

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

Wentworth by the Sea
New Castle, New Hampshire
October 31, 2019

Approved February 2020

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

TABLE OF CONTENTS

Call to Order, Chair Pat Geer.....	1
Approval of Agenda	1
Approval of Proceedings, August 2019.....	1
Public Comment.....	1
Consider Approval of Atlantic Croaker Draft Addendum III and Spot Draft Addendum III for Public Comment	1
Discuss Differences Between Federal and Commission Management of Spanish Mackerel	11
Consider 2019 Fishery Management Plan reviews and State Compliance for Red Drum, Black Drum, and Spotted Seatrout.....	14
Adjournment.....	18

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings** of August 2019 by consent (Page 1).
3. **Move to approve Draft Addendum III to Amendment 1 to the Interstate FMP for Atlantic Croaker and Draft Addendum III for spot to the Omnibus Amendment with the additions discussed for public comment** (Page 10). Motion by Malcolm Rhodes; second by Doug Haymans. Motion carried (Page 11).
4. **Move to approve the 2019 Spotted Seatrout, Black Drum, and Red Drum FMP Reviews, state compliance reports, and *de minimis* requests for New Jersey and Delaware for red drum and spotted seatrout** (Page 18). Motion by Lynn Fegley; second by Jim Estes. Motion carried (Page 18).
5. **Motion to adjourn** by consent (Page 18).

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

ATTENDANCE

Board Members

Joe Cimino, NJ (AA)	Mel Bell, SC, proxy for R. Boyles (AA)
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Malcolm Rhodes, SC (GA)
John Clark, DE, proxy for D. Saveikis (AA)	Doug Haymans, GA (AA)
Roy Miller, DE (GA)	Spud Woodward, GA (GA)
Lynn Fegley, MD, proxy for B. Anderson (AA)	Jim Estes, FL, proxy for J. McCawley (AA)
Phil Langley, MD, proxy for Del. Stein (LA)	Marty Gary, PRFC
Pat Geer, VA, proxy for S. Bowman (AA), Chair	Roy Crabtree, NMFS
Chris Batsavage, NC, proxy for S. Murphey (AA)	
Mike Blanton, NC, proxy for Sen. Steinburg (LA)	

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

Ex-Officio Members

Chris McDonough, Technical Committee Chair

Staff

Robert Beal	Maya Drzewicki
Toni Kerns	Jeff Kipp
Mike Schmidtke	
Tina Berger	

Guests

Jack McDonough, Eliot, ME	Jack Travelstead, CCA
John Satterly, VSSA	

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Thursday, October 31, 2019, and was called to order at 10:40 o'clock a.m. by Chair Pat Geer.

CALL TO ORDER

CHAIR PAT GEER: All right, let's get started, I know everybody has got places to go. We probably could have this meeting in the bar with as few people that are left. My name is Pat Geer; and I am the Chair of the South Atlantic State and Federal Fisheries Management Board. I welcome you all here today and we'll try to get out of here as quickly as possible, because I know everybody has flights.

APPROVAL OF AGENDA

CHAIR GEER: The first order of business is Approval of the Agenda. Are there any changes to the agenda? Hearing none, the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR GEER: Secondly is approval of the proceedings from the August, 2019 meeting. Are there any changes or modifications to the proceedings? Hearing none, the proceedings are approved by consent.

PUBLIC COMMENT

CHAIR GEER: Is there any public comment? I haven't seen anybody sign up. I don't have a signup sheet yet. Does anybody want to speak to anything that is not on the agenda, hearing none, moving on? Mike is trying to get up his computer as quickly as he can. I know I'm rushing him.

CONSIDER APPROVAL OF ATLANTIC CROAKER DRAFT ADDENDUM III AND SPOT DRAFT ADDENDUM III FOR PUBLIC COMMENT

CHAIR GEER: The fourth item is to Consider Approval of Atlantic Croaker Draft Addendum III and Spot Draft Addendum III for Public Comment. If Mike is ready we'll move into that.

DR. MIKE SCHMIDTKE: The Atlantic croaker and spot decided to go out and get tattoos last night after the Nationals won. As I'm going through the presentation today, if you looked at the documents in your briefing materials there is a lot of overlap between the croaker and spot addenda. I'm going to try to not be redundant in the information that's being conveyed.

The first few slides are going to be things that apply to both of these, as they're both running on a similar timeline and have similar background information. Then I'll get into the specifics of croaker first, followed by spot. I guess after croaker, if the Chair thinks it's appropriate, then we can pause for questions specific to that species before moving into spot.

First looking at the timeline, both of these documents are operating along the same timeframe. They were both initiated in May, and have been developed over the summer, and are now being reviewed and considered for public comment. If approved today, then those documents would go out for public comment through January, and the Board would be able to consider them for final approval in February of 2020. Both of these documents are Addendum III for each of their respective FMPs, so there may be some combining of that Addendum III terminology and the Addendum II terminology that applies to the previous TLA, traffic light approach talked about for each species. But traffic light approaches were established for both Atlantic croaker and spot via Addendum II for each of the respective management plans.

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

The traffic light is a data poor approach that uses the colors of a traffic light, red, yellow, and green to characterize population indicators. The ones that are used in this instance are harvest and abundance. The basic principal behind this is if there is too much red, which is indicative of low harvest or low abundance. If there is too much red for too long then management action is required.

Recently there have been significant declines in harvest as well as reports of poor fishing for both Atlantic croaker and spot that have not been reflected in the fishery independent survey indices used in the traffic light approach for both species. In 2018 the Croaker TC and the Spot Plan Review Team were tasked with looking at the TLA again, and seeing if there were potential revisions that could be made.

They recommended several updates in follow up to that task, also the Joint Croaker and Spot Plan Development Team was tasked with looking at potential management responses that would occur after triggers. There were some recommendations concerning that as well. All of those recommendations are contained in the background of the documents.

Concerning the traffic light approaches themselves. There is a separate TLA; it's not a joint TLA. There is a croaker TLA and a spot TLA, they are run separately. Both of them contain similar characteristics though. Both of them contain a harvest characteristic that includes commercial and recreational harvest, and an abundance characteristic that right now is based off of the Northeast Fisheries Science Center Multispecies Bottom Trawl Survey, as well as the Southeast Area Monitoring Assessment Program Survey, or SEAMAP.

The management trigger is set such that if proportions of red for both the abundance and the harvest characteristics meet or exceed a threshold level for each of the three most recent years for croaker, or the two most recent years for spot, then management action is triggered.

