

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

**The Crowne Plaza Hotel – Old Town  
Alexandria, Virginia  
May 14, 2014**

**Approved August 7, 2014**

**Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting  
May 2014**

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1. **Approval of Agenda by Consent** (Page 1).
2. **Motion to approve proceedings of February 6, 2014** by Consent (Page 1).
3. **Move to release Draft Spot Addendum I and Atlantic Croaker Addendum II for public comment with the changes discussed today** (Page 15). Motion by Adam Nowalsky; second by Joe Grist. Motion carried (Page 15).
4. **Adjourn by Consent** (Page 22).

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**ATTENDANCE**

**Board Members**

Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Louis Daniel, NC (AA)
John Clark, DE, proxy for D. Saveikis (AA)	Mike Johnson, NC, proxy for Sen. Jenkins (LA)
Roy Miller, DE (GA)	Robert Boyles, Jr., SC (AA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)	Ross Self, SC, proxy for Sen. Cromer (LA)
Tom O'Connell, MD (AA)	Patrick Geer, GA, proxy for Rep. Burns (LA)
Bill Goldsborough, MD (GA)	Nancy Addison, GA (GA)
Russell Dize, MD, proxy for Sen. Colburn (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
Joe Grist, VA, proxy for J. Bull (AA)	Martin Gary, PRFC
Cathy Davenport, VA (GA)	Wilson Laney, USFWS

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

**Ex-Officio Members**

Chris McDonough, Croaker Technical  
Committee Chair

**Staff**

Bob Beal  
Kirby Rootes-Murphy

Melissa Yuen  
Toni Kerns

**Guests**

Loren Lustig, ASMFC GA  
Doug Grout, ASMFC AA  
Jack Travelstead, CCA  
Jimmy Kellum, Kellum Maritime  
Adriene Divertie, MD DNR  
Justin LeBlanc, NCFA  
Jerry Schill, NCFA  
Brent Fulcher, NCFA  
Johnathan Fulcher, NCFA  
Emily Knortz, NCFA  
Gurney Lee Collins, NCFA  
Jeremy Gurthrie, NCFA  
Josh Salter, NCFA  
Dan Garrish, NCFA  
Aron Styron, NCFA

Paul Bierman, NCFA  
Thomas McArthur, NCFA  
Taylor Smith, NCFA  
Pam Schill, NCFA  
Marty Frost, Salter Path, NC  
Jerry Burns, Beaufort, NA  
Bradley Styron, Cedar Island, NC  
Richard Barlow, Cedar Point, NC  
C.R. Frederick, Swansboro, NC  
Kenneth Seigler, Hubert, NC  
Jarrett Moore, Ocracoke, NC  
Adam Tyler, Smyrna, NC  
Arnold Leo, E. Hampton, NC  
Aron Styron, Jr. NCFA

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The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crown Plaza Hotel Old Town, Alexandria, Virginia, May 14, 2014, and was called to order at 9:25 o'clock a.m. by Chairman Patrick Geer.

**CALL TO ORDER**

CHAIRMAN PATRICK GEER: Welcome to the South Atlantic Board Meeting. My name is Pat Geer; I'm the chairman. I will do my best to try to get us back on schedule; but I think that is going to be virtually impossible at this point.

**APPROVAL OF AGENDA**

Let's start off with the approval of the agenda. Are there any changes to the agenda, any modifications? Hearing none; the agenda is accepted.

**APPROVAL OF PROCEEDINGS**

Approval of the proceedings from the February 2014 meeting; heading no objection to those; we will consider those approved.

**PUBLIC COMMENT**

We're going to have a brief public comment period. We have the North Carolina Fisheries Association members that have come up to the meeting today. I'm estimating about 20 of you.

Since we're pressed for time; we're going to take two public comments now. If we have time at the end, we'll consider others at that time. We're going to have Jerry Schill and Justin LeBlanc speak very briefly, five minutes apiece, and we'll go from there. I think, Jerry, you're up first. Please state your name and your affiliation.

MR. JERRY SCHILL: Mr. Chairman, my name is Jerry Schill with the North Carolina Fisheries Association. We appreciate the opportunity to comment on red drum management. Also in the room are a few Tarheel fishermen who are attending an ASMFC meeting for the first time. They're here because they have been very much affected by the issues related to red drum; and

they want to make sure they have a voice in the future management of the species.

For background and for the benefit for those whom I have not yet met, I was president of NCFA 18 years, from 1987 to 2005 when I resigned to pursue other interests. My successor, Sean McKeon, resigned last fall. I agreed in the interim to help the organization rebuild and re-energize; but after three months I realized that I was having so much fun aggravating Louis Daniel that I begged the board to let me come back fulltime.

That is the reason I'm back. It is a life's mission; and I'm having a lot of fun doing it, Louis. This trip is costing our group and our fishermen thousands of dollars in travel expenses and lost fishing time and should highlight how important it is to the commercial fishing community and to our state.

Commercial fishermen have sacrificed greatly in the rebuilding of red drum. While it is not directed fishery, it is an important source of income to large-mesh gill netters while targeting flounder; yet we took an unprecedented action at a recent NCFA board meeting. After a four-hour very spirited discussion, our board voted unanimously to recommend an immediate closure to large-mesh anchored gill nets due to the tremendous population of red drum in the water.

Since our 250,000 pound cap had been exceeded for the fishing year, our fishermen cannot land red drum, which means regulatory discards. That amounts to waste, which the fishermen abhor, but it could also lead to a public relations and a political nightmare. DMF Director Louis Daniel reacted to our request by issuing a proclamation prohibiting the use of large-mesh gill nets effective May 5<sup>th</sup>.

Many fishermen have only one thing to do this time year and that is fishing with this gear. They would be fishing for flounder, black drum and sheepshead, but today they are fishing for concern for their future. I've only mentioned the fishermen and yet what they provide is also

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important to dealers, restaurants and retail markets.

Only a few short weeks ago we took another huge step with a proposal to fund observers for the gill net fishery due to the interaction with sea turtles as a requirement for our state's ITP. That program would totally fund the observer program with no tax dollars by doubling our commercial license fees. That proposal will be considered by our state legislature, which convenes today.

The science will dictate what our cap will be in the future; but even if it is large increase, which we project it will be, the lack of flexibility in the plan is a huge problem. Without flexibility, staying in compliance with the plan will be difficult; but even if we do go out of compliance, do you all realize that it would be the very first time our state has gone out of compliance with an ASMFC Fishery Management Plan? That's right; we're in the minority in that regard.

Esse quam videri or to be rather than to seem; that is our state's motto. Yes, we can be a bit rambunctious at times and a tad excitable; but in addition to being hard working and very passionate about what we do, we know conservation and we practice it. Because of that, we like conservation equivalency measures and the flexibility given to managers that can reward fishermen for their extraordinary efforts such as what we are doing in North Carolina.

That flexibility is especially needed with a recovering or recovered stock. Red drum, for example, is playing havoc with our juvenile blue crab population. We sincerely hope that you will have some time at the end of your meeting to take comments from our fishermen who have made great sacrifices to be here. There is a real problem with how we deal with a recovering species.

Congratulations; now what? I don't care if you're talking about the increasing population of sea turtles or red drum; it is hard. I sat around a table like this when I was on the South Atlantic Council. It is really difficult when you're

dealing with a recovering or recovered species. I would like to introduce Justin LeBlanc of Ocracoke, North Carolina, who is doing some work on behalf of NCFA and will speak to the technical aspects of red drum management. Thank you.

MR. JUSTIN LEBLANC: Thank you, Mr. Chairman. Thanks for the opportunity comment; I appreciate it. North Carolina commercial fishermen, many of them here today, have concerns about the North Carolina red drum cap of 250,000 pounds and the need for a better understanding of the abundance and age structure of the adult red drum population particularly in the northern management unit.

The SEDAR 18 report from 2009 states that given the data on the static spawning potential ratio over the past many years, it is likely that overfishing on red drum is not occurring. In fact, current data and opinion documents indicate that a recovered status for the northern stock is warranted. The assessment that is currently underway needs to address the uncertainty documented in SEDAR 18 regarding the abundance of older fish so that an updated FMP can reflect not only the health of the one to three year olds but the health of the adult population as well.

