're going on faith at this particular time is because of the actions that have been taken in North Carolina to reduce the commercial harvest of red drum. That's a reason why there is a discrepancy between what is being allowed in the southern region versus the northern region.

MR. CUPKA: And not only do we not have that directed commercial fishery, I don't think any of us allow --

MS. SHIPMAN: North Carolina's commercial quota was never assessed for impacts on the SPR, escapement or whatever. It has never dealt with the compliance, but they were the only ones that had it.

Like when we redo reading the amendment, we've got to figure out how to deal with it?.

MR. PERRA: Currently, commercial fishermen, no matter what gear, can't land more than five red drum over.

CHAIRMAN DANIEL: Well that's until September first, and then we've changed the fishing year to begin September 1st of 2001, and revert it back to -- we'll have a 50 pound trip limit with a directed fishery defined. So you can't just go out and catch 50 pounds of drum and bring them in. You've got to have --

MR. PERRA: But they've got a trip limit, basically, a very small trip limit to keep it a bycatch fishery?

CHAIRMAN DANIEL: Correct.

MR. PERRA: And you guys have a bycatch fishery because you allow only the same --

CHAIRMAN DANIEL: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, Mr. Chairman. I don't want to jump into this, but my understanding is that our plan still requires everybody to be limited to a five fish bag limit. It does not matter what kind of a fishery you've got, or what kind of gear you've got or whatever. Five fish bag limit for everybody. North Carolina has been recognized as an exception to that as long as you were administering a quota, and if I recall, 250,000 pounds.

CHAIRMAN DANIEL: That's right.

EXECUTIVE DIRECTOR DUNNIGAN: The 250,000 pound quota is a compliance measure.

MR. TRAVELSTEAD: Are the new bag limits and size limits that are being imposed here only for the recreational, or both, as in the existing amendment?

CHAIRMAN DUNNIGAN: Susan Shipman.

MS. SHIPMAN: I would suggest we may want to add in "commercial management measures for the trip limits". I think we need to make a distinction.

UNIDENTIFIED SPEAKER: I think it needs to be very clear.

MS. SHIPMAN: Yes; that we don't want to allow any kind of relaxation of any measures that are in any states relative to commercial fishery. We want to keep whatever limited fishery exists to a bycatch fishery and not allow any expansion.

CHAIRMAN DUNNIGAN: Tom.

MR. FOTE: I'm trying to figure out where *de minimis* is on this because, I mean, truthfully -- I mean, you go through all the regulatory changes that I have to go through in New Jersey for maybe 100 fish that are landed in a year and see the one extraordinary fish that does come in happens to get caught in -- you know, we actually see them wash up on the beach more than we see anything else being caught as a bycatch in a net

once in awhile during certain times of the year.

But, I mean, if it was black drum, it would be different. We've put in strict rules and regulations on black drum. Again, it goes to the old thing; we're not impacting the population one bit. We're not basically causing the problem here.

And I have no problem going with a smaller bag limit, but allow the person to keep that one fish over 27 if it's one fish in a lifetime that he catches in New Jersey.

MR. COLE: Do you want to have a *de minimis* criteria where you don't mess with this? I don't know.

CHAIRMAN DANIEL: We could have that as other management issues so we don't have to sit here and try to figure out that right now. And if we want to have *de minimis*, then we could figure it out when we develop the plan.

I mean, certainly that seems reasonable based on those comments. I certainly think that even *de minimis* states like *de minimis* states in the weakfish plan have got to have bycatch productions. I still think that a *de minimis* state in this instance would still, say, have to abide by the no sale of the large fish and try to protect that circumstance. But if they catch one fish, you know, one big fish in 20 years, then if they want to keep that fish under the current situation, that might not be a problem.

But I would suggest, just for time sake, that we put that under other management issues and have *de minimis* requirements considered.

MR. FOTE: I'm could probably -- I'm going to shoot from the top of my head right now because I'm not really that familiar. But I could probably see a figure of 1,000 pounds as a whole, whether it's commercial or recreational.

CHAIRMAN DANIEL: I mean, that certainly seems reasonable. Could we do that by consensus, add that into other management issues?