The threshold levels that we're currently working with are at 30 percent red and 60 percent red; 30 percent indicating a moderate concern and management response and 60 percent, indicating a more significant concern and response.

That is the end of the information that is applying to both of these species. Now I'm moving specifically into croaker. The statement of the problem for each of these addenda is pretty similar. The Draft Addendum III for Atlantic croaker incorporates the Technical Committee's recommended updates, and considers revisions to the management triggers and responses.

I'm not going to read through all of these, but these have been provided in the document. But the recommended updates include additional abundance surveys, use of age information, evaluating characteristics on a regional scale, changing the reference time period with the primary motivation being to accommodate the new surveys that are put in, and changing the management trigger mechanism. I'm going to go through the TLA figures that give a comparison of what the Addendum II TLA is versus what the Draft Addendum III TLA result would be if all of this information is approved. Looking at Addendum II, this was viewed earlier this year. What you see on the screen here is the harvest characteristic, and you'll note at the end all three of the terminal years exceed the 30 percent threshold, with one of those years exceeding the 60 percent threshold for this characteristic.

Going through looking at the regional metrics that are being proposed through the Technical Committee's updates and Addendum III, the Mid-Atlantic harvest characteristic shows an exceedance of the 30 percent red threshold in all four of the terminal years, with one year being above 60 percent.

For the South Atlantic, this characteristic exceeds 60 percent red in three of the last four years. If this were applied this year there would be that 60 percent level in play, potentially due

to the harvest metric. Now moving into the abundance characteristic, and just as a reminder of the harvest characteristics that are tied to each of these, you'll see those kind of down in the bottom right hand corner of the slide.

Coastwide abundance according to the Addendum II traffic light approach, none of the three terminal years exceed 30 percent red, therefore management action is not triggered for Atlantic croaker, and it would not be triggered in 2020 either, if this were continued into next year. Looking at the Mid-Atlantic Region, all of the last four years exceed 30 percent red for the abundance characteristic, and as a reminder all of the four terminal years exceeded 30 percent red for the harvest characteristic as well. Management action would have been triggered this year if this was in place, and it will be triggered next year if this document is approved for management use.

Finally looking at the South Atlantic abundance metric, the abundance does not exceed the 30 percent red threshold in any of the terminal years. Therefore, although harvest is down abundance does not trigger management action due to this region. However, because the Mid-Atlantic Region triggered that would trigger management action on a coastwide basis.

Even though we use regional metrics, this is one continuous stock. Therefore, any action that is triggered due to one region gets applied from a management response on a coastwide basis. Next I'm going to be going through the specific issues and the options that are spelled out within the Draft Addendum.

First of all looking at Issue 1, this is to incorporate one of the recommendations from the Croaker Technical Committee. Option A is as close as we can get to a status quo, while allowing some incorporation of the scientific recommendation to use a regional metric. It's not strictly status quo, but it is close as it evaluates a trigger based on the three terminal years.

Option B would change that trigger to any three of the four terminal years. The thresholds for both of these options would remain the same as those of Addendum II. Looking next at Issue 2, the recreational management trigger response, Option A is that the TC would recommend state percent reduction that is proportional to the percent red that is over the threshold. That is something that the TC was asked to look at going back to when they made the recommendations. That is something that they were asked to look at, as far as what potential measures would be. What they came up with was, oh excuse me. This was the Plan Development Team that was asked to look at this.

Basically their response to this was due to the environmental variables that are strongly tied to the Atlantic croaker fishery, a reduction in harvest by a certain percentage of red from a traffic light analysis would not necessarily be projected to achieve a response in the abundance of the population, which is ultimately what the goal would be from any reduction in harvest.

In response to that, the Board gave the directive to the Plan Development Team to investigate measures that would have kind of a smaller effect on the fishery, but put something in place that management could then work off of as there are no coastwide measures required by this Plan right now.

There are three alternative options to the TC recommending based off of the proportion of both the threshold level, and these for the recreational sector are Option B, which would be a 50 fish bag limit at the 30 percent threshold level. For all of the 30 percent responses, the *de minimis* states would not be required to implement these regulations; it would only be the non *de minimis* states at that stage, so for the 30 percent response, options of 50 fish, 40 fish, or 30 fish.

The upper end of that level was kind of expert opinion among the Plan Development Team of

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

what are some of the upper levels of harvest that go on with this fishery, and where is a good line to cut it off? We also took into consideration some of the state regulations that are in place. I believe the highest state regulation bag limit is 50 fish at this stage. That is something else that went into the consideration and the formation of these specific numbers.

At the 60 percent threshold response all states would be included in any form of management response here, due to it being indicative of a more serious decline in the stock, as well as in the fishery. The bag limits would essentially be reduced by 10 fish per person. Throughout this, states that already have more restrictive measures in place would be encouraged to maintain those. One difficult factor that we ran into in the development of this was trying to accommodate the use of live croaker, and this will apply for spot as well, live spot for use as bait within the recreational sector.

Basically if you put a possession limit on these fish, and somebody is holding that species of fish in a live well, then it could be interpreted that they would be subject to that bag limit based on what they're holding for bait. That is not something that the Plan Development Team was trying to necessarily reduce with this plan.

The language in the document states that for-hire vessels may possess live croaker for use as bait, possessing up to the sum of the bag limits for the number of paying customers allowed onboard. During a trip the bag limits would apply to the harvested fish, according to the number of paying customers that are actually onboard. For example, if a 50 fish bag limit were in place and a vessel were licensed for six customers, that vessel could hold 300 croaker total onboard. But if four customers show up for this trip, only up to 200 of the 300 croaker allowed onboard may be harvested. Anything beyond that 200 number would have to be shown to be held in a live well, and they would have to be alive, not dead.

I spoke with the Law Enforcement Committee about this language earlier this week, and they provided some comments. One of the comments concerning the live lining use was that it would be difficult to essentially enforce a boat limit that includes up to hundreds of live fish, because in going through the live well they would be counting out hundreds of fish, and they would have to take fish out of the live well to do that potentially causing harm to the fish and the Captain or anglers' bait.

One of the ideas that they offered that could be applicable to croaker is implementing a maximum size. What we've heard from talking to our AP is that typically smaller croaker is used as bait. A maximum size on the order of potentially 4 inches could be applicable, and this would be checked by law enforcement by looking at simply a sample of fish, rather than going through the entire live well.