Since 1994 red drum have been under a successful FMP that has met or exceeded its target SPR of 40 percent. We are at the 20-year threshold estimated to be the timeline for recovery of this stock. North Carolina Department of Marine Fisheries Data suggests the spawner biomass for the stock is healthy and stable.

The current North Carolina cap of 250,000 pounds was established using commercial landings as a proxy. The landings' data used were obtained during the time period when the stock was depleted and was not derived from a biological framework. In our opinion the current harvest structure does not allow us to obtain optimal yield and is not reflective of the stock's current health.

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As Jerry mentioned, this year North Carolina commercial fishermen took the unprecedented step to close their large-mesh fishery because the yearly red drum cap had been harvested and bycatch mortality could have been very high due to the very large cohort moving through the slot right now. This action will significantly lower bycatch mortality to this large year class and will likely result in recruitment to the adult spawning biomass.

In addition, we believe that there is a very little bycatch mortality associated with the large-mesh gill nets for adult red drum. We also believe that a better understanding of hook-and-release mortality in the recreational sector is needed. Recreational fishing effort in this fishery often peaks during the hottest months of the year when oxygen is low and water temperatures are high, potentially increasing mortality.

We believe that the current review needs to take into account the reduction in fishing days and soak times mandated by the sea turtle compromise and the Section 10 Agreement with NMFS that we operate under. In conclusion, we believe that the current North Carolina cap needs to be increased as well as the North Carolina recreational bag limit.

All user groups in North Carolina have sacrificed to rebuild the stock. We should develop an FMP that allows us to maximize optimum yield. We also ask that the FMP be developed in such a way that North Carolina has the ability to manage the commercial TAC with some flexibility so that when large year classes are moving through the slot size, red drum do not become a choke species for the southern flounder fishery. We encourage the Atlantic States Marine Fisheries Commission to apply all resources available to complete the red drum assessment in a timely manner. Thank you.

CHAIRMAN GEER: Thank you very much, Jerry and Justin. Are there any questions for Jerry or Justin; any comments? Louis.

DR. LOUIS B. DANIEL, III: Just a comment; this has been an extraordinary year for the northern group, particularly for Virginia and North Carolina with what may be certainly a

decadal year class if not a century year class coming through the fishery. I don't believe it is being seen similarly down in the southern region, at least not at this point. We know after 20 years of management that we're continuously rebuilding or continuing to rebuild the adult spawning stock. I think the information that we have through the longline survey should maybe give us that Holy Grail of spawning stock biomass estimates that could result in some actual quotas that are derived based on the stock assessment and population ecology.

It is true that the industry has really stepped up in North Carolina in last three months. I'm not going to say it is because Jerry is back; but it probably has something to do with it. But in terms of the increase in the license fees, the proposed closure and some modifications for this summer to try to reduce the discards I think is an excellent move on their behalf.

But as we move forward with our stock assessment on red drum, we've got to get a stock assessment. We've have got to get a northern and a southern stock assessment; and I am hopeful that we will be in a position to declare red drum recovered at the end of this upcoming stock assessment. Heads are nodding in relative agreement; but we won't know until we get the stock assessment.

But at that point I think we do need to start thinking outside of the box and recognizing that for the vast majority of us when we're harvesting red drum, we're really only harvesting one year class. It is kind of like an annual crop that lives to be 60 years old. Some years we have poor recruitment and in other years we have extraordinary recruitment and then in some years it is off the charts.

How can we collectively come up with a management plan that allows us to take advantage of those year classes but still protect those very strong year classes and to the spawning stock? I have explained to some folks that have called me on this that our grandchildren will be aging the fish that are coming through the system right now; and it could be a major anchor to the northern group

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spawning stock for at least the rest of our lifetimes.

I just indicate to you that North Carolina is taking it very seriously. We're going to be developing a new fishery management plan to try to impart the flexibility that we can, but we're going to need some help from the commission as we move forward with I guess it would be Amendment 3, which should be an interesting exercise.

I appreciate the folks from North Carolina coming up and hope we will have some time at the end of the discussion to hear from some of the individual fishermen as well; because it has been a pretty tough pill to swallow to have those fish as abundant as they are but be unable to take advantage of that bounty this year. Thank you.

MR. SCHILL: Mr. Chairman, very quickly, and I know you're pressed for time; the kudos need to be given to the guys in the back, the fishermen. I didn't come up with this proposal. The fishermen themselves came up with the proposal to close the large-mesh gill net fishery. The fishers themselves have chosen to double their license fees in order to pay for these observers in the time of budget restrictions.

One thing that I have noticed that is the difference between my first 18 years in this, since I'm a retread now, other than my white hair is the change in the attitude of being engaged. This is the first time we have ever brought a delegation of fishermen to an ASMFC meeting. I think it is refreshing and I think it is important that they see the process and be engaged in that. Again, we appreciate the time. I did say to Chairman Daniel earlier that if you all would just change your policy, allow the public to talk as long as they want and limit the amount that you all talk, we would probably get out of here faster. Thank you, Mr. Chairman.

CHAIRMAN GEER: Point well taken. Thank you very much, Jerry and Justin; we greatly appreciate that. I want to move on so that we can finish up the items on our agenda and then hopefully have time for members of the association to speak.

**ATLANTIC CROAKER DRAFT  
ADDENDUM I AND SPOT DRAFT  
ADDENDUM II FOR PUBLIC COMMENT**

The next item on the agenda is Draft Addendum I for Atlantic Croaker and Draft Addendum II for Spot. We presented it to you at the last meeting. We want it to go out for public comment soon. The technical committee looked it over and they're got some suggestions today. I will turn it over to Kirby at this point.

MR. KIRBY ROOTES-MURDY: I will go through the draft addendum in its current form as quickly as possible but to allow also questions at the end if any crop up. Back in February the board initiated a draft addendum based on the technical committee's management memo outlining the traffic light approach in conjunction with a precautionary management framework.

Up on the screen right now is a potential timetable for how this addendum could move forward if approved today for public comment. Moving to the statement of the problem, the goal of the addendum is to address what the technical committee and plan review team for spot have termed as a current issue with the annual trigger exercises.

Under the current management program for Atlantic croaker, annual changes in the recreational and commercial landings are compared against the previous two years index values. If that index value falls below 70 percent of that two-year average, then at a minimum management action needs to be taken or the data examined further but without any specifications on how that would move forward.

For spot the index values, both fishery-dependent and fishery-independent indexes are compared against a 10 percentile of their data time series. What we have found is that both of these triggers in themselves are limited in their ability to illustrate long-term trends, whether they be long-term declines or increases in stock abundance, as well as the fact that there is a high

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degree of variability in the year-to-year index values.

These things in combination make it difficult to respond to gradual but persistent changes without a formal management framework. To give just a little bit of background, both Atlantic croaker and spot are small sciaenid forage species that support commercial and recreational fisheries in the Mid and South Atlantic.

Both species migrate seasonally along the coast, moving northward and inshore to estuaries and bays during the warmer months of spring through fall and then southward and offshore in the more oceanic waters during the winter. Both species reach maturity fairly quickly at an average of about two years of age.

While spot are considered to be short-lived, living to a maximum of about six years; croaker can live up to 17 years but are more commonly seen at about ten years of age. The last benchmark stock assessment for croaker was conducted in 2010. What happened at that stock assessment was a change from looking at two different stocks to one coast-wide stock.

The assessment indicated that the resource is not overfished or experiencing overfishing, the biomass has increased, the biomass has increased and that the age structure had expanded since the 1980's. However, there were issues in trying to determine the stock status given model estimates were difficult in trying to incorporate concerns around shrimp bycatch in the shrimp trawl fishery as well as fishing mortality.

While state-level stock assessments for spot had been conducted over the years, a coast-wide benchmark stock assessment has not been conducted for spot; and as such their stock status remains unknown. Through the current management framework, as I mentioned earlier, for spot the triggers require that if the index values fall below the 10 percentile, then they're compelled to take management action, but there isn't a specific management action that is specified; and so this creates a little bit of cycle of not quite knowing what to do.

What the Atlantic Croaker Technical Committee and the Spot Plan Review Team wanted to do is move to looking at models and analyses that could better highlight trends. As such, the group decided to investigate the traffic light approach, which has been developed for data-poor fisheries. Basically, it is a three-color system where you have red, yellow and green.