UNIDENTIFIED SPEAKER: What's the value you're adding back in terms of --

CHAIRMAN DANIEL: I don't think we're going to add a value. I think we could say do we want to consider *de minimis* requirements and take that out to public hearing through the scoping process, or whatever process. Susan.

MS. SHIPMAN: Lou or Tom, clarify for me what you've got in mind for *de minimis*; *de minimis* as to not having to implement the upper maximum size of the slot limit, or are you talking commercial fishery? I'm confused.

MR. FOTE: Well, what I'm talking about -- right now, my state whether it's commercial or recreational -- I guess because of what Paul said -- it's 18 to 27 inches, and it's one fish over 27 inches. I don't think we

have a market. We have a market for black drum. We have no market for red drum in my state that I know of. But it might be and I'll have to really check.

But if you wanted to put a thousand pound cap, you know, a very small cap on the commercial fishery, and basically reduce the bag limit to maybe three fish, but allow us for that one, because once in a lifetime, somebody in New Jersey catches that fish. I mean, I don't want to have to --

MS. SHIPMAN: But that's the same argument in the south, and we've said we need all of those adult spawners into that stock.

MR. FOTE: We're not catching 14 -- I'm not catching 18 to 20 -- I mean, I told you, we had 1,500 people, one tournament, caught 10 fish, and in the seven years since then we have never landed another red drum. Yes, they were 14, and they were small fish, and we gave a trophy. We have the trophies stacked up every year to give one on red drum. We finally gave up on it.

CHAIRMAN DANIEL: Well, you landed 650 pounds in '98 and '99 combined commercial fishing.

MR. FOTE: That's right. I mean, I'm looking at *de minimis* status.

CHAIRMAN DANIEL: And the no sale provisions on fish over 27 you could keep. But, I agree with Susan I just think that's something we could get bogged down in here with right now, and we've got to put *de minimis* requirements under Other Management Issues and move forward, if that suits everybody. Jack.

MR. TRAVELSTEAD: Well, I agree with that, but I just want to make this comment, too. I would have a problem, because if you look on page 12 of commercial landings, it appears that the states of Maryland north are obvious *de minimis* candidates.

But on the other hand, I would have a problem with someone in Maryland being allowed to catch that lifetime trophy fish, you know, right on the other side of the bay, while a person in Virginia could not do so. So, I see that as a problem.

CHAIRMAN DANIEL: Bob Palmer.

MR. PALMER: Are we on other measures?

CHAIRMAN DANIEL: Okay, we're at continued moratorium on EEZ harvest.

DR. DESFOSSE: There would be a recommendation in Amendment 2 to continue that work order.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Just a wording suggestion here, instead of saying "once the Council's FMP has been withdrawn", can we just say "simultaneous with the withdrawal of the Council's FMP"? I want to make sure these are absolutely seamless. I don't want the public to think we're going to have a lapse period where there are

no measures in federal waters.

CHAIRMAN DANIEL: Okay, any other discussion on Item 5? That takes us to Other Management Issues. We've got the *de minimis* requirements, and is there anything else? Bob Palmer.

MR. PALMER: Do we anticipate having an analysis for closed time periods? And if we're not going to do the analysis, is this going to take it and if people don't like the narrow slot or --

DR. DESFOSSE: I basically made a note here to eliminate A and B because that would be covered by combining 2 and 3. The intent of Section 6 was to get the public's comments on whether they would like to see area closures or seasonal closures in lieu of some other management measures. And if so, if there was support for that, then you would go back to the Technical Committee and ask them for some type of analysis.

CHAIRMAN DANIEL: Anything else on Other Management Issues? Jack Travelstead.

MR. TRAVELSTEAD: It sounded like Bob was asking is there any data that can be used to analyze area and seasonal closures.

MR. PALMER: Oh, I know they can.

MR. TRAVELSTEAD: It can?

MR. PALMER: Oh, yes.

MR. TRAVELSTEAD: There is information --

CHAIRMAN DANIEL: At least seasonally through the MRFSS data. Anything else under Other Management Issues? If not, we'll take 7.