There was also a note in those discussions that the numbers of croaker that are kept alive and are used for bait are essentially limited by the size of the live well and the size of the vessel. There is a mechanism in place that even if there is no rule on how many croaker can be held there, it's not like an angler can go out on the water and fill up a live well, and expect to keep those fish alive to kind of skirt the rules, so to speak.

They recommended a bag limit on the harvested fish only, and no restriction on the number of live fish. If there is any restriction on the number of live fish they would put that as a size restriction, but thinking that that may not even be necessary either.

Just kind of for informational purposes, and the amounts used within all of this, the bait disposition in 2018 was 6 percent of the commercial landings for Atlantic croaker. There is limited data for the recreational disposition, but that is something for consideration that it may not be a huge deal to allow keeping of fish

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

within live wells, and having those fish not count towards any type of vessel or bag limit.

Issue Number 3 deals with the commercial sector and its response to any management trigger. Option A is status quo that the TC would make a recommendation, quite similar to the recreational sector. Option B at the 30 percent would be a response from all non *de minimis* states that do not already have measures in place for something like minimum size or a possession limit for the commercial fishery.

Any state that doesn't have such measures in place and is non *de minimis* would be required to put in some form of measure. The PDT was specific, as this measure would need to be quantifiable, able to be reduced, or essentially able to be reduced if necessary at a higher level of response, something like a season or a trip limit or a size limit, with the projection that it would achieve a 1 percent commercial harvest reduction. This is within the direction of the Board to basically put some form of regulation on the books that's not necessarily going to severely impact harvest, but just so there is a baseline from which management can then move in one direction or another, based on the results that come from it. The suboptions for Option B have to do with the 60 percent threshold response, which would be a more significant concern. The suboptions would include a 5 percent, 10 percent, or 20 percent reduction.

All of these reductions being from the previous ten-year average for Atlantic croaker. Seasons should be brought in, that last statement at the bottom, measures, any measures that are put in, in response to management triggers would need to be reviewed by the TC, and approved by the Board, similar to an implementation plan.

The PDT did want to allow the Board to have some additional flexibility if you all deem it necessary to act beyond the terms that are spelled out in the Addendum. Basically, if the Board deems that more restrictive actions are

necessary, then the Board can task the TC to analyze the potential response of the fishery, and come up with an alternative reduction and the measures to achieve it.

But the options that are put in place in this Addendum have some initial reaction measures that can be put in place, and if more time needs to be taken to evaluate further, then the Board can task the TC to do that. Issue Number 4, and the final issue for the document has to do with the evaluation of the fisheries response to any triggering measures.

Status quo is that management measures would remain in place for three years, and after management action has been taken the thresholds would not be applied to the harvest characteristics in assessing the fishery during that three-year period. But there is not really clear direction for what happens after three years.

There was some confusion among members of the Plan Development Team. Option B spells out what would happen in that case in a little bit more detail. Triggering measures would be put in place for at least three years. While they are in place, harvest characteristics would not be used to enact any type of management trigger, but the abundance characteristic can trigger at a higher level by itself.

If we're under measures that are in response to a 30 percent threshold, and the abundance continues to decline such that it triggers at the 60 percent by itself, that could initiate more significant action. After at least three years, if there are no more triggers for harvest, then the triggered measures may be removed and the harvest characteristic would be incorporated into the approach again.

This would not kind of cause the trigger to happen right away again. Obviously the harvest would be low, but the abundance in this case would have exceeded the levels that it needed to be so that measures will not be triggered, and

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

we're still in the case where both abundance and harvest are necessary to trigger management action.

Finally, if triggering measures are in place for a minimum of four years, then the TC will evaluate the trends in abundance and recommend whether more restrictive measures are necessary. The basic idea behind that is if four years have passed and abundance is trending up from the measures that are in place, but it just isn't to the level where the measures would be removed quite yet, then those can remain in place and nothing needs to be done. But if there is still a downward trend in abundance, even though the management measures are in place, then there can be kind of that further evaluation of what to do. That is all for the croaker document, and if it is okay with the Chair we can take questions on croaker specific questions.

CHAIR GEER: Yes I think we'll do that because I think it's going to be about the same, so we'll ask questions while it's fresh in everybody's mind. I want to thank Mike and the TC. We asked them to come up with measures, because when we went through this before we didn't know what those measures would be. At least we have some now that they put forth. A lot of those, when our states met some of these measures were things that we talked about. I'll take any questions that people might have for Mike at this time. I'll go Chris and Lynn.

MR. CHRIS BATSAVAGE: My questions would apply to both spot and croaker. Is it okay to just ask those now, while as you said it's fresh on our minds? Okay, first one in both draft addenda it says Draft Addendum III also retains the TCs ability to alter the TLA as needed to best represent trends in spot harvest and abundance.

Am I correct in interpreting that so a new addendum would not be needed for any changes to the TLA. For instance, if the Plan Review Team or TC I guess in this case, thought it was appropriate to add new independent surveys, or something like that or change any reference

years, we wouldn't have to go through an addendum to do that?

DR. SCHMIDTKE: Yes that's correct. Really of the recommendations that have been made by the Technical Committee, the one that necessitates an addendum is the last one that has to do with the management trigger going from, in the case of croaker three years to three out of four. But the other four are scientific decisions that are made by the TC, and they have the full ability to make those scientific decisions to make sure the analysis is as good as it can be.

MR. BATSAVAGE: Thank you for that and I like the flexibility, because it makes for a more efficient process. The second question, is it possible for the Plan Development Team to calculate, I guess coastwide percent reductions expected for the bag limit options for spot and croaker? The reason I ask that is I think at least in our state, where stakeholders are very concerned about equity to see how those compare to the percent reduction options for the commercial fishery.

DR. SCHMIDTKE: Looking specifically at the recreational sector, I did pull some MRIP trips coastwide, and kind of calculate how those would affect the trips for that sector. This is something that can be done more in depth by the Plan Development Team with a little bit more time. This is looking on a coastwide scale, and not thinking of the scaling factors that would happen with actual MRIP estimates based on location or wave and things like that.

Basically running down the list from smallest to largest bag limit, if a 20 fish bag limit were put in place that would impact 8 percent of the trips that harvested croaker, it would impact 4 percent of the trips that harvested croaker at 30 fish, at 40 fish 1.6 percent, and 50 fish about a half percent of the trips. Those percentages go up a bit if you think in terms of harvest and numbers; 28, 20, 10, 4. But that gives a rough scale, very rough scale. I emphasize that because there would definitely be regional

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

impacts on how the actual MRIP estimates would be scaled up on a full analysis. But this is just kind of a quick and dirty look at it.