The green and yellow boundary that you will find in the analysis is set at the long-term mean of the data that you're using whereas as the yellow and red boundary is set at 60 percent of the long-term mean, which can help indicate whether there has been a decline. Approximately it would be equivalent to a 40 percent decline.

In trying to use this type of analysis in conjunction with a more formal management approach, we looked at the North Carolina Blue Crab Adaptive Management Program and have tried to model the management options proposed in this addendum off of that. The important thing to note, as I'll go through kind of how these look for spot and croaker, in the case of North Carolina Blue Crab Management Program, they used the traffic light approach as a stock assessment essentially; and we are not trying to do that here.

Really, the goal of this is to try to provide analysis and highlight trends with management options in the interim between now and when a stock assessment gets completed. We've moved to characterize these things not as stock characteristics but as population characteristics. In looking at Atlantic croaker we focused on two specific types of population characteristics.

The first one is an abundance characteristic. This is comprised of fishery-independent data; specifically the New England Fishery Groundfish Trawl Survey, the VIMS Juvenile Fish; and Blue Crab Survey; the North Carolina Program 195 Survey and the SEAMAP Trawl Survey. The hashed lines you see up there are marked at the 60 percent threshold of the reference period, which for croaker is set at 1996 through 2008.

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This was a reference period that was actually highlighted in the 2010 stock assessment as being able to encapsulate both highs and lows in the fishery in terms of abundance. The upper bound is the 60 percent so essentially twice that of the lower bound. This is similar to how the North Carolina Blue Crab Management Program was developed, but they set theirs as 75 percent and 50 percent. Essentially these thresholds are when management action would have to triggered or would essentially be triggered based on having them exceeded for a certain amount of time that I will go over in the management options; but this is for the adult abundance.

The next one is the harvest characteristic. Generally, in applying the traffic light approach, it has been done to stock characteristics, as I mentioned. In lieu of not having comprehensive stock characteristics to use, we wanted to incorporate a harvest characteristic given that the current trigger exercises used commercial and recreational data.

This is just slight deviation, as I said, from how the approach has been applied in other fisheries. As I mentioned, we have the surveys that were applied for the annual triggers currently used, but the hope is that the technical committee and PRT would be able to review this analysis annually and be able to move to incorporate the best available data as it becomes readily available.

One data source in particular that we would like to incorporate down the road would be the NEAMAP Trawl Survey. I will just quickly show you what it looks like for spot, the adult abundance. The reference period for the spot traffic light approach is based on the 1989 to 2012 time period; and this is really because of what we have in terms of available data; so we figured that this is able to incorporate again the highs and lows in the figure that effectively capture that range.

For the adult abundance, the fishery-independent indexes that are used is again the Groundfish Trawl Survey, the Maryland Chesapeake Bay Seine Survey and the SEAMAP Trawl Survey.

We have it also for the harvest characteristic, which again is based on the commercial and recreational data.

Next I want to go through the management options that are being proposed in the addendum. There are only three. The first one and the last one are kind of uniform in how they would be applied. The second one has a little bit more detail, and I will go through that. For the first management option, status quo; this would simply allow the triggers to stay in their current form without incorporating the traffic light approach. This is done annually but there would be in turn no changes.

For the second management option, I will go first through the Atlantic croaker one and then the spot. We have this set up, as I said, similar to how it has been proposed in other adaptive management frameworks. Essentially this would be a coast-wide measure that would be applied based on the 30 percent threshold being crossed.

For Atlantic croaker that would be for three years of consecutively exceeding that 30 percent threshold of the proportion of red in the analysis. We have listed up here a number of measures that could be applied. These are not currently set so that they would be these across the board. For example, we don't have bag limits specified in here; and we need some guidance from the board on what appropriate bag limits could be incorporated.

The 30 percent threshold that is tripped for three years for either the adult abundance characteristic or the harvest characteristic would cause these measures to be enacted coastwide. Once they have been established, the harvest characteristic could not be used to annually update and compare to determine increases or decreases because of the possibility of management action having an influence on that indices basically.

The timetable for this would be, as I said, three years of consecutively exceeding the 30 percent threshold, interim management measures would be in place for three years, after which they

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could be taken off based on improvements in those indices. For spot we decided to look at a two-year time period rather than three given the life history characteristics I mentioned earlier. We focused on primarily a size limit and closures.

For both species the closures that are proposed in here are based on recreational data we have, wave data over the last two years in terms of when landings have been highest. Again, for both croaker and for spot, Option 2 is applying a coast-wide set of measures for all those states that have a declared interest.

The last option, Option 3, instead of applying a coast-wide measure of set of measures, it would be a state-by-state approach where the technical committee and plan review team would determine what the percent reduction would be needed to achieve a reduction that gets that indices under the 30 percent threshold.

Essentially it would be proportional to how much that indices has exceeded the threshold. As such, the states would be able to determine what measures would be most appropriate for them to implement in order to meet these reductions as needed. The timetables could be set as similar to the coast-wide measures that were proposed.

Again, I just want to reiterate that the hope is for both species to be added to the stock assessment schedule and that the management frameworks proposed in Options 2 and 3 are intended to provide guidance in the interim period between now and when those stock assessments get completed. One other thing just to note is that regardless of which option may be taken later on if the document is approved, the annual trigger exercises will be conducted this year; and there is the possibility of having an updated traffic light analysis with that presented at potentially the August meeting. If you have any questions, just let me know.

CHAIRMAN GEER: I have a quick question probably for Chris. Looking at these graphics, it appears that the abundance characteristics of both the croaker and the spot are doing okay;

whereas, the harvest characteristics is showing a decline.

MR. CHRIS McDONOUGH: Yes, actually we covered a little bit of this in the report from the February meeting. The discrepancy between the harvest characteristic and the fishery-independent indices goes to the age structure of each of those. Essentially the fishery-independent indices are primarily age two fish or younger; and the recreational and the commercial harvest are age three-plus. Plus, a lot of the increased – you know, they have been increasing in the independent indices in recent years. A lot of that is driven by the Mid-Atlantic at the coast-wide level.

MR. JOHN CLARK: I just have a question on these spot measures. Are these just examples of what could be put in place; because a minimum size limit of six inches would eliminate using spot as bait in a lot of areas for recreational fishermen that catch spot to use as bait?

MR. ROOTES-MURDY: The minimum sizes that we have listed in the current coast-wide measures are based on first maturity essentially to allow for a year class to come through and reach full maturity. As I mentioned, these are just a set of options that are currently being proposed; and we're looking for feedback from the board on what could work for those sets of coast-wide measures; whether it be size limit, bag limit and season closures are two of those.

MR. ROBERT H. BOYLES, JR.: Kirby, good job on this. I want to make sure just operational as this is going to public comment; but should this approach be approved? I'm concerned by those of us who are blessed with having to manage fish through the legislative process and the timing associated and the timeframes associated with these triggers and the timing in which we would have to respond; can you comment on what this plan could contemplate? Let me ask it a little bit more directly. If we find a yellow or a red based on that three-year review, how quickly are we going to need to respond in order to remain compliant? Has that been contemplated yet?

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MR. ROOTES-MURDY: I would say at this point of the document we haven't fully tried to capture that yet. We're just really laying out what potential measures would be, but that is something we could consider in this or would ask for feedback on.

DR. DANIEL: A couple of points and some suggestions. Delaware brought up the spot bait issue with the recreational fishery; and there needs to be some characterization of the bait component of the commercial fishery as well. At least for North Carolina and Virginia those would be significant impacts to the bait industry; and we don't need to ignore that.

There have been circumstances where for stock rebuilding and stock recovery we've had to forego using some species as bait. River herring is the one that comes immediately to mind. It is certainly something that we will hear in public meetings in North Carolina and Virginia about; I can assure you.

The other point that I think is important at this stage – and we've had some conversation about it. Kirby did a good job getting a paragraph in the document on shrimp trawl bycatch. The ultimate document I think needs to flesh that out some more. From the discussions around this board and this table, there seems to be this general thought that we've done a lot in shrimp trawl bycatch reduction. It is really kind of confounding everyone as to what more we can do.