DR. DESFOSSE: As I said earlier, I got a fax from a Wilson dealing with habitat measures. And what I was expecting from him was a couple of sentences under each of these; not three pages, so I'll have to condense that. This is typical of Wilson. He's very thorough, and there's probably some information that he's given that can go into the document as well.

MR. COLE: Well, while we're on it -- and I know we're in a hurry -- but one of the things that the Service has a lot of interest in among our coastal refuges is maybe perhaps using some of those refuge for additional pilot studies throughout the range of this species. I'm sure that that may make up part of that link that you've got.

DR. DESFOSSE: Right, I just haven't had a chance to read that.

CHAIRMAN DANIEL: John Miglarese.

MR. MIGLARESE: Thank you, Louis. Under Habitat Measures, my curiosity is that the audience for this document is the public. Does it serve us any -- are we best served at bringing up MPAs, which could be very controversial, and it's kind of off target with a lot of other activities going on?

MR. PERRA: Yes, it's been very controversial

with the recreational fisheries community. This is primarily a recreational fisheries plan. And the whole executive order from the past administration is under review by the new administration.

So, why don't you just say pilot studies of national wildlife refuges, pilot studies? I mean, marine protected areas, basically we all use them. The councils use them, the states use them, everything else. But if you hook it to the recent initiative, it's just kind of a red flag.

CHAIRMAN DANIEL: Anything else? Susan.

MS. SHIPMAN: Just a question on that -- and I didn't get this down. What was the discussion of the Technical Committee as far as rebuilding the stocks and the rationale for the MPAs. Well, just the National Wildlife Refuge and the MPA ?, yes.

(Inaudible unidentified speaker.)

MR. PERRA: I just think take out "MPA" at the end and it will be fine.

(Inaudible portions on the tape)

MR. SHEPARD: Is it our intent to put into this document something like we did in striped bass that we're contemplating keeping this effort in force for something like three years, that we have that much confidence in what we put together? If so, is that something we're going to tell the public?

CHAIRMAN DANIEL: It appears that we should try to come up with the regulations now that we've had an interim period -- (inaudible) -- regulations that are necessary to maintain that goal for a long period of time. I think a three-year assessment following the implementation of Amendment 2 should give us that answer as to whether or not we've done what's sufficient to reach that goal.

MR. SHEPARD: I think it's one of the statements we made with striped bass. One of the complaints always has been the whipsaw effect -- (inaudible).

MR. PERRA: He's correct. One of the problems, though, is if you allow the conservation equivalency and you have to come in and look at it through assessments, the states could change their regulations, and then it would make it difficult for the Technical Committee to assess what's going on.

So it's kind of a two-tiered problem with striped bass. One is that the board has got the target level that they're kind of changing, and the states are all shooting for different conservation equivalency, changing their regulations almost every eight months. So you might want to put in here a policy statement that what you put in place --

CHAIRMAN DANIEL: Will be held for --

MR. PERRA: Yes, and get some feedback from the public because I think the public -- there's a lot of concern in the public, too, that things are changing too fast.

MR. SHEPARD: There's always the quarrel that regulations have not caught up with new information and that kind of thing, and you're changing before you even know what you're doing.

MR. PERRA: Well, with this one, you know it's going to be long term. You know it's going to be long term, so you might as well be up front about it.

CHAIRMAN DANIEL: And we've tried to do that. Ray, you had a --

DR. RAY RHODES: Yes, Ray Rhodes, South Carolina. And I'm not sure whether I should bring this up here or under Research Needs, but the National Marine Fisheries Service does these Econ add-ons in the northeast and the southeast. And they're getting ready to use kind of a behavioral model they call a "con-joint" that might give you some insight on if there's some switching; maybe in my state I would be concerned about switching from red drum to sea trout, and other things like that.

Is that something that should be listed under Research Needs or Monitoring Needs. I bring it up under monitoring because it is a routine, you know, as much as they can with their budget. They phase in these econs every two or three years, and we might be able to have some input to how that's done, and giving red drum a priority in this, if possible.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Question for Jack. Jack, we can't do requirements of the National Marine Fisheries Service under these plans? I mean, aren't they requirements of the states, primarily?

EXECUTIVE DIRECTOR DUNNIGAN: We can only make recommendations to the --

MS. SHIPMAN: To the Secretary, so we could put that in under our recommendations to the Secretary.