MR. BATSAVAGE: Thanks, I would expect that question to come up, and I think just giving a ballpark rough estimate would be helpful, or at least have that information available at the public hearings. I'm not recommending that is something that necessarily goes in the draft addenda.

CHAIRMAN GEER: Mike that was coastwide, correct?

DR. SCHMIDTKE: Correct.

CHAIRMAN GEER: Okay, and Lynn you had a question?

MS. LYNN FEGLEY: Yes thanks, Mr. Chair, and thanks Mike for putting this together. You guys put a lot of thought into this, and I particularly appreciate your care about the live lining issue. Just two questions, actually one question and a comment. The first is, I was running under the assumption that states that had regulations in place would be exempt, and it seems like that occurred on the commercial side but not the recreational side.

For example in Maryland, we already have a possession limit and a size limit on croaker. I think it says it in the document that if you have something in place that is more conservative, then you would be encouraged to maintain that. But for example, I don't think that I would want to try to mess with putting a maximum size, switching a minimum size for croaker to a maximum size croaker in Maryland. I just want to make sure that that flexibility is in there.

DR. SCHMIDTKE: Just to clarify. There is a minimum size for croaker and a bag limit in place. Yes, Maryland would be able to maintain their minimum size, and maintain their current bag limit, because I think yours is 25 fish or something like that. That is more restrictive than

what would be required by the triggered measures.

One thing to note is that all of these measures would only be in place when management action is triggered by the TLA. If everything were fine, which croaker we know from looking at the numbers that if this Addendum is passed action will be triggered next year. But that is not necessarily the case for spot, so in the case where everything is fine then these requirements would not be in place, it would only be during times when action is triggered.

MS. FEGLEY: That's a good segue, because my other comment you articulated it very well in this presentation, but it struck me that in the draft addenda there was not a lot of language letting the public know about this idea that we can't really project the impact of these actions on the stock.

I think it would be worth adding some language to be very clear, you know sort of the nature of this type of management, and you know the assessment that didn't pass peer review. It's not online because it didn't pass peer review, so that background information is a little harder to find. Then also, I thought given the very strong comment in this regard from our stakeholders that it would also be worth mentioning something about the magnitude of the harvest of the recreational and commercial fisheries relative to what's happening in the bycatch fisheries. Because there was a lot of discussion, even here at the Board, about how we really in making these actions are kind of nibbling at the edges.

Relative to the bycatch, I think if we lived in a perfect world, if we triggered we would want to tell all the bycatch to go down too, but we can't. I think for transparency it would just be a couple sentences in there to reflect sort of where we are, relative to those other pieces of mortality.

CHAIRMAN GEER: Are there any other questions for Mike? John.

MR. JOHN CLARK: More just kind of a comment about the TLA diagrams. I mean even though they're very simple, every time I look at them it still takes me a while. I don't know if I'm distracted by the pretty colors, but I'm just thinking for the public that has never seen that type of diagram before, maybe it would help to have a little example, you know with arrows pointing to what you mean by the scale of the 30 percent to 60 percent. That is something different from most of what we present when we're looking at these things. Like I said if you haven't seen them before they can be a little confusing, rather than just simple to see.

DR. SCHMIDTKE: That was a comment that got brought up with the Technical Committee when this was reviewed by them as well, and that's why we added the appendix, which includes like the landings in more of a linear format with a long-term mean relative to that. You think that we would need to do something beyond that or incorporate it into more of the main portion of the document?

MR. CLARK: Yes, I think Mike. I thought like before you get into all the, because it looks like it just goes right into those TLA ones. Maybe just like a small, you know like an example. Just say, this is how to interpret a traffic light graph.

CHAIR GEER: John, I see what you mean. I was presenting these graphs to crab committees for years, and when they finally had an epiphany and they understood it, it was like oh glory, glory. It was about four or five years before they finally understood it, but when they did it they realized this is pretty simple, but it takes a little bit of understanding. Are there any other questions or comments? Hearing none, I guess we'll move on for spot now.

DR. SCHMIDTKE: Okay so next going through the information for spot. The information that is overlapping I'll go through a little bit more quickly than I did for croaker, as it's been explained a bit more already. Statement of the

problem very similar, Draft Addendum III for spot

Draft Addendum III to the Omnibus Amendment incorporates the PRT recommended updates. These were done in coordination with the Croaker TC, and it also considers revisions to the management triggers and responses. Here we show the recommendations that were made, very similar. The couple things to note for spot specifically are that instead of the South Carolina DNR Trammel Net Survey being added to account for the southern region, the North Carolina Pamlico Sound Survey kind of replaces that in the case of spot. The age of adults for croaker is two plus, where spot one plus in point number 2.

Both use the regional metrics and are going to be using the same reference time period. Finally, the trigger mechanism that was recommended was for two of the three terminal years for spot, accounting for their shorter lifespan. Now looking at the traffic light figures specifically for spot, this first one is the one that is currently in place.

The harvest metric it exceeds 30 percent in one of the two terminal years, and starts to approach that 60 percent level. Looking at the proposed Mid-Atlantic harvest metric that exceeds 30 percent in two of the three terminal years, and with one of those years being above 60 percent. Next the South Atlantic harvest, all three of the terminal years are above the 30 percent threshold, with one year above 60 percent.

Now going into the abundance metrics, the Addendum II TLA, the abundance metric exceeds the 30 percent red threshold in the terminal year. With the current TLA for spot, there would be potential, depending on how 2019 performed in terms of abundance and harvest for it to be triggered with the current mechanism.

Looking at the regional metrics again, for the Mid-Atlantic all three of the terminal years are above 30 percent, with one year above 60

percent. Bringing in the information from the harvest, the terminal year for harvest was above 30 percent, but the 2017 red level was below the threshold. We're in a situation for the Mid-Atlantic region where there could be management triggered, or if both of the metrics are reducing the amount of red then management action may not be triggered for spot, due to the Mid-Atlantic analysis.

Next looking at the South Atlantic abundance metric, it exceeds 30 percent in only one of three terminal years, but taking into account harvest this also is kind of in a similar situation, where it depends on how the fishery performs in 2019. It may trigger in 2020, it's yet to be seen. Spot is in a little bit different place than croaker, whereas croaker will trigger if all of this goes through, croaker will trigger in 2020. Spot may trigger.

The management triggers very similar, Option A the close to status quo option is that the threshold needs to be exceeded in both of the most recent two years. Option B the threshold would need to be exceeded in two of three terminal years to trigger management action, and the thresholds of course would remain the same.