I provided information at the last meeting on what North Carolina is doing, and we are working with industry over the next three years to try to develop more appropriate bycatch reduction devices. There is a general sense at least in some of our jurisdictions that shrimp trawl bycatch is the sole culprit for the decline in weakfish, croaker and spot.

I believe this board needs to clarify that for the public; because that is what we're going to hear a lot about is that, well, if you just get rid of shrimp trawls, your spot, croaker and weakfish problems go away. I don't believe there is any

evidence that any of us have collectively around this board that would suggest that's the case.

Chris, we talked about this at the last meeting. I don't think we know what the absolute impact of the shrimp trawl fishery is on those three big species. I think we need to be forthcoming in what we do know and any concerns that we do have. When I look at the information that we have, I don't know what component or mortality shrimp trawling makes up.

We will be asked those questions; and I think we need to have a board response to that part of this plan. It is going to be a very difficult plan to develop. I don't think anybody thinks that a spot/croaker plan is to be a cakewalk. It will not be. Perhaps just bag limits may be more appropriate – bag limits and seasons may be more appropriate management tools than size limits; but we'll see when we go to the public. I just felt like those were some points that needed to be on the record as we move forward.

MR. ROOTES-MURDY: Thank you, Louis. One of the goals I think of this addendum is that if we were to go forward with some of the measures that are proposed in it, as you had highlighted at the previous meeting, this could serve as really a way to trying to eliminate what those unknowns are.

If we are able to put measures in place and not see responses in the fishery that would show improvement, then that could indicate that the lone culprit is something like shrimp trawl bycatch. If we are able to do something like put measures in place and not see improvements, then that might also be telling as well; so we are considering that with this addendum.

MS. TONI KERNS: I just wanted to go back to Robert's question of timing of implementation. I think that there is sort of two tracks that the board could take here. One is that you could set a timeframe now to include in the public comment how fast you need to respond; or if one of those thresholds in the stop light is hit, then when the board is deciding which measure to respond with, you could indicate a timeframe in

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which you need to respond at that time that you choose the measure.

MR. JOE GRIST: It ties into what Robert is asking. In order to have a timely response in any management, the data is going to have to be timely, too. When are the independent indices available to run the stop light? Currently the state reports are not due, which you would get the harvest from, until November 1<sup>st</sup>.

Are we also talking about needing to move those up to have some type of ability that if this is tripped and we have to take action, that we can find out the second half, let's say, a year for the next year; are we talking about an overwinter and a rush in the spring to try and do something? I mean, when is the data going to be available to actually know when we may have to do something?

MR. ROOTES-MURDY: I'll comment and then may Chris might be able to further expand. Joe, as you know, we have the annual trigger exercises and we try to get them in the summer. With Atlantic croaker we have our compliance reports due July 1<sup>st</sup>. We also have the spot compliance reports due in November.

The goal of having those trigger exercises done in the summer was to help anticipate whether or not management action may be needed to be taken; and if so adequate time would be allowed. I think we anticipate being able to have this information available from a previous year in a timely enough manner to make the board aware of management actions as they might need to come up for the following year.

MR. ADAM NOWALSKY: My question was with regards to the use of the management framework in the options that you had put up on the board and the accompanying text in the current addendum proposed. A management action should be enacted when either one of the population characteristics consecutively achieve or exceed a threshold. Could you comment on the merits of either one versus both of them and what would be the benefit to us as managers to act when either one versus both of them and how it might actually reflect what is going on in the stock status as well.

MR. McDONOUGH: Okay, I want to make sure I got the whole thing. You're asking basically between both the harvest characteristic being tripped as well as the fishery independent from that? Okay, the way we have done the trigger exercise in the past where we've essentially – say, with croaker, you had to trip one of the harvest indices, either commercial or recreational, as well as one of the fishery-independent – I can't remember now; I think it was one or it might have been two – it was just one, okay – and I think what we had in mind was to keep a similar working model in place in the sense that both would have to be evaluated.

If it was just the harvest characteristic that tripped with the declines that are showing now in both data sets in that analysis versus what shows up in the fishery-independent indices and that characteristic, the technical committee would then have to kind of pick it apart and see, okay, is this really something that is going to warrant a management response; and then able to kind of pull that back into the traffic light and say, okay, the independent indices are coming up.

If we can separate it out on an age basis or something like that where we can account for that, then we can say, all right, there is this decline going on. However, these other indicators I would say that a response isn't warranted, which is something we actually did a couple of years ago with the trigger exercise.

However, with the traffic light, because it is a little more sensitive, and looking at these over two-year period for spot and three-year period for croaker, if we indeed are seeing these changes or declines, then that gives us hopefully a little more lead time into implementing a management response as well as giving us just more information, hopefully.

Some of the data as it is available – and this kind addresses what Joe said – even though the spot report is not due until the end of the year, that was done mainly just because we already have so many reports due in the middle of summer, we pushed it back; but we're still doing those

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trigger exercises at the same time because the data is available and it has to be done. Usually by the August meeting we're presenting that stuff; so it is usually pretty available.

MR. ROY MILLER: I have a comment. I have a concern about the implementation of coast-wide measures. If you will indulge me with just a moment two or history, Atlantic croaker stocks are hugely important in the Delaware Bay Region, both on the New Jersey side the Delaware side and up along the New Jersey coast.

Their abundance over the years historically you could show a correlation with winter weather events; namely, cold winters, juvenile croaker that invade Delaware Bay in the fall have poor survival; and so a year class will be virtually wiped out by an exceedingly cold winter. That has been the history of the species.

Consequently, croaker in our region have waxed and waned mostly in regard winter weather conditions over the years. A series of tough winters like in the late 1970's, once the mature croaker that were present passed on, there were no juveniles to replace them and the species greatly declined.

Now, if we're tied to coast-wide management measures, then it doesn't really recognize the migratory nature of the species; you know, invading the northern ranges of its habitat in response to weather events, climate change, whatever you want to call it. Sometimes I think that any conservation measures that we may take on croaker locally in the Delaware Bay Region would be meaningless in terms of a population impact. I just am concerned that we would have to needlessly implement let's say a higher size limit or a higher bag limit when in fact everything is weather-driven at the northern end of the range.

I don't really know how to adjust the proposed management. I appreciate the elegance of the traffic light approach. I think it is a way of at least taking some prescriptive action in lieu of a stock assessment, but I would just appreciate any suggestions you might have for those of us

who have jurisdictions in the northern range of the species. What I said for croaker also applies to a certain extent for spot. Thank you.

MR. ROOTES-MURDY: We are aware of the fact that there might be environmental factors that contribute to abundance. One of the goals we hope to have achieved through this addendum is addressing those sources of data possibly down the road, if needed. That is a possible element of what the traffic light could incorporate. As I mentioned before, we want to have the best available data used when available. I guess what I'm trying to say is the hope is that possibly down the road we could be considering environment factors in that traffic light approach as well.

MR. NOWALSKY: Just to follow up on my last question; I appreciate all the information. It was certainly very helpful. I guess it doesn't answer for me, though, the question that the current option in addendum says that we would take action if the population characteristics, either the adult abundance or the harvest, if either one of those traffic light approaches indicated a need for action.

My question would be what are the merits of the "or" approach versus "and" approach; and is it just purely a management question for us or is there a real biological reason to use the "or" approach and would it be beneficial to take this document out for public comment with both in as options, using the "or" approach and the "and" approach and getting comment from the public on when we should be responding.

MR. McDONOUGH: Okay, I get what you're saying, kind of doing one or the other might paint us back into a corner a bit more than doing an "and" approach. The one thing, though, is that with the – with the sensitivity of doing it with the triggers or even with the traffic light is that if you set the – I guess the difficult with an "and" approach is that with both of them, if you have to trip both of them, then it becomes really conservative and it hardly ever gets tripped. Whereas, the "or" approach – and I guess maybe we could come up with something in between or some type of combination. Right now they're

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weighted equally; and so maybe further refinement of it would help clarify that. I know that doesn't answer your question very well.

MR. NOWALSKY: No; I think it leads me perhaps to an approach of "or" would bring this discussion before the board to decide whether action is warranted; but "and" might require us to take action.

MR. McDONOUGH: I guess that is a good interpretation.