MR. RHODES: And they have picked up information in the past for red drum. Again, I don't know whether it's appropriate to put this under Research Needs or put it under Monitoring Requirements, so I thought I'd go ahead and bring it up now. And wherever you folks feel it's appropriate, I can get some wording to Joe on that.

UNIDENTIFIED SPEAKER: Since the last data of this assessment is '97, and there's been fairly significant changes in the regulations since that time, you may want to consider doing an assessment using the '97-'98 -- '98, '99, 2000 -- (inaudible on tape)

CHAIRMAN DANIEL: I mean, it would be nice, but I don't know if NMFS would be able to put

(inaudible) in that situation. But, to have an assessment done through 2000 -- but we could certainly try to do it with John Carmicheal. We've got the models. It's just a matter of updating.

UNIDENTIFIED SPEAKER: It would be nice to see so that --

CHAIRMAN DANIEL: We're very interested to see what North Carolina, what the results --

UNIDENTIFIED SPEAKER: You can tell what the amendment by itself does.

CHAIRMAN DANIEL: Right. Anything else under the Monitoring Requirements? Research Needs.

DR. DESFOSSE: This is just a shopping list of red drum research needs that is usually included in the FMP review. It's also included in the current amendment, the amendment to the FMP is going to come out and what we do for research needs. It's an abbreviated list in terms of like shorten down each of the research needs, try to condense them a little bit. It's just a standard element. I don't know if you need to go through each of them right now, but you could get comments back to me.

CHAIRMAN DANIEL: And the Technical Committee is in the process or reexamining these, too. Jack, did you have something?

EXECUTIVE DIRECTOR DUNNIGAN: Are they prioritized?

DR. DESFOSSE: In this list they are. That was from at least a year ago. The Technical Committee is in the process of re-prioritizing them.

CHAIRMAN DANIEL: John.

MR. MIGLARESE: I was going to ask the same question.

CHAIRMAN DANIEL: Any other comments on Research Needs? Okay, Table 1 then is just a list of the current regulations.

MR. MIGLARESE: Are you on page 30? It's not '92, '98, but 2000?

DR. DESFOSSE: Yes, they will be. I'll check to see when New Jersey's changed. All the headings are correct. I did put North Carolina's updated regulations in the footnote. This is the text that was taken from the stock assessment and the bag size limit analyses.

MR. TRAVELSTEAD: Joe, on this table, on footnote B, under No Quota for Virginia, is commercial fishery subject to the same bag limit? I mean, I don't understand why Virginia is singled out for that. I wouldn't even put that footnote in.

DR. DESFOSSE: And I've got a note to myself to review the regulations in the northern states. I'm not exactly sure what New York's is, if it has changed in the last couple of years.

Tables 2, 3, 4 are just a summary of commercial landings and recreational landings; recreational harvests

and recreational --

MR. FOTE: We don't have any harvest according to the tables, recreationally?

DR. DESFOSSE: As far as I can tell, no. You had some releases, but no recreational harvest. Figure 1 is referenced to the text. It's the catch per angler trips for the northern and southern regions. And that's it.

CHAIRMAN DANIEL: And that's it. Bill Cole.

MR. COLE: Mr. Chairman, so the people who have the willingness to send in written comments, at what time would and Technical Committee need those?

DR. DESFOSSE: It would depend on when you want to set public hearings, how soon. I assume that you want to set the hearings so that you can have that information at the July meeting, so I would assume that hearings would take place in June.

UNIDENTIFIED SPEAKER: Give us another week or two to get edits to the staff, and then re-circulate it for approval, and then circulate it to the state -- (inaudible on tape)

CHAIRMAN DANIEL: Do we need to provisionally approve this, or wait to approve this, how do we want to proceed?

MS. SHIPMAN: Can we do it like we did spiny dogfish? I mean, once we get the edits in, and then just send it out and get it back for approval. I mean, it worked for spiny dogfish.

CHAIRMAN DANIEL: By consensus?

DR. DESFOSSE: But didn't the spiny dogfish get conditional approval?

MS. SHIPMAN: Why couldn't we do that, Jack?