Looking at Issue 2, the bag limits are the same as croaker, and same type of principle in the sense that non *de minimis* states would be the ones that would have to take action, in terms of the 30 percent threshold response, and all states would be included in the response at the 60 percent threshold.

Considering the live lining use for spot, there were similar comments that were given. The one difference, and there were similar provisions in the original document. Looking next at the LEC comments, the one difference between spot and croaker is that spot were noted by our Advisory Panel that large spot are used and are preferred in fishing for a species like striped bass, cobia, large red drum, and so an upper size limit for spot would not be as applicable as it could potentially be for croaker.

Again, the LEC notes the limitations that are put in place, kind of essentially through the live well size of the vessel, and I wasn't able to fill in this percentage. I apologize. I had a place holder there for how much of the commercial landings are of bait disposition, but I do have the information for the recreational trip information for spot, kind of similar to croaker.

If a 20 fish bag limit were put in place then that would impact 13 percent of the trips that harvested spot, 30 fish bag limit would impact 10 percent of trips, 40 fish bag limit would impact 5 percent, and 60 fish bag limit would impact 4 percent. That kind of gives a bit of the scale of what the recreational bag limits how they would potentially impact those trips.

Next looking at the commercial trigger response, similar status quo as croaker, except right now spot does not have a technical committee, so the Plan Review Team is the body that would be recommending percent reductions, and this applies for both the commercial and the recreational status quo options.

Looking at Option B the 30 percent threshold response is similar to croaker, quantifiable measures that would achieve a 1 percent commercial harvest reduction from the previous ten year average. This would apply for non *de minimis* states that do not already have measures in place. At the 60 percent level all states would be included, and again it would be the commercial quantifiable measures that would achieve 5 percent, 10 percent, or 20 percent reductions, based on the suboption chosen.

In order to evaluate any implementation plans submitted to put in triggered response measures, a Spot Technical Committee would be formed with the passing of this Addendum. The Omnibus Amendment includes information on the composition of the Technical Committee for spot; it just simply did not form one. But it doesn't preclude the formation of one.

This notes that a technical committee would be a bit more able to evaluate these implementation plans as it tends to have more technical expertise than a Plan Review Team, also there is representation from all states on a technical committee, whereas a Plan Review Team is typically a smaller body that doesn't necessarily have representation from all states.

That would be able to incorporate some of the state expertise and explanation of the implementation plans in that evaluation process. Next looking at the alternative management response, and that is the same as croaker that if the Board wants to be more restrictive they can direct what would be the newly formed Spot TC to come up with these alternative measures.

Finally, looking at the evaluation of the fisheries response to the triggered measures, this is very similar to the issue that occurred with croaker, where there wasn't much direction, and there was some confusion among the PDT as to what happens after two years of triggered measures. Option B tweaks it a little bit to say that measures would be put in place for at least two years, and there is the potential that they could be continued further. But during triggered measures harvest wouldn't be used for management. Abundance can trigger at a higher level, similar to what was described for croaker, just altering the timeframe a little bit. After at least two years if there aren't any more triggers for abundance, then no more triggered measures would be required, and the harvest characteristic can be incorporated into the evaluation again.

If triggered measures remain in place for a minimum of three years, then the TC can evaluate the abundance trends, and recommend if more restrictive action is necessary. With that I can take questions on spot.

CHAIR GEER: Are there any specific questions on spot, Malcolm, no?

DR. SCHMIDTKE: Just letting you know that the questions and the points that were raised on potential additions for croaker, I'm taking those that they are applicable to spot as well. I'm planning to put them into both documents.

CHAIR GEER: Malcolm.

DR. MALCOLM RHODES: All right if it pleases the Chairman, I would move to approve the Atlantic croaker Draft Amendment III, and Spot Draft Amendment IIII, with the additions discussed for public comment. Addendum III, I'm sorry.

CHAIR GEER: Mike has a question before we take a second on that.

DR. SCHMIDTKE: I guess does the Board have any additional direction on the live lining language that is currently in the documents, with respect to the comments that were provided by the LEC, because right now what's in the document talks about restricting what is in the live well. Is that something that the Board wants to move forward with, or would you like that removed now that the LEC has provided their comments related to enforcement?

CHAIR GEER: What is the pleasure of the Board on that? Lynn.

MS. FEGLEY: Recognizing the issues with the LECs comment. I really think I would like to leave it stand in there, just because I would like to get some public comment on that. That would be my opinion.

CHAIR GEER: Anyone else? I see people nodding your head no, so shaking your head no. We have a motion on the floor; do we have a second by anyone? Second by Mel Bell, say it again? Doug, do you have a question? I think we already have a couple seconds, Doug. Excuse me, you're right. Excuse me, Mr. Bell. You can't take it; it's the same state, so I will take a second from Mr. Haymans from the great state of Georgia.

Make sure we have the motion right before, we had some question about which addendum this was, because in the Omnibus there were two concurrent addenda going on. We want to make sure we have this right. Is there any other discussion on this? **I'll read the motion. Move to approve Draft Addendum III to Amendment 1 to the Interstate FMP for Atlantic croaker and Draft Addendum III for spot to the Omnibus Amendment with the additions discussed for public comment. Motion by Dr. Rhodes, and seconded by Mr. Haymans. Let's see a show of hands of who is in favor. Opposed, the motion carries unanimously.** Thank you very much, Mike. I appreciate that.

DISCUSS DIFFERENCES BETWEEN FEDERAL AND COMMISSION MANAGEMENT OF SPANISH MACKEREL

CHAIR GEER: The next item on the agenda is we have a memo that Mike wrote concerning Spanish mackerel, and some inconsistencies we have between the Federal Plan. What do we do?

There is no mention of what happens in state waters when the federal waters close. The zones are slightly different. They are defined slightly differently between the South Atlantic Fisheries Management Council and the Commission. There is also the Southern Zone Commercial Management Measures are somewhat different as well. Mike has three things. He can pull these up and show you.

DR. SCHMIDTKE: Just providing some additional discussion points for the Board, and summarizing what's in that memo. This was all looked at in response to the northern zone closure that occurred in August 2019, for federal waters. Basically we had inquiries from several states as to what the response of states needs to be when there is a federal closure.

The short answer is that the Omnibus Amendment doesn't require states to do anything in response to a federal closure with the current language. But kind of in that look

into the Omnibus, we also noticed that there were some management differences, some pretty key management differences between Commission and Federal management documents.