DR. WILSON LANEY: To add to Adam's question – and I will defer to Chris and Kirby on this; but I guess I was looking at these, Chris, from the perspective that you mentioned earlier, which is that the fishery-independent index tells us more about what is going on with regard to the year class strength, because we're looking at age two and younger in those indices.

Whereas, the harvest parameter maybe is telling us more about what is going on with year class survival and the adult fish once they've reached maturing. I was looking at it from the perspective that given the "or" gives the board a little bit more flexibility in addressing one or the other of those two life stages, if you want to look at them as separate life stages.

If we had recruitment failure a couple of years in a row, then we would expect the fishery-independent index to trip the trigger earlier. If on the other hand something is going on with the upper end – to pick up on comments made earlier in week; maybe striped bass are eating all the spot; and all of a sudden on the harvest end we see a big decline or something like that, then we could deal with one or the other end of the life cycle appropriately through appropriate management measures.

I do kind of like what Adam just suggested is that maybe we could look at it from the perspective of the "or" being the normal case; but if we do get an "and", if both of them are tripped at the same time, that would seem to indicate a more critical need for some sort of management action because we would be experiencing possibly some sort of recruitment

failure on the one end and reduction of adult spawning stock biomass on the other end.

I don't know; I guess we haven't thought about it in those terms, and maybe that's something the technical committee needs to discuss and talk about. It seems to have some merit. I agree with you; it would make it more difficult. If they both tripped at the same time, that would mean something really significant was going on, but it probably would be less likely that they would both trip at the same time. I will defer to you guys on that; but does that make sense?

MR. ROOTES-MURDY: Wilson, I would just point out that one of the issues we have been dealing with in the current annual trigger exercise is that it has been a very high bar to cross to enact some kind of either consideration of management for spot or to start a stock assessment for croaker.

Because of that and the fact that data can be revised annually that further compounds or confuses what was a previous year's assessment based on those bars, it becomes much more difficult to respond as well as it creates – I would argue that it further makes it difficult to effectively address declines that we might be seeing or increases. Having them weighted more toward – when you have it as an "and", then you create much more complexity in trying to force an action.

CHAIRMAN GEER: Are there any other comments? I believe what the technical committee is looking for is, first of all, the measures that are on there, should any of them be removed or anything else be considered. They're looking for items on that. I have heard some people say that maybe the size would be problematic. I'm looking to you folks.

MR. McDONOUGH: Yes; that was put there as an example mainly because it is an option. With the species like these, for most people bag limits are much more palatable and more easily to understand. And the same with the seasonal closures; it is options that are available; so we want to make sure you guys have everything you can consider.

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MR. GRIST: And just a little more clarification on the moderate management versus elevated management; what type of level reduction, if that could be a little clearer as to what that represents, because you actually put in eight inch versus nine inch. Are those just examples and just off the hip or was there some calculation to say this is more than the other and one inch will make a significant difference and that type of thing?

MR. ROOTES-MURDY: You're speaking to the current measures that are in place for croaker, for example?

MR. GRIST: I'm looking at Table 2, size limit, 8-inch recreational and commercial for a moderate; elevated management, 9 inches; so again are those just you plugged in some numbers for examples; is there something behind those two numbers? They're very specific versus if you look at all the other options, you have Xs in there and not available. How did those get there so that the public understands those aren't fixed?

MR. ROOTES-MURDY: The 8-inch size limit; that would be actually just a minimum measure, right, so not every state in the management range has a size limit in place currently. That would be really forcing a size limit across the management range. That is where that number came from. The elevated one I think was plugged in and kind of looked at more in conjunction with other measures that might be added on. You have the seasonal closure as well as a bag limit and the size. In that regard it would be a more elevated response. But in terms of the specific; in this stage the document can be adjusted to reflect a more appropriate size limit based on the board's response.

CHAIRMAN GEER: Joe, were you suggesting that things like the bag limit and trip limit, where there is an X there is an actual number put there?

MR. GRIST: No; unless that work has been done; I don't think so. Unless we can say a moderate management level represents a 10

percent reduction in overall or 20 percent; I don't think there is anything we can put there. We have specific numbers placed in other spots, so I was just trying to clarify what those represent; because what does moderate mean.

Moderate to three different people means three different things. To some it could be very significant; and to some people it would be nothing. That is what saying, just a little more clarity on the moderate versus the elevated, what that really means for the public's benefit; so when they provide us comment, they know what they're commenting on.

MR. ROOTES-MURDY: So, again, the moderate response would be putting in essentially in the context of – you know, we'll start with croaker, well, and to a certain degree, spot. These would be minimum measures across the board. For the elevated response, this is trying to be a much more restrictive response; and as such there are more options that are added on – there are more management measures that would be added on; and as such it is constraining effort much more.

In turn it is a tiered approach, the first one being only two measures whereas the second is the more restrictive one. For spot we have it as being – well, for both species we have it as being closures in the recreational and gear restrictions in the commercial. So, again, it is a tiered approach where the moderate response is to try to have an initial minimum measure response; and the elevated is to be much more restrictive in terms of trying to address a much more essentially worse trend.

CHAIRMAN GEER: Okay, we're running short on time and I'm going to try to stay on schedule. The goal was to try to get this to the point where it is ready to go out for public comment. Are there any changes that you want done to this; is it ready for public comment; and let's forward with that. Adam.

MR. NOWALSKY: I would like to move to add an option under both – and before we begin typing, I'll express what I'd like to see and then we can try to consolidate that in words. I would

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like to see the option for both the spot and the croaker where the management action would take place if both of the population characteristics were triggered, both of them versus “or”.

Now, whether we structure that and you want the motion crafted as we have in Option 2 for each where it is “or”; Option 2 is “and”; and then we have a sub-option for each one as a statewide versus a coastwide or how you would like to do that and how you’d like me to craft it. I know you need a valid motion to have discussion, but I don’t want to sit here and talk about describing the entire motion, rewording Option 2 and Option 3 as they currently exist under each one, just changing the word “or” to “and”. Maybe I could get some help from staff on how to best move forward with that in an easy-to-craft manner.

EXECUTIVE DIRECTOR ROBERT E. BEAL: It’s pretty tricky, but I think there have been other comments around the table that folks seem to be comfortable with the direction you’re going in, Adam; to provide some more flexibility to the board and not paint the board quickly in a corner with only one of these triggers being met.

I think on the record you have described what you’d like to see pretty well; and if there is no objection to that around the table, I think staff can – and I don’t know if you necessarily need to try to capture all your thoughts in one motion. If there is no objection to that, staff can work with Kirby and get that option included. If Kirby feels he has clear guidance I guess is the other part of it.

MR. ROOTES-MURDY: To answer your question, Adam, I think a clear option could be a tiered one to the previous set of options, which would be applying it to whichever one is decided; such that if Option 2 is decided, depending on the species; that it would be instead of an “or”, it would be an “and” whether it is coast-wide or state-by-state measures, if that makes sense. Going through kind of a decision tree, you make a decision on the first option and then off of that determine whether it would be an

“and” or “or”. Does that capture what you were hoping for?

MR. NOWALSKY: I’m fine with that; and I’m just amazed how friendly we can do things at the South Atlantic Board. (Laughter)

CHAIRMAN GEER: We had a long discussion about that last night. Robert.

MR. BOYLES: Let me ask a question; another and/or question, Kirby, just to make sure; because I think what Adam is – the path he is going, and I agree with him, is that – and I may have missed this – these potential management measures; are they “and” or “or” – I think what I’m interested in is giving the board the maximum flexibility to respond to the data and to the situation as it is presented to us with the FMP review each year. Would we potentially have to implement a size limit and a bag limit and a seasonal closure or are those just a suite of options; just clarify that for me if you could, Mr. Chairman.

CHAIRMAN GEER: I believe those are just all options; is that correct?

MR. ROOTES-MURDY: Again, to get back to what Pat had mentioned before, with the table we have currently set up, it would be most helpful probably moving forward if in that table for the coast-wide measures what options you would prefer not have to in there; because right now it would be set at if the proportion of red is triggered for three years, then those three would go into place; whereas if you wanted to make a change in that language so that only two of them go into place. Now, for the Option 3, it is left up to the states to determine what suite of measures they would like to have. I mean, it could be just one measure; it could be three or four. It is just a question of what would be most appropriate at the state level to meet that percent reduction and harvest.