EXECUTIVE DIRECTOR DUNNIGAN: It doesn't matter. Mr. Chairman, just do whatever makes sense.

CHAIRMAN DANIEL: All right, that makes sense to me. By consensus, we agree. All right, the next issue is the -- sorry, Melvin.

MR. SHEPARD: I would like to discuss something before we go further. The stock assessment that we talked about early on, is that going to be available and will that be shown to the people at the public hearing? Is that going to be something that they see?

CHAIRMAN DANIEL: No.

MR. SHEPARD: Okay. The other thing is at what stage now are we involved in with the advisors?

RED DRUM ADVISORY PANEL FORMATION

CHAIRMAN DANIEL: We've got that coming up as the next item on the agenda, formation of the Red Drum Advisory Panel. And it would seem to me that in connection with Melvin's question that we would want to bring in the AP once we receive the public comment

from the scoping.

MR. SHEPARD: Those people need this information.

CHAIRMAN DANIEL: And what we need to do is form an ASMFC Red Drum Advisory Panel. Now, what we know is that we've got -- well, essentially we have an advisory panel for the South Atlantic.

MR. SHEPARD: I believe we have an ASMFC Advisory Panel.

CHAIRMAN DANIEL: Right.

DR. DESFOSSE: At your last meeting, I think you adopted the advisors from the South Atlantic Council with the understanding that you would send out -- the Commission would send out a memo to the other states that were involved and ask them if they were interested in adding advisors, if they had an interest in that, and also to the states that had advisors, whether they would like to keep those or reappoint new ones.

We have not heard back from any of the southern states, North Carolina through Florida, but we have heard from Maryland and Virginia. Both of them would like to appoint a member to the Advisory Panel.

MR. SHEPARD: We would like to reappoint the people that are on there now.

DR. DESFOSSE: Okay. And if we did not hear from them, that's what we assumed.

CHAIRMAN DANIEL: Tom.

MR. FOTE: New Jersey has discussed this -- Bruce and I have discussed this, and we will be coming up with some name.

CHAIRMAN DANIEL: Okay. Any other discussion on formation of the Red Drum AP?

DR. DESFOSSE: I have a question as to when you would like them to meet. Do you want them to meet between holding the public hearings and the next Board meeting, or do you want to hold off until after the next Board meeting? There's a lot of things coming up in the near future. What would make sense to get their advice?

MS. SHIPMAN: Well, going back to what we learned at our meetings management workshop, we need to have them meet far enough in advance where we can get the information from them, and get it out to the Board well enough in advance.

And I would hope down the road all these Board meetings are going to start adopting a lot of stuff by consent agenda, which means, you know, getting stuff out ahead of time. Now, Joe has been under tremendous constraints even to get together what we had today, and he has done yeoman's service.

So this is not at all a comment on that. He's had menhaden, spiny dogfish and this. But I'm hoping in the future -- we hopefully will have menhaden off the platter as of tomorrow -- we can get back to maybe a

little bit more advanced lead time on getting the advisors, the Technical Committee, and not bunching it up against the board's meeting so much. That's my goal.

CHAIRMAN DANIEL: Any other comments?

MR. SHEPARD: My question is where are we? In other words, Joe asked the question "when do we want to meet?". I'm not sure we did that. I'm not sure we gave clear directions to Joe.

DR. DESFOSSE: No, I'm not sure.

MR. SHEPARD: Because, if we have a Board meeting coming up, when are we going to determine if at that board meeting that we wouldn't or ought not to have advisor comments in our hands?

MS. SHIPMAN: I agree with Melvin, and I think if we're looking at a July Board meeting, the meeting week, which I think is the week of the 17th, we need those advisor meetings probably end of June, early July. And we're just going to, I would assume, need to take the input from the public scoping process, or public information document process to them, and get their feedback, along with a Technical Committee presentation like we had today, and that type of thing. That's what I would envision.

CHAIRMAN DANIEL: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: When are the public hearings going to be finished?

CHAIRMAN DANIEL: June 21st.

DR. DESFOSSE: Your deadline for comments was May 7th. So, you figure a couple of days return and get all those into the public information document, re-circulate it back out for approval, we're talking at least another week. so that's May 14th. Then we have to publish the availability of the document once it gets to the states. And theoretically, we're not supposed to hold public hearings within 30 days.