First of these being the differences in the regional management zones, the zones were updated through Amendment 20B to the Coastal Migratory Pelagics FMP, and that just for whatever reason did not get carried over to the Omnibus Amendment. There are differences in the zones right now, and secondly in the southern zone commercial measures, both the Omnibus and the Coastal Migratory Pelagics describe a step down process that reduces the southern zone trip limit as it approaches an adjusted quota.

The difference there is that from the Coastal Migratory Pelagics FMP, when 100 percent of the full commercial ACL is caught, then the fishery is closed. There is no mention of any type of closures within the Omnibus Amendment. The Omnibus Amendment really only comments on the ACL being reduced in the following year if the stock is overfished, which it's not right now, so that is not something that would be immediately applicable.

It does mention within it that there would be a closure for the remainder of the year if a quota is met, but quota is distinct from an ACL within that document. That quota refers to any quota that is set by the Commission, and there is nothing in the document that sets a Commission quota or connects the Commission quota to the Federal ACL.

That is why there is technically no language that would tie any federal closure to states needing to close. Kind of further moving the target for kind of aligning management, there is some action that is currently being considered by the South Atlantic Fishery Management Council. It will be reviewed at their December meeting. They're planning to take final action on it in January that proposes modifications to the

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

accountability measures that would allow a 500 pound trip limit after the commercial zones have met their respective quotas, until the total ACL, which includes both sectors, has been met. At which point the entire fishery, both sectors would be closed. That is kind of something that has been proposed and is being talked about by the Council. These issues were raised so that the Board can consider whether and how to complement the Council's management for Spanish mackerel.

CHAIR GEER: Jim, go ahead.

MR. JIM ESTES: I think that was a pretty good summary, Mike. Thank you. This is a mess. In fact I think we took action after the federal waters closed, and I had to call Toni to say, "Are we out of compliance?" Because I did not understand, because the plans are so different and they're confusing, and they need to be fixed, we need to do something with this.

But I think it's a little bit early now, I think to go do something about this, until we know what the Council is going to do, because that is quite a big change from what they're doing right now. We may not all agree on what we should do until we know what they're doing. That's my two cents.

CHAIR GEER: Are there any other comments? Chris.

MR. BATSAVAGE: Just a comment and then a question. Kind of as it stands now, where there is no required closure in states waters, it makes me a little nervous, even though the stocks seem to be fine right now. Most of the fish are landed in state waters. There appears to be an under harvest in the recreational fishery.

However, when the revised MRIP estimates are incorporated in the next stock assessment, we may find out that they were harvesting more fish and closer to their ACL than originally thought, if scup and black sea bass north of Cape Hatteras are any indication. Looking at some way to put some measures in to address that either through

complementing the South Atlantic Plan or not, it's probably a good idea.

A question I have, and it kind of goes to Jim Estes comments that we try to complement what's going on with the Federal Plan, but we're always going to be kind of chasing whatever changes occur on that. Could we look into an addendum to this FMP that allows for responding to changes for federal Spanish mackerel management, and adjust the management through Board action, rather than an addendum, ensuring greater consistency between the state and federal regulations?

I'm thinking about something similar to what we put in place under Addendum V to the Coastal Sharks FMP, to where we wouldn't have to take action every time there were changes to federal coastal shark measures. I don't know if that is a question for Toni or not, or just the Board in general as far as thoughts on that.

CHAIR GEER: Okay I'll go to Toni and then Roy.

MS. TONI KERNS: Chris, yes. That is something that we could consider in an addendum. In order to do that we would just have to outline what type of measures that you would want to be able to make changes to through Board action. While I have the microphone, I will ask a question of the Board is several of you obviously sit on the South Atlantic Council, but not everybody on this Board does. Are there any issues or concerns or thoughts of support for certain things that you would want the Commission to bring forward to the South Atlantic Council as they are considering changes to their framework? Is there any message, you know information that you think would be helpful to bring over to the South Atlantic Council?

CHAIR GEER: Roy, did you still have something?

DR. ROY CRABTREE: Well I just wanted to agree with Jim and Chris that this is a bit of a mess right now. I think we do need to update the plan and reconcile it with the Federal Plan, and I agree

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

with Chris that leaving state waters open after the quotas are caught, the ACLs are caught is not a good idea.

My worry is that we're going to have to when we start looking at when to close the commercial fishery, we're going to have to start closing early to account for what is going to be caught in state waters. Otherwise, we're going to continuously go over the ACL, which the statute doesn't allow us to do without some accountability.

I think what the South Atlantic Council is looking at that is on the board now kind of came up at the last minute at the last Council meeting. I think that is probably not a good idea, and I hope we don't go down that path. There are a lot of problems with it, not the least of which are the new recreational catch estimates.

But there is also the lack of timeliness in the recreational catch estimates, and our ability to tell when the recreational fisheries caught what. It's going to entail a great deal of projections and uncertainty, and so I hope we don't go down that path. But I think we do need to update this plan. I think it's been quite a while since the plan was updated, at least the Spanish mackerel part of it. I think we do need to do that.

CHAIR GEER: Roy, should we take action now or wait until the December Council meeting, and decide what the Council is going to move forward with?

DR. CRABTREE: Well I guess I would leave that up to you, and I don't know that the Council is going to be able to take any final action at the December meeting, because I'm not sure that all of the documents will be pulled together. You may not know even at that point where they're going to be. But I'll defer to my colleagues.

MR. A. G. "SPUD" WOODWARD: That is our predicament is that we're going to discuss options and alternatives in December, and then we hope to have some sort of final decisive action on a call in a meeting in January. But I'm

not sure that is going to happen. We've got a timing issue.

There is a sense of urgency, but I don't know that we can mitigate this, because we don't know what to do. If we started initiating an addendum right now, we don't know what to put in the addendum, other than maybe the zones and some things like that that are probably going to stay the same in the federal plan. But as far as actual, how do you do quota management, and so forth and so on. It's undetermined at this point. I think it's almost one of those things where we know we need to do something, but we don't have the information we need to initiate anything at this point.

CHAIR GEER: Mel.

MR. MEL BELL: I think just following up on Roy and what Spud said. Yes it is a bit of a mess at the moment, and the Council did, this just sort of came up at the last meeting in particular. We're really not in a position to know where we're going to land. If we're trying to synchronize these plans and all, it's a moving target at this point. You might want to wait until we work through the federal side of this to see what we've got, and then try to match up from there perhaps.

CHAIR GEER: Are there any other comments? Spud.