DR. DANIEL: Listening around the table, I want to speak in favor of as much flexibility as we can have to the board; so I agree with those comments. While the size limit does give me some pause potentially with the commercial side

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and not as much with the recreational side, and there may be options that you could do different things for different sectors. We've done that oftentimes and we do it a lot in North Carolina.

I think keeping as much in there for the public to comment on is a good thing. My not concern but my questions are really centered around what Joe brought up in terms of we need to be clear that this is not a stock assessment. We're not getting population biomass estimates on these two species.

The measures that we're proposing similar to the blue crab stop light in North Carolina is to try to do something that would reduce harvest. There is not a percentage attached to it and that could raise some questions to the public, well, what percentage and why do you need that percentage. I'm not sure we can answer those questions without a full-blown stock assessment.

This is sort of the preliminary stage; this is sort of the mid-state between doing nothing and maintaining status quo, which we have done for these two species and ultimately getting a stock assessment that we may have or may not in the near future. I don't know that you can assign a percent reduction that is consistent across the board for all jurisdictions.

I'm also intrigued with the winter issue for the northern region. We have been dealing with that with speckled trout in North Carolina and have closed the fishery if we have a major cold stunt event with the hope that those fish that are left over and did make it through the winter would have the greatest likelihood of spawning.

I don't know whether that's a similar circumstance that could be taken or similar track that could be taken in the northern region on spot and croaker or even if the jurisdictions up there would want to take that move. Those are kind of my comments on it, Mr. Chairman. I think the big thing is getting as much flexibility and as many options out there as we can, the best information that we can, and look at what other states are doing.

Robert just told that their legislature is getting ready to go with I think a 50-fish aggregate limit for spot, croaker, and kingfishes in South Carolina. We're getting ready to talk about kingfishes here in just a little while. Are there lessons we can learn from what some of the other states that have taken management action on these species that we might be able to glean from so that those that have been proactive and done something aren't going to go back and change, and maybe we can adapt to them.

MR. GRIST: I'll be brief. Going on this this and/or slant here such as on Table 2; maybe the language should be "could include" such as with your moderate recreational. As I understood Kirby to say a size limit and a bag limit and a closure; it could include one of them; it could include all three of them, but keep that extremely flexible; so maybe that type of language is what you need; because there would definitely would be a debate as we would need all three of those in an option if it is just saying moderate.

CHAIRMAN GEER: All right, we're running out of time. Adam.

MR. NOWALSKY: Would you like a motion to send this out for comment with the changes that have been discussed here today, Mr. Chairman?

CHAIRMAN GEER: I would love something, yes.

MR. NOWALSKY: I so move.

CHAIRMAN GEER: Can you clarify that a little bit.

MR. NOWALSKY: **Move to release the addendum for public comment with the changes discussed today.**

CHAIRMAN GEER: I've got a second from Joe Grist. All those in favor raise your right hand; those opposed; any null votes; abstentions. **The motion carries.** Kirby will work on those changes; and I'm assuming it will be on the agenda in the August meeting as well. All right, thank you very much for that conversation.

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**OVERVIEW OF SHEEPSHEAD AND  
KINGFISH FISHERIES**

CHAIRMAN GEER: We're going to move on now. As Louis said, we're going to continue the top with our underloved sciaenids; and we're going to be talking about the potential of adding sheepshead and whiting as management plans. Kirby.

MR. ROOTES-MURDY: I have two species' overviews that I'll go over through fairly quickly, but I'll have time for questions at the end of each. I would ask for the discussion of these two to wait until after I get through both of them. The first one is the sheepshead fishery overview. Sheepshead are a common marine fish found from Nova Scotia down through Brazil.

The population that ranges from Nova Scotia to Florida is actually regarded as a subspecies of the *Archosargus probatocephalus*. They can be found near jetties, wharves, pilings, shipwrecks and waters warmer than 15.5 degrees Celsius. Adults mature between the ages of two and five with approximate size for males reaching between 7 to 14 inches and 9 to 14 inches in females.

They can grow up to about 35 inches total length with a weight of possibly 22 pounds; though average size and weight vary along the Atlantic Coast. Sheepshead also have been found to live as long as 35 years based on aging work. Sheepshead spawn in near and offshore waters and proximate reefs and wrecks during the late winter and early spring with juveniles inhabiting grassy flats and dispersing to high-relief hard-bottom areas as they mature.

They're omnivorous but feed mostly on crustaceans. Studies have shown that prey type may influence the strength of their jaw. They have incisors and molars as well. It is unclear whether sheepshead are truly a migratory species. Evidence suggests in the Gulf and the Atlantic that sheepshead migrate from nearshore to offshore waters, but generally inhabit state waters.

Little evidence has shown for whether they migrate north to south. Regarding coast-wide commercial landings versus recreational landings, primarily sheepshead is a recreational fishery with about 74 percent of the total landings between the two being of recreational harvest. Recreational harvest has averaged about 1.5 million pounds annually over the last ten years with Florida having the highest proportion of the catch as on the next slide I'll show you; and second two being South Carolina and North Carolina at approximately 11 and 10 percent.

In terms of the value of sheepshead, commercial landings have averaged about 550,000 pounds over the last three years; as I mentioned with Florida and increasingly North Carolina making up the bulk of these landings. 2012 commercial landings were valued at approximately \$397,000. Regarding management, sheepshead were formerly managed by the South Atlantic Fishery Management Council under the Snapper Grouper Reef Fish Complex, but were removed in 2012 largely due to most of the landings being found in state waters rather than federal waters. Currently up on the board right now are the state-by-state measures that are in place for commercial and recreational fisheries. If you have any questions on what I just presented, let me know.

MR. BOYLES: Just a clarification; Kirby, would you put that last slide up, please, on the commercial management measures. Our management measures in South Carolina, that 14-inch minimum size and 10-fish possession and 30-fish boat applies to both recreational and commercial.

MR. ROOTES-MURDY: Thank you. If there are any points of clarification or corrections, I appreciate that.

MR. JIM ESTES: Kirby, is there any evidence that our stocks mix from state to state?

MR. ROOTES-MURDY: I can't speak to that. I don't have a tremendous amount of background in sheepshead; but from what I understand, there hasn't been shown a lot of

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evidence that they migrate north to south, so I'm not sure of the influence of northern found species to those in southern areas.

CHAIRMAN GEER: Moving on to whiting.

MR. ROOTES-MURDY: Next I will just go through southern kingfish quickly. Southern kingfish, *Menticirrhus americanus*, are a short-lived sciaenid. Some kingfish begin spawning in their first summer with most kingfish maturing by about age one. The spawning season for kingfish ranges from May through October.

Most kingfish that are landed commercially are around age three with a maximum age observed at approximately eight years old. Southern kingfish stock abundance has not been assessed due to a lack of biological and to a certain degree landings' data. Problems with data include aggregate commercial landings for the three *Menticirrhus* species, a lack of time series especially in biological data and no or limited measurements from dominant commercial fisheries, as well as questionable identification and landings' estimates in the recreation fishery.

Regarding distribution, there is also limited data and evidence of whether they're truly migratory or not between southern, northern and Gulf species. Looking at commercial and recreational landings, over the last ten years it has been approximately a 50/50 split. Commercial landings have been approximately 1.14 million pounds over the last decade, having declined from approximately 2.5 million pounds in the mid-eighties.

Florida and North Carolina have had the highest proportion of these landings. It is important note that for the commercial landings they're listed as an aggregate kingfish of king whiting; so there is not a different listing in terms of commercial landings of northern or southern or Gulf by the National Marine Fisheries Service.

In looking at the recreational harvest in the South Atlantic, recreational estimates have peaked in 1983 at about 2.6 million pounds; reaching a low of about 577,000 pounds in 1998

and have been maintained at about an average of 1.5 million pounds during the time series. During this period of time, the southern states, primarily Florida, Georgia and South Carolina have made up the bulk of the harvest.

In 2013 South Carolina had the largest estimated harvest at about 550,000 pounds followed by Florida at 238,000. In terms of management, there is currently no management measures in place along the Atlantic Coast for kingfish; but I wanted to go through just very briefly that this species has been looked at by the board previously.