The first public hearing should be 30 days after that publication. And then there's supposed to be another 14-day period at the end before you can have a Board meeting. So, you're talking about scrunching everything down. We did it with spiny dogfish.

MR. PERRA: I have a suggestion, I guess, from being involved in this process a lot. And it's difficult because you would like to have your advisors involved in the beginning. And to do that, if you have them appointed, you can have them attend the public hearings in their states to get some input.

Then you can get your public input at the Board meeting, shortly following the Board meeting, because all you're going to decide at the Board meeting is pretty much whether to proceed with a plan or not, because this is just -- you've decided to proceed with the planning, you've got some broad ideas, you take that to the public.

So, if the schedule doesn't allow it, just meet with the advisors following the board meeting before you get too far down the line. That way they will have attended the public hearings.

The only other way to do it is to have them come the day before the Board, you know, and have them come the day before the Board and hear all the public input. Then you won't have -- they won't have time to think about it much.

MR. SHEPARD: I mean, if we're crunching everything else, make it May 1st for us to get things mailed to you.

CHAIRMAN DANIEL: Jack.

EXECUTIVE DIRECTOR DUNNIGAN: Thank you, Mr. Chairman. Susan and I were just looking at the Charter, and the 30-day requirement applies to the Draft Fishery Management Plan, not the public hearing document or the original go around, the first set of public hearings. So it would seem to me that you could, almost today, if you think you're going to get your public hearing document comments back and get it put together by the 15th or 20th of May, you can commit today to holding the public hearings during the first week of June. I don't know how many you have to have. And knowing you will have your document, the PID available probably two weeks ahead of time, how many hearings do we need? I mean, can we do them all in one week?

CHAIRMAN DANIEL: How far north do we need to go?

EXECUTIVE DIRECTOR DUNNIGAN: Joe, did you have any vacation plans the first week of June?

DR. DESFOSSE: Not for this year.

MS. SHIPMAN: And if I may, you know, I don't know -- you know, Joe, we'd love to have Joe come to Georgia, but it probably could be -- you know, Spud and I could do that public information meeting.

EXECUTIVE DIRECTOR DUNNIGAN: That's great to hear.

MS. SHIPMAN: Yes. I mean, I think some of the states -- Louis, y'all could do yours.

CHAIRMAN DANIEL: We would absolutely be happy to do it for Joe.

MR. COLE: We could do it for North Carolina.

EXECUTIVE DIRECTOR DUNNIGAN: So if you could hold all those hearings in the first week, get the comments back to Joe by the 15th of June, he can plan on an advisors meeting sometime around the 20th or 25th even, and get the results of that back out to the Board in time for the July Board meeting.

It just sounds so simple, you know, when you're sitting here around the table in April planning these things out, and it never quite happens the way you want them to, though. It seems like it should be able to fit.

CHAIRMAN DANIEL: Any other comments?
Does that satisfy everybody? Joe.

DR. DESFOSSE: Other than Virginia, what states would require or would want me to be at the hearing?

MR. PERRA: I think, Joe, I would like you with me -- you know, you can just do -- when I talk at New Jersey about opening up the EEZ, you can follow me. That's just an inside joke between me and Tom.

MR. FOTE: I'm trying to think. I think New Jersey would meet with finding an advisor, and I'll be out to the public hearing.

MR. CUPKA: If you want to do it the first week in June, I'm not flying back from Hawaii in order to hold a public hearing.

DR. DESFOSSE: So it will just be Virginia, then.

CHAIRMAN DANIEL: All right, everybody happy?

MS. SHIPMAN: I'm happy.

EXECUTIVE DIRECTOR DUNNIGAN: And Joe doesn't go to any of them?

MR. PERRA: Except for Virginia.

CHAIRMAN DANIEL: All right, that covers red drum, and only two hours over time. SEAMAP update.

SEAMAP UPDATE

MR. GEOFF WHITE: I guess I'm on. I just wanted to let you know that a funding request has gone to Congress and was distributed that everybody agreed to in January. That was for FYI on that. The remaining task is to continue to work with NMFS to get any type of a SEAMAP change in the NMFS budget. It's kind of a Commission-type task.