MR. WOODWARD: Well I think the issue that was raised and caused concern, obviously the northern zone commercial quota was met, and there was a closure in August, which is the earliest that it has been. That prompted discussion about clarity as regards to the current version of the Omnibus Amendment.

I think just so it's said on the record; as it sits right now there is nothing in the Omnibus Plan that would compel the state of North Carolina to stop fishing in its state waters for Spanish mackerel at this point. That is a correct interpretation of the Plan as it is written right now, correct?

DR. SCHMIDTKE: Yes.

CHAIR GEER: Well maybe what we can do is start populating our Plan Development Team, and then come back in February with a motion to start; I would assume it would be an addendum, or an amendment? Toni.

MS. KERNS: I think most likely an addendum. If there is something in there that we can't modify through an addendum then it would have to be an amendment. We could have that Plan Development Team at least pull together a list, which Mike has basically done already.

But as the Council moves forward with their framework, we could bring back to the Board a list of information; maybe have a little bit more background information in there. If the Board does initiate an addendum it will be a little easier and faster to pull together, if that is the intent of the Board for issues such as the difference in the zone boundaries.

CHAIR GEER: Does that sound like a way to move forward with the Board now? I see everyone saying yes. Is there any other discussion on this topic? We're going to try to do these compliance reports. I'm told Mike everyone is cold in this room. I know if I'm cold everyone is cold.

**CONSIDER 2019 FISHERY MANAGEMENT PLAN
REVIEWS AND STATE COMPLIANCE FOR
RED DRUM, BLACK DRUM, AND
SPOTTED SEATROUT**

CHAIR GEER: Everyone wants to get out of here, so Mike are we going to do the compliance reports for red drum, black drum, and spotted sea trout?

DR. SCHMIDTKE: I will try to move through these quickly; not really huge compliance issues with any of these species, but just gives an update on each of them. First looking at red drum, total coastwide red drums in 2018 were 8.3 million pounds. This is roughly a 1.4 million pound

decrease from 2017, but it is above the previous ten year average.

The commercial and recreational fisheries harvested 2 percent and 98 percent of the total respectively. Coastwide commercial landings have varied without much trend from approximately 55,000 to 423,000 pounds since 1981. In 2018, coastwide commercial harvest decreased from 194,000 pounds in 2017 to 145,000 pounds, with 99 percent of the commercial harvest coming from North Carolina.

Red drum are assessed as two stocks, one in the Mid-Atlantic from North Carolina north, and the other in the South Atlantic from South Carolina south. In 2018, 80 percent of the total landings came from the South Atlantic region, where the fishery is exclusively recreational, and the other 20 percent came from the Mid-Atlantic.

This really continues a trend that's been going on for the last 30 years, in which the majority of harvest comes from the South Atlantic recreational fishery. Recreational data as a note, these are all updated FES numbers. Recreational harvest of red drum peaked in 1984 at 2.9 million fish, which comes to 10.1 million pounds.

Following this peak and a subsequent decline, the recreational fishery has shown an increasing trend from the late 1980s through the present, in terms of both harvest and catch. In 2018 the recreational harvest decreased from 2.6 million fish to 2.3 million fish, and as far as poundage that goes 9.5 million pounds in 2017, 8.2 million pounds in 2018. The 2018 harvest is higher than the previous 10-year average in numbers and in pounds.

Florida anglers landed the largest share of recreational harvest in numbers at 47 percent, followed by Georgia and North Carolina. Anglers release more red drum than they keep. The percentage of the catch that is released has hovered around 80 percent since the 1990s, and recreational releases show an increasing trend over the time series, due to an increasing trend

in the catch, 9.8 million fish were released in 2018, which is 81 percent of the recreational catch.

Eight percent of the released fish are estimated to die as a result of being caught using this mortality rate. An estimated 782,000 discarded fish died in 2018. Recreational removals from the fishery in 2018 are thus estimated to be 3 million fish. This increasing trend seen in total removals since the late 1980s is reflective of increases in catch and harvest.

The most recent coastwide assessment was completed in 2017. It indicated that the abundance of young fish from both the northern and southern stocks has remained fairly stable since 1991, and static spawning potential ratio has been above the overfishing threshold since 1995. Therefore, neither stock is likely experiencing overfishing, although the SASS and the Plan Review Team both noted a great amount of uncertainty in the static SPR for the southern stock in particular.

In 2017, South Carolina also completed a state-specific assessment that did indicate that overfishing was occurring for that population of red drum. This resulted in a management change that went into effect in 2018. Here is a brief reminder of the Commission's management history for red drum. The FMP was established in 1984. There have been two amendments, and one addendum to the most recent amendment. We currently manage under Amendment 2, with optimal yield set and reference points based on static SPR.

There is a requirement also from Amendment 2, requiring the 27 inch maximum size. This is Table 1 from the FMP Review Document, and it shows the 2018 management that was in place. The only change from previous years was in South Carolina. They reported a change in regulations that went into effect reducing their bag limit from 3 fish to 2 fish, and establishing a 6 fish boat limit. But there were no other state regulatory changes for 2018.

A state may be granted *de minimis* if the Board determines that action by the state in terms of a particular management measure would not contribute significantly to the overall management program. It doesn't really specify a time period, percent, or a fishery in terms of *de minimis*, so the PRT has been evaluating states contributions to the fishery by comparing each state's two-year average of combined commercial and recreational landings to the management unit.

New Jersey and Delaware have both applied for *de minimis* status, and the PRT has determined that they qualify. The PRT would recommend that all states have implemented the requirements of Amendment 2, and that the Board would approve the 2019 FMP Review, state compliance reports, and *de minimis* status for New Jersey and Delaware. There are also additional research and monitoring recommendations that can be found in the FMP review document. I can take questions on red drum.

CHAIR GEER: Any questions on red drum? We're not going to hear any, moving on.

DR. SCHMIDTKE: Next looking at black drum. First going to black drum harvest, total landings throughout the time series are heavily recreational, ranging up to 11 million pounds in 2008, 2018 landings were 5.3 million pounds, which is a 20 percent decrease from 2017. Commercial landings have been low and fairly consistent throughout the time series. They comprise 5 percent of the total in 2018, at 239,000 pounds.

This was a 17 percent increase from 2017, and North Carolina harvested the majority of commercial landings, followed by Virginia. Recreational harvest has fluctuated pretty widely, but doesn't show any long term trends since 2000. Harvest in 2018 was about 5.1 million pounds, or 1.4 million fish.