In 2008 there was a Kingfish Technical Committee that was formed and presented to the board a memo outlining available data on kingfish. Due to impediments and lack of available data, they moved at that time to not initiate a stock assessment; but based on the information provided to the board, the technical committee was tasked with developing a list of research priorities and needs.

I have just a short list that I'll go through in terms of how those have been updated since 2008. Aggregate commercial data has increased. There has been work completed in North Carolina to better seek identification information with few errors observed. Effort along the coast continues to be monitored in both commercial and recreational catches.

Regarding the time series of data needed for commercial effort in South Carolina and Georgia, back in 2008 it was indicated that approximately 15 years of data was needed. Currently we are at ten years for South Carolina and twelve years for Georgia. Recreational release mortality has been estimated about 30 percent for the last thirteen years based in information provided by the National Marine Fisheries Service.

As I mentioned earlier, there is limited information on the movement and migration of the species in part due to a lack of tagging studies by the states. As I mentioned earlier, the identification errors do persist within the MRFSS and MRIP data. There have been

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otolith projects completed both in North Carolina and Georgia in terms of aging. That is where some of those high and medium research priorities that were identified back in 2008 stand currently. If you have any questions, just let me know.

DR. DANIEL: I guess not so much a question but a couple of comments. The sheepshead issue really stems from the South Atlantic Council removing them from the management unit in the Snapper Grouper Complex. What that did was that basically removed any management plan that included sheepshead. One of the thoughts here was whether or not this board wanted to move forward and try to implement some measures to protect sheepshead.

I think the only measures were a 20-fish bag limit, I believe was the measure that was in place; but with the commercial fishery you had to have a snapper grouper commercial permit, which is extremely limited and very expensive to get. It has opened up some opportunities for the commercial fishery by removing them from the management unit.

That is kind of where that came from. With the Menticirrhus species, North Carolina went forward with a Kingfish FMP in North Carolina. We did stock assessments I believe on all three. We had those go out to peer review and they were rejected because of the lack of information from the other states with the assumption that they're fairly migratory; and I think they are.

The question really came up then, well, if we're going to do anything with Menticirrhus it needs to be done interjurisdictionally. There is that potential of lumping them in with sort of a sciaenid groundfish complex might be a simple way to do it, if that is something the board is interested in doing, and lumping them in with spot and croaker.

The final thing is based on my experience with sheepshead – and this mostly was out of South Carolina – they tend to move inshore or offshore as opposed to up and down the beach. Sheepshead may be a little more state-specific

than at least Menticirrhus species. This is just for the board's consideration and comment.

MR. BOYLES: Mr. Chairman, a finer point on Dr. Daniel's point – and I'm sorry Chris had to leave to catch a flight – with our trammel net survey on sheepshead from 1991 through 2013, 2,344 sheepshead tagged; 193 recaptures; 8.23 percent recapture rate; distance traveled by recapture fish ranged from zero to 90 miles with the average distance of 5.6 miles.

The majority of the fish were recaptured by recreational anglers. We've got evidence of one interstate movement in our tagged sheepshead; so I think just to put some data for the board and answer Jim's question about tagging studies. Unfortunately, we don't have similar data on whiting; but I think it is safe to say that we see sheepshead as more of a cross-shelf species than an interstate species.

DR. LANEY: In answer in Jim's question, also, with regard to sheepshead, I'm looking at a table here, Jim, from a study that was done by FMRI scientists in northern Indian River Lagoon; and they had tagged – let's see, it looks like, inside the no-take zone they tagged 597. They tagged 520 outside. The bottom line is they got 32 or 2.9 percent of 1,117 fish tagged.

I haven't had time to look through the rest of the report and see how far they moved; but it looks like from the figure they have in here that they didn't move very far; so it seems to confirm the same sort of results that South Carolina found in their study. I know, Joe, Virginia has an angler tagging program. I looked at your – I don't know whether I was looking at a most recent report or not; you may want to say something about the Virginia sheepshead tagging results from angler-based tagging program.

MR. GRIST: I can only give a general comment and more backing up what Robert said. I don't have the specific information with me as far as how much have been crossing the state; but the last I remember, speaking with this with Louis Gillingham – he is part of the tagging project – is it was more of an out and back in type of

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move. I would have to look at the data specifically, Wilson, to comment further.

CHAIRMAN GEER: Okay, are there any other comments? Robert.

MR. BOYLES: I appreciate the situation that everyone finds themselves in. Particularly with sheepshead; you take it out of the FMU of the South Atlantic Council and it kind of slips below the stock assessment radar. We're very concerned about it in South Carolina. As you saw, our legislature implemented some management measures for both recreational and commercial fisheries.

As Louis alluded to as well, our General Assembly is now considering a small sciaenid aggregate bill which would take into account spot, croaker and whiting; very, very important species recreationally; some commercial landings in South Carolina mostly in the form of shrimp trawl bycatch; something again we're concerned with in terms of just keeping a finger on the pulse.

I think the question before the board is are we interested in engaging in more formal interstate management. I guess I'll be the first to say is I'm not very interested right now. Again, I recognize the situation that we all find ourselves with in terms of rejected stock assessments. We don't want any of us to be in those situations; but I think with where we are with respect to our resources and the budgets that we have I'm not sure that the juice is going to be worth the squeeze here.

I think this is a very helpful discussion for us to have. Kirby, I appreciate your pulling all this information together for us; but from my perspective from where we sit – and I hate to say this, but I think we're okay going it alone for the moment given all the other pressures and requirements on the commission.

DR. LANEY: Well, just a point of information for the board; the Habitat Committee is currently working on a sciaenid source document that I think may be of use to the board in the future when we get that completed. Melissa Yuen has

been pulling together all of the habitat sections from all of the existing commission sciaenid plans.

I believe we're going to add kingfishes to that because they were on the ASMFC's Species of Interest List, I think. That will be a pretty complete document. I, for one, would be interested, Robert, in hearing from you in the future about how your sciaenid plan moves forward and what sort of results you see from that.

MR. GRIST: Going back to what Robert said; I agree on going it alone at this time. Back in 2007 our industries came together in front of our Finfish Advisory Committee and they put forth the idea for Virginia to have management on sheepshead; and that is where we are with the four-fish recreational and the 500-pound trip limit on the commercial. I definitely think at this point going it even just to the states is the best plan, but I appreciate the update on the information. That is some good work.

CHAIRMAN GEER: Is there anybody who feels we should move forward? I'm not seeing much. All right, I would say we don't need a motion on that. We've got one last item on the agenda. We have to populate some of our committee memberships at this time. We have to get some members for the South Atlantic Advisory Panel as well as our stock assessment subcommittee for red drum.

**POPULATE SOUTH ATLANTIC SPECIES  
COMMITTEES MEMBERSHIP**

MR. ROOTES-MURDY: This will be really quick. I just wanted to bring two things to the board's attention; the first being the South Atlantic Species Advisory Panel; and the second being the need to populate the Red Drum Stock Assessment Subcommittee. First on the AP, attendance has been fairly poor in the past few years. Between this year of 2014 and 2013 we've had two calls. While we don't have tremendous work in terms of engaging them, those calls have been poorly attended. The request is for the states to really consider who their current members are on the advisory panel;

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and if they have changes they'd like to make, to let us know down the road.

The second is that with the 2015 Red Drum Stock Assessment set to begin planning and coordination, we need to populate our subcommittee. If people have members they would like to nominate today, that would be great – we also need a Chair – but if not, that can be communicated to us at a later date. The last item was just to show who was on the subcommittee the last time and the need to replace them given that people have moved on to other positions.

CHAIRMAN GEER: Does the yellow mean that they're going to participate in this one?

MR. ROOTES-MURDY: The yellow means that they were on the last subcommittee. The subcommittee is technically dispersed after the stock assessment is completed. The yellow is indicating the people who had been on the stock assessment but are no longer even part of the Red Drum Technical Committee.

MR. GRIST: For Virginia I would like to definitely get my name off that list; and I would like to place in my stead Sally Roman from our staff.

MR. BOYLES: I would like to replace Mike Denson. I think Mike has a lot to offer here, but I suggest to you Dr. Steve Arnott of our staff.