Review SEAMAP 2001-05 Management Plan

The big item that we have today is a quick review and approval of the SEAMAP 2001-2005 Management Plan. Most of this you have seen before. I'm just going to highlight the few sections that have changed.

The Executive Summary has been updated since we last saw it, and created and approved through the South Atlantic Committee. It now has all of the bullets with the pictures, the highlights, accomplishments of SEAMAP that were exactly the same from January's congressional funding document.

On pages 28, 32 and 35, there are some tables of historical activities that were meant to highlight the number of survey activities that SEAMAP has undertaken, and also their longevity. There's a whole section on expanding SEAMAP activities that the South Atlantic Board has approved previously and we've made all those changes, so I won't go over that right now.

There is one area of the document that was handed out again this morning, or this afternoon, I guess it was. It's the highlighted section. It was at the end of the table. This was not in your CD-ROM packet. The reason I bring this up is it's the appendix regarding SEAMAP data management. The section had not changed in probably 10 or 15 years, and it still had reference in it to charging users for phoned data requests, which we've never done in SEAMAP, and are likely not to pursue.

So it removes references for charging people. It also had a kind of cumbersome structure in terms of the committee approving certain data requests, and the coordinator being involved sometimes, but the data manager taking care of routine requests, and what the strikeouts and changes show on pages numbered 96, 97, and 98 are basically to clear that up so that the data manager has the responsibility to fulfill routine data request.

And if he has a question, to basically contact the regional coordinator, and they'll try to help him out in terms of what the appropriate response is. It takes the committee level out of approving data requests. So this is brought to you because it is a policy change, although maybe not a huge one.

CHAIRMAN DANIEL: John.

MR. MIGLARESE: Just one comment. The Freedom of Information Act allows for the charging of an individual who asks more than just for existing dataset. (The rest of Mr. Miglarese's comments are inaudible on the tape.) Mine was a general point. You're not going to charge an investigator?

MR. WHITE: The first three are correct. You can remove those. The question comes on page 97 for a non-SEAMAP investigator. What's the pleasure of the Board, to allow charging for it or to leave it as stricken?

MR. SHEPARD: My question to you would be you were saying that this has been reviewed by a couple of groups already, right?

MR. WHITE: Yes.

MR. SHEPARD: Are we then setting up something that needs to go back to them saying that we disagree with their decision?

DR. LISA KLINE: Can I comment as a SEAMAP Committee Member? The suggestion that was made -- and I think it originally came from me -- was references to confidential data. And the process that was set up was a very closed access process to SEAMAP data. And what's been discussed in the last couple of years is getting SEAMAP up on the web and access. There was never any discussion that I saw from any SEAMAP meeting representing the charge.

I don't think if the Board changes that and puts it

back in, they're going against what the SEAMAP Committee had recommended, unless you heard something from somebody else.

MR. WHITE: This whole document, actually, was e-mailed out to the committee, and the strikeouts were in there and approved by them. I don't think they had any heartburn about it one way or the other, so you wouldn't be going against a major topic.

MR. MAHOOD: Again, when we discussed this, we were talking about researchers and investigators. We weren't talking about an attorney in lawsuit. It depends on what you mean by the non-SEAMAP investigator.

To me, that's still talking about in the program and not talking about attorney's from the outside, or something like that. Maybe we need to keep that clear that if there is a FOYA request -- generally they ask for reams and reams of stuff. They don't go in and --

CHAIRMAN DANIEL: David.

MR. CUPKA: Yes, if this is just for a non-SEAMAP investigator, we've always encouraged people to use this data, and we have even budgeted money to do data support, so that's one issue with this.

But if it's an attorney or something like that, that's a different situation. But, I can tell you from the beginning, when we started the program, we've been doing everything we can to encourage people to use it. That could put roadblocks in from of them.

MR. WHITE: The definition here for a non-SEAMAP investigator is a person not specifically involved with the SEAMAP activities. Included are independent researchers, private research organizations, including those under contracts with government agencies, fishing and environmental group representatives, and non-participating agency, state and federal agency, and the general public.

