

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

**Crowne Plaza Hotel  
Old Town, Alexandria, Virginia  
August 4, 2011**

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2. **Approval of Proceedings of March 23, 2011** by Consent (Page 1).
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5. **Move to accept Option 2 for Spanish mackerel under recreational measures, removing the permitted gear specifications and remove the permit requirement** (Page 7). Motion by Tom O'Connell; second by A.C. Carpenter. Motion carried (Page 7).
6. **Move to accept Option 2 for spotted seatrout recreational management measures but move the monitoring and management measures to reach a 20 percent spawning potential ratio to the recommended management measures section** (Page 7). Motion by Michelle Duval; second by Spud Woodward. Motion carried (Page 7).
7. **Move to accept Option 2 for commercial management measures for spot** (Page 7). Motion by Bill Cole; second by Malcolm Rhodes. Motion carried (Page 8).
8. **Move to accept Option 2 for Spanish mackerel for commercial management measures, removing the permitted gear specifications and removing the permit requirements** (Page 8). Motion by Tom O'Connell; second by Bill Cole. Motion carried (Page 8).
9. **Move to accept Option 2 for spotted seatrout commercial management measures but move the monitoring and management measures to achieve 20 percent SPR to the recommended management measures section** (Page 8). Motion by Michelle Duval; second by Malcolm Rhodes. Motion carried (Page 8).
10. **Move to adopt Option 1 for the de minimis criteria for all species** (Page 8). Motion by Bill Cole; second by Spud Woodward. Motion carried (Page 8).
11. **Move to allow the exemption of monitoring requirements for de minimis states** (Page 9). Motion by Tom Fote; second by A.C. Carpenter. Motion carried (Page 9).
12. **Move to recommend to the ISFMP Policy Board that they authorize the executive director to write a letter to the secretary requesting bycatch data for species managed by the South Atlantic State/Federal Fisheries Management Board** (Page 10). Motion by Wilson Laney; second by Russ Allen. Motion withdrawn (Page 10).
13. **Move to submit draft implementation plans for spot and spotted seatrout to the commission by October 15<sup>th</sup> and discuss implementation at the annual meeting** (Page 12). Motion by A.C. Carpenter; second by Bill Cole. Motion carried (Page 12).

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14. **Move to recommend that the full commission approve the Omnibus Amendment for spot, spotted seatrout and Spanish mackerel as amended today** (Page 12). Motion by Bill Cole; second by John Frampton. Motion withdrawn on (Page 13).
15. **Move that states submit their implementation plans for Spanish mackerel by March 15, 2012** (Page 13). Motion by Tom O'Connell; second by Michelle Duval. Motion carried (Page 13).
16. **Move to set an implementation date of the Omnibus Amendment for July 1, 2012** (Page 13). Motion by Spud Woodward; second by Bill Cole. Motion carried (Page 13).
17. **Move to recommend to the full commission approval of the Omnibus Amendment for Spot, Spotted Seatrout and Spanish Mackerel as amended today** (Page 13). Motion by Bill Cole; second by John Frampton. Motion carried (Page 13).
18. **Move to approve the de minimis requests for Delaware, commercial; South Carolina, commercial and recreational; Georgia, commercial and recreational; and Florida, commercial** (Page 14). Motion by A.C. Carpenter; second by Bill Cole. Motion carried (Page 14).
19. **Move to accept the FMP Review for Atlantic Croaker** (Page 14). Motion by Michelle Duval; second by Malcolm Rhodes. Motion carried (Page 14).
20. **Move to accept the de minimis requests for red drum for New Jersey and Delaware** (Page 15). Motion by Malcolm Rhodes; second by Bill Cole. Motion carried (Page 15).
21. **Move to accept the 2011 FMP Review for Red Drum** (Page 15). Motion by Bill Cole; second by Spud Woodward. Motion carried (Page 15).
22. **Move to adjourn by Consent** (Page 15).