CHAIRMAN GEER: Jim, have you got anybody?

MR. ESTES: I assume by what I read there that Mike Murphy is remaining on the committee.

MR. ROOTES-MURDY: Yes; he will need to be appointed, but, yes, he has so far taken part in the planning call.

MR. ESTES: If we're repopulating, I would suggest Mike, if he is willing to do that.

MR. ROOTES-MURDY: And for Georgia I would recommend Carolyn Belcher. Louis, anybody from North Carolina?

DR. DANIEL: I would like to keep Lee on there.

MR. THOMAS O'CONNELL: If you're looking for more members, I would be happy to recommend Harry Rickabaugh from Maryland.

CHAIRMAN GEER: Okay, we need a chairman, but I don't think anybody was willing to jump up and be chairman unless it is one of those folks that was named. I know Carolyn was not interested in chairing the committee.

If any of those folks just desperately want to lead this crew, please come forward and let one of us know. Is that enough? Is there any objection to this group? Hearing none; all right. I'm sure our staff members are going to say thank you very much for this great honor.

**PUBLIC COMMENT FROM NORTH  
CAROLINA FISHERIES ASSOCIATION**

Okay, we promised the North Carolina Fisheries Association a few more minutes to speak. They're going to have three speakers; they're going to have three minutes apiece. We're running late; so, guys, keep on time. We have Brent Fulcher, Bradley Styron and Ken Siegler.

MR. BRENT FULCHER: Mr. Chair, my name is Brent Fulcher. I'm from North Carolina, Acting Chairman of the North Carolina Fishery Association; also support between our two businesses in coastal North Carolina over 300 coastal fishermen. I have also have large ocean-going trawlers that work from Massachusetts to Florida and participate in many fisheries.

I'd like to say again thank you, Mr. Chair and the Atlantic States Marine Fisheries Board, for taking the opportunity to allow us to speak and allowing our delegation of North Carolina fishermen to attend and participate in your process. North Carolina fishermen are and always have been in favor of sustainable fisheries as it is necessary for them to have long-term employment in the fishing industry.

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One thing I heard here earlier, when you were speaking about the spots, I heard you speaking briefly about size limits. And, especially when you start to talk about size limits recreationally – and I’m going to just touch briefly on that and then I’m going to pass the microphone to Mr. Bradley Styron and Mr. Siegler that is here to speak about the drum issue, also.

From talking to many fishermen, recreational and commercial, when you speak to recreational fishermen – just last week I spoke to individuals came in one of my retail stores and he had been off on a headboat catching black sea bass. I had asked them what they were catching. I figured triggerfish and he said triggerfish and black sea bass.

He said but the black sea bass, they were catching them as hard as they could, but they were throwing them back because they were a half inch too short. I kind of looked down and mumbled and he said, “What’s wrong?” I said, “It’s just said you throwing those fish back; they probably won’t live.” He said, “Them fish couldn’t have lived; their bladders were hanging out of their mouth.”

That brings me to what I want to talk about. It is the belief of many commercial fishermen that the mortality rate in the recreational fishery is extremely high due to the release mortality of undersized fish. Most times those fish are plenty large enough for food consumption, but they had to be returned because of being to the illegal size.

Please consider recommending creel limits or bag limits and not necessarily size limits when you come up with management plans especially recreationally. You need to implement mandatory retention to prevent high grading if you do that. I think that it would possibly mitigate excessive mortality and at the same time increase the maximum economic yield to all the coastal communities that you represent. I thank you for your time and I am going to turn the microphone over to Bradley Styron.

**MR. BRADLEY STYRON:** My name is Bradley Styron. I am a commercial fisherman

from Cedar Island, North Carolina. I would like to thank you for the opportunity to speak here today. On this red drum issue, we’ve been locked in the 250,000 pound cap since the nineties. For several years we failed to even meet that with as low as 61,000 pounds out of a possible 250,000.

Last year we did; we went over 110,000. But, you know, you can look at that in several ways. We look at it as the management plans have worked; that we have an abundance. It is the first year and probably the first year in three or four we even come close. I think in 2012 we landed 61,000 pounds; in 2011 we landed 91,000.

Over the years we’ve left a lot of fish on the table; and now it is an opportunity for us to have a chance to get something back, but we’re locked into this cap that we went over last year. We agreed voluntarily – and it didn’t come without a lot of heartache – to shut down the fishery to address the overage. We’re good stewards of the resource. I think we have proven that.

It is time I think for us to get something back. We have almost 16 years in this; and out of the 16, 15 we’ve been at 40 percent SPR. That speaks highly of the regulatory process. It is time now for us to get something back. We’re here today to put a face on the plight; and we’re looking for options and we’re looking for some flexibility. To try to keep us in this fishery; we’re certainly not rich people. We’re just hard-working people that deserve a chance. Do any of you have any questions? Thank you for the opportunity to speak.

**MR. KEN SIEGLER:** Mr. Chairman, my name is Ken Siegler. I’m from Hubert, North Carolina, and a commercial fisherman in the community. It was estimated it would take 15 to 20 years to recover the northern regional red drum stocks. Presently you’d be hard pressed to find an estuary or a backwater creek, point or marsh, moisture rock, river, bay, sounds/inlet in North Carolina that does not have some number of red drum present; looking at any shoal or any inlet and see a robust stock of three- to five-

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year-old fish in preparation of joining the offshore spawning stock.

Listen to the radios of vessels as they transit the EEZ with color scopes and hear of schools stacked fathoms deep, a mile or more in length. In 1990 a harvest cap of 300,000 pounds that was based on historical landings was set for the industry; the SPR, 1.3 percent. In 1991 a harvest cap was reduced to 250,000 pounds in concert with the one-fish creel limit and slot size limitations and the populations began to expand. In 1994 a 30 percent SPR goal was set and the overfished threshold for the northern region was met. Then a new goal was set of 40 percent SPR and that goal was met in 1996. In 2001 North Carolina instituted a bycatch provision for red drum with populations at moderate levels. The regulation appeared to have merit.

As the population increased, additional harvest could be allowed to avoid wasting of resources and regulatory discards. Currently the red drum population is robust profound. Such strong year classes of fish present significant issues for both fishermen and managers; managers bound by decade-old federal guidelines and fishermen trying not to catch fish they can't avoid simply because of their sheer numbers.

At this point a bycatch provision appeared to be no longer an appropriate management strategy. If employed to control harvest, the provision becomes counterproductive. With such an abundance of fish present, reducing the number of fish allowed to be harvested serves only to relegate how many fish must be wasted to harvest a few.

A commercial fisherman's desire has always been to conserve resources. We can no longer rely upon reactionary management through antiquated provisions which relegate and mandate waste of resources to control harvest. Future management strategies must be based in science, must be sound, flexible and not be mandated to waste such priceless fisheries resources. Our very jobs and livelihoods depend upon parameters and we can no longer afford the loss of jobs that support our communities and fragile economy.

Members of the commission, red drum stocks are recovered. We applaud a job well done. What is required now is management of a recovered fishery; management that acknowledges such extraordinary abundance and doesn't put fishermen out of work because there are so many fish in the water.

Approaches to management we'd like you to consider is looking at changing the beginning year date – fishing date from September to April 1. The spring and the summer months are the times when the water temperatures are the highest and the fish are most prone to not survive the encounter. Fall temperatures are cooler; and if the fish have to be let out of the net, then those fish would most likely have a better chance of survival.

In 2012 we left 150,000 pounds of fish unharvested. In 2011 we left 115,000 pounds of fish unharvested. In 2010 we left 80,000 pounds of fish unharvested. That is over 190,000 pounds of unharvested fish. It is felt that some flexibility here can be looked at to where we have such under fish we need some acknowledgement of that fact and with some kind of roll-forward provision not for harvest but merely to cover any overage that may occur in the following year would be a big help. Thank you.

**ADJOURNMENT**

CHAIRMAN GEER: Thank you very much, all three of you, for coming. I greatly appreciate and I wish we could have given you some more time. Are there any comments or questions for the three gentlemen? We are moving forward with stock assessments. Is there any other business before the board? We're adjourned.

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(Whereupon, the meeting was adjourned at 11:05 o'clock a.m., May 14, 2014.)