MS. SHIPMAN: Couldn't that be left up to the discretion of the agency, though? If it got to be a burden, you could charge for it.

CHAIRMAN DANIEL: What's your pleasure? Do you want to handle this now?

MR. PERRA: It looks good.

MR. WHITE: With what Lisa brought up, there was a reference to confidentiality that was also removed from both fishery independent and non-confidential data. If there are no further questions, the task for the management fishery plan would be to ask for approval from the board, and the Gulf Technical Committee has not approved this yet, but they will be doing that via e-mail or conference call in June. So this should be done and printed come August.

MR. CUPKA: **Motion to approve** (*SEAMAP 2001-2005 Management Plan*).

CHAIRMAN DANIEL: Motion by David Cupka to approve. **Second by Bill Cole.** Any discussion? Any objection to the motion? **Seeing none, the motion is approved.**

MR. WHITE: Thank you very much. Two housekeeping things. In November the board directed the South Atlantic Trawl Survey to speak with the South Carolina personnel to reallocate stations based on some new information. They've done that and actually started their new station allocations.

The new stations were actually in your packet if you care to look them up, but basically added stations to the northern and southern range, and took some away from the middle. It should have improve the data quality throughout the entire range of the survey. Another follow up task, the Bottom Mapping Work Group is meeting next month, and they will be discussing development of protocols for capturing deep water data.

The reason that they did not get some of the additional funding for this year was because they didn't have those protocols, but are going to address that in this year's meeting.

Allocation of Future Funding

The final item for discussion and possible action has come up. Because this year we got the \$200,000 bump that's in that funding, we kind of got into the discussion of how does that get allocated between components, and there is no -- in this management plan or anywhere in the SEAMAP structure -- a set or goal allocation for how that money is to be distributed. It merely says that money will be allocated based on a joint committee meeting. And the question has been raised should the South Atlantic initiate conversation at the joint meeting this August to develop some protocols or some methodology on how to divide new money should it come in?

The historic way is to fight as you can. There might be ways that are a little easier to do that, and I wanted to ask the Board --I've got actually two suggestions. One could be just an equal allocation of new money. You know, if we got \$300,000 in, \$100,000 goes to each component.

Another would be to approach the expansion activities in the priority order of restoration, then enhancement, and then new projects. If you look closely at those, it kind of balances money to one component or another based on those three priorities. That may or may not be what the board wants to do.

A third way that I've come up, and spoke with Henry Ansley, the Chair of the Committee, is if you take all the priorities in the expansion activities, added

them together, and then figured out percentages based on components, it would be 40 percent Gulf, 40 percent South Atlantic, 15 percent Caribbean, and 5 percent NFMS. Historical allocation is 20 percent NFMS, 45 Gulf, 25 South Atlantic, and 10 percent Caribbean. There are ideas that are based on some sort of an equitable split, and right now I'm just kind of asking for comments; and if the Board thinks we should pursue this, to a develop methodology.

CHAIRMAN DANIEL: Opinions. David.

MR. CUPKA: Correct me if I'm wrong, but when we were looking at add-ons to the program, it seems like the Gulf threw everything but the kitchen sink in there, and we tried to show some restraint, I believe. So, the idea of taking everybody's needs and then allocating them proportionally on the surface sounds good if everybody approached it the same way, but I'm not sure everybody did.

MR. MAHOOD: When we had the discussions about whether to up our ante from what the Gulf had asked for, and I think part of the discussion was we didn't want them putting in for a million and us a lesser amount, and whatever amount we got, they weren't proportionate based on what we all asked for.

So what the Councils have done is we've struggled for many years relative to who would get what once we got our line item allocations -- we need a very definite idea up front of who gets what, because then you know if you get X amount of dollars, what the amount is. You don't have to work it out later. So all we need to do is develop what we think is fair.

But we definitely need to work that out. Then in the future if we get some long-term funding, we'll know what we get. In other words, if you go to your congressional people and say, "Look, we need more SEAMAP money, give us a million dollars for the Atlantic Coast" -- by having it like that, it gives you a little bit more leverage.

MR. CUPKA: I agree with Bob the time to do that is not after you've got the money but really work it out ahead of time.

(The rest of the tape is inaudible.)