## ATTENDANCE

### Board Members

Russ Allen, NJ, proxy for D. Chanda (AA)	Robert H. Boyles, Jr., SC (LA)
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	John Frampton, SC (AA)
Tom Fote, NJ (GA)	Malcolm Rhodes, SC (GA)
Tom O'Connell, MD (AA)	Spud Woodward, GA (AA)
Russell Dize, MD, proxy for Sen. Colburn (LA)	Michael Denmark, GA, proxy for J. Duren (GA)
Bill Goldsborough, MD (GA)	Sen. Thad Altman, FL (LA)
Jack Travelstead, VA, proxy for S. Bowman	Aaron Podey, FL, proxy for J. McCawley (AA)
Catherine Davenport, VA (GA)	Bill Orndorf, FL (GA)
Bill Cole, NC (GA)	John Carmichael, SAFMC
Michelle Duval, NC, proxy for L. Daniel (AA)	A.C. Carpenter, PRFC

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

### Ex-Officio Members

Joe Grist, Atlantic Croaker Technical Committee Chair

### Staff

Toni Kerns  
Daniel Brzezinski

Meredith Wilson

### Guests

Robert Sadler, NMFS

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 4, 2011, and was called to order at 9:07 o'clock a.m. by Chairman Robert H. Boyles, Jr.

### **CALL TO ORDER**

CHAIRMAN ROBERT H. BOYLES, JR: Good morning, everybody. I'd like to call to order the meeting of the South Atlantic Board with a parenthetical note that our chairman and vice-chair are missing, so you will have to suffer through my guidance perhaps today and thank you for your forbearance in allowing us to deviate from the standard practice of when the chair or vice-chair are not around, that a senior ASMFC staffer serves as meeting chair.

We've had some transition issues at staff, of course, that everybody is aware of, and they've got some challenging issues over at the Northern Shrimp Section. I appreciate your deference to letting me serve as your chair, a reprise of a role that I held some time ago.

### **APPROVAL OF AGENDA**

CHAIRMAN BOYLES: The first order of business, of course, is to seek consent on the agenda. I have had a request that we move things around a little bit so you'd give me that discretion; specifically I was going to move the spot monitoring report before the Omnibus Amendment. Mr. Cole.

MR. BILL COLE: That was what I wanted to discuss, Mr. Chairman.

CHAIRMAN BOYLES: Okay, and I've had a request that John Carmichael wanted to give an update on some upcoming stock assessments for species in the South Atlantic and perhaps a plea for assistance. Any other items to be added to the agenda? Seeing none, then the agenda will stand adopted as modified.

### **APPROVAL OF PROCEEDINGS**

The proceedings were included on your briefing CD. Are there any additions or deletions or changes to the minutes? All right, seeing none, any objection to adopting those minutes? Then those minutes are adopted.

### **PUBLIC COMMENT**

CHAIRMAN BOYLES: The next item on the agenda at this time is an opportunity for those members of the public who would like to address the board on issues that are not before the board on the agenda. I'm not aware of anyone who has requested to speak so we will move and dispense with that. The next item, we will jump down to Item Number 6, the Spot Monitoring Report, and turn it over to Joe Grist. Joe.

### **SPOT MONITORING REPORT**

MR. JOE GRIST: Well, as has been the case for the last five years, I have come before you representing the Spot PRT to discuss a little bit on the data that we've seen from the juvenile indices, adult indices and the landings, and once again we'll do it this year and preceding the Omnibus Amendment.

We'll just go right into the data itself, working basically from north to south on each issue. We'll start with juvenile indices. As you have seen in the past, we're still getting a bit of variable information from some of these indices; no real clear trends. We go as far north as Delaware looking for data on spot the Delaware Young of the Year Indices. These are mostly from their trawl sampling.

These are two indices in previous years we've seen up and downs, but we keep going below our means, and then we'll rise above them and we'll drop right back down real hard again. We haven't seen any real clear trends out of Delaware yet as far as a good increase or a decline. We do have those time periods in the late nineties and the early 2000 time period where it was very low. This is a trend we've seen with many other states.

Moving down to Maryland, on the Maryland Seine Indices it has been the Chesapeake Bay itself. We saw an overall decline for many years, from the eighties into the nineties, with some peaks. One of the curious things that we saw in last year's data set was a very marked increase; in fact, possibly the highest mark ever seen with one of the seine surveys, and both of in general were very high for 2010.

This is a trend that did not see in their coastal bay but we did see a spike in previous years, but moving to Virginia we also saw a spike in our Chesapeake Bay in both what is noted as the VIMS Juvenile Fish and Blue Crab Trawl Survey. In fact, for the VIMS survey this is the highest ever value we've seen.