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

This was a 20 percent decrease by weight and a 19 percent decrease by numbers from 2017. Looking specifically at the recreational sector for catch and releases, Florida harvested the majority of recreational landings in numbers at 65 percent, followed by South Carolina. The percentage of releases has increased throughout the time series.

Over the last four years over 70 percent of the recreational catch has been released. In 2018 there was an increase in the percentage of catch that was released, with about 6 million fish that were released. Recreational discard mortality is estimated at 8 percent. This amounts to about 486,000 recreational dead discards. The 2015 benchmark stock assessment was conducted, and showed that median biomass is still well above what is needed to produce maximum sustainable yield. The median overfishing limit is 4.12 million pounds, and the stock is not overfished or experiencing overfishing. There was a five year trigger for the next assessment in 2020. The Black Drum TC met earlier this year to discuss that and the PRT when we get to the recommendations has a recommendation concerning the TCs conclusion.

The black drum FMP was established in 2013, and required all states with a declared interest to implement a maximum possession limit by 2014, with a minimum size limit of 14 inches or more by 2016. Addendum I was approved in 2018, which allows Maryland to reopen its commercial fishery in the Chesapeake Bay.

Looking at 2018 management measures that were in place, all the management was the same except one note going into 2019 is that Maryland will be reopening their commercial fishery in the Chesapeake Bay, well they have. They have opened their commercial fishery in the Chesapeake Bay as of February of this year.

The PRT finds that all states have implemented the FMP requirements. No states requested *de minimis* through the reporting process. Therefore, the PRT recommends that the Board

approve the 2019 black drum FMP Review and state compliance reports. There are other management research and monitoring recommendations included in the FMP Review Report concerning the assessment scheduling. The PRT recommends that the assessment scheduling be postponed for three years and then reconsidered, and whenever the next assessment is conducted that it be a benchmark that attempts to modify the DBSRA model, and incorporate new information. This is basically the Plan Review Team supporting the Technical Committee's recommendation to the Assessment Science Committee.

They would ask that the Board also take up that recommendation as well. This does not need any specific motion to it, it is simply informing the Board of the timing, and if the Board has any disagreement then that can be expressed. But otherwise I can take any comments or questions on black drum.

CHAIR GEER: Are there any questions for Mike? I believe the stock assessment; we approved the new stock assessments schedule which includes that change in the Policy Board meeting. No questions of Mike, moving on?

DR. SCHMIDTKE: Okay last one is spotted sea trout. Here we see the spotted sea trout coastwide landings, the vast majority of which come from within the management unit, comprised of Maryland through Florida. Total landings in 2018 were 4.7 million pounds; this was a 36 percent decrease from 2017.

Commercial landings were 169,000 pounds, a 55 percent decrease from 2017, and North Carolina harvested the majority of the commercial landings. Commercial landings have shown a gradual decline since the 1980s through the present. The majority of harvest comes through the recreational sector throughout the time series though, when that data has been available. Recreational landings in 2018 were, excuse me I'll skip to the next one. Recreational landings in 2018 were 2.8 million fish. This was

Proceedings of the South Atlantic State/Federal Fisheries Management Board Meeting
October 2019

a 31 percent decrease from 2017. Georgia had the largest recreational harvest in numbers at about 39 percent. Recreational releases have increased throughout the time series. In 2018, 91 percent of the catch was released.

That amounts to 28.1 million fish. This is the highest in both percent and number released in the time series, and this was likely impacted by the closure of North Carolina's fishery for about half of the year, also South Carolina took up a campaign to encourage catch and release fishing, in response to a winter cold stun event that occurred in 2018.

Catch largely follows the trend of releases due to that highly disproportionate number of releases, so 31 million fish were caught in 2018. This is 36 percent higher than 2017, and the highest catch in the time series for the recreational fishery. No coastwide stock assessment has been conducted for spotted sea trout, and the PRT maintains its recommendation that a coastwide assessment would not be recommended, due to the largely non-migratory life history, and the low data availability to that effect.

There have been local assessments performed by several states, the most recent of which we've been made aware of occurred for Florida. It indicated that northeastern Florida and southeastern Florida were above the biomass threshold, but below the target biomass and not overfishing.

Spotted sea trout are included in the Omnibus Amendment. The only management requirement is a minimum length limit of at least 12 inches for both sectors. All states were in compliance with this minimum length limit. There were two management changes noted for 2018. Virginia defined total length within their documentation, and North Carolina as I mentioned before, they closed the commercial and recreational fisheries from January 5 through June 15.

This is not a regulation change, but South Carolina as I mentioned before, also was trying to encourage catch and release fishing from January through September through their "Let 'em spawn let 'em live" campaign.

The Omnibus defines a *de minimis* status for spotted sea trout, in which states qualify if average total landings from the last three years are less than 1 percent of the total coastwide landings during that time period. New Jersey and Delaware requested continuation of their *de minimis* status, and the PRT notes that they meet the requirements. Therefore, the PRT find that all states have implemented the requirements of the FMP, and recommends that the Board approve the 2019 FMP Review, state compliance reports, and *de minimis* status for New Jersey and Delaware. There are other recommendations found in the FMP Review as well, and I can take questions on spotted sea trout.

DR. SCMIDTKE: Any questions for Mike? Lynn.

MS. FEGLEY: I'll try not to let my teeth chatter, and thank you, Mike. I would like to make a motion to accept the FMP Reviews and state compliance reports for red drum, black drum and spotted sea trout, with *de minimis* status approved for New Jersey and Delaware for red drum and spotted sea trout.

CHAIR GEER: Everybody's hand going up, I'll take Mr. Estes. I don't know if you're standing up because you're cold or you're ready to go, or both.

MR. ESTES: Yes.

CHAIR GEER: Can we combine them or do you want them separately? Thank you for indulging us on that. I guess they had it already written separately, and I was trying to do it together as one. I apologize. **Move to approve the 2019 Spotted Seatrout, Black Drum, and Red Drum FMP Reviews, state status reports and *de minimis* requests for New Jersey and Delaware**

**for red drum and spotted sea trout, motion by
Ms. Fegley, seconded by Mr. Estes.**

**Is there any opposition to this? Hearing none,
I'll say it's approved unanimously or by consent.**

ADJOURNMENT

CHAIR GEER: Is there anything else to come
before this Board, besides trying to stay warm?
All right the meeting is adjourned and everyone
have safe travels back home.

(Whereupon the meeting adjourned at 12:05
o'clock p.m. on October 31, 2019)