Anecdotally in Virginia we can say that this past April and May we saw more small spot coming through and being reported recreationally and commercially than we've heard of in previous years. That was of quite an interest because we haven't seen many spot in April in Virginia in quite a number of years either; but last year apparently juveniles in the bay, there was just this huge spawn had come through for young of the year on spot, so both Maryland and Virginia picked up on this.

Also in North Carolina, though not as dramatic, we did see also an uptick again with juvenile indices for spot through their estuarine trawl survey. Theirs have been more of a variable survey over time and it hasn't seen the declines that we've seen in Maryland and Virginia. Moving further south to South Carolina, more variability there, up and down, kind of similar to the Delaware surveys that we've seen.

So on the range it has been more variable, but right in the heart of the actual population for Maryland and Virginia, especially in the Chesapeake Bay area, we did see a marked increase for juvenile young of the year last year. Adults, again we'll work north to south. This is for Delaware Bay; again more variability in the actually catch-per-unit effort survey we see here. This comes out of their bottom trawl sampling.

We don't have good adult surveys for Maryland or Virginia, so the next one we have is for North Carolina. Now, North Carolina on the adult surveys has been ever on a decline; no increase whatsoever has been seen through this Pamlico Sound Independent Gill Net Survey. That is a cause for concern for the PRT. South Carolina, in previous years we had actually been noting the rise and how it was different from North Carolina, but this last year a very marked decline in the South Carolina Trammel Net Survey.

But when we looked at the NMFS Groundfish Survey we saw an increase, so a lot of mixed messages coming here. When we looked at the SEAMAP surveys by state, North Carolina saw an increase not like their inshore data. It was more variable for the other states, South Carolina, Georgia and North Carolina.

Dependent, your landings data, Maryland, the last couple of years their commercial landings has been some of the higher years they've seen for commercial landings. Maryland landings, normally the peaks are in the 500 to 600,000 pound range, so it's not as high as some states which are in the millions, but still they

notice these are peaks that they haven't really seen since back actually in the 1950's.

The recreational, though, has been on decline on both the harvested and released reports; marked decline since about 2007. This is something we've seen in other states south. Virginia, this shows both commercial and recreational for 2010. It is one of the lowest years that we have seen combined since the late 1990's.

Recreational is very much down the last two years. Commercial has been on a drop for the last couple of years. We've had a little spike that would come up and then it would go back down again. The spikes we've been able to attribute in Virginia commercially to changes in the actual operation of the commercial gear. We have seen where our traditional haul seine fishery has turned more into a beach seine fishery, and they found a way to target spot more specifically that way in certain years, but it didn't carry through the following years.

The adaptability of our commercial fishery to seek out spot, they'll find a new way to go after it, but then it won't follow through, and that's where these last couple of years of spikes with our commercial fishery have really come from. North Carolina, though, landings for spot is similar to their adult indices and are very much on the decline both recreationally and commercially. This was very much of a concern for the PRT when we saw these.

Just in summary, the future spot availability and harvest may improve. We saw these spikes in the juvenile abundance indices for spot, especially with Virginia's Chesapeake Bay Survey and in Maryland in the Chesapeake Bay. We're hopeful they're going to carry forward, but in a point that is further down here we have seen that adult and juvenile indices have not correlated.

We're hopeful but we haven't seen it play out before so we'll have to see if this is going to play out this time. History shows it usually doesn't. Recruitment indices overall and their annual variability, the long-term trend is still showing declines even through we did have these 2010 spikes. Our commercial catch at ages, which had very much an expansion in the early 2000 time period all the way out to age five and six have now decreased down.

They have contracted to basically ages one through three, some in the fours. Our length at age and our weight and age have also declined for ages one through three. That's another cause for concern for

the PRT. We also had a large winter kill of spot documented in Chesapeake Bay up in Maryland. I believe it was over 2 million spot were determined to have been killed through a winter kill, so this is another concern.

Our recommendations in the past and today are not very much dissimilar. We would have recommended initiation of a stock assessment last year. As you know the PRT went through an actual life history workshop up at ASMFC in March of 2010. We actually found that the life history data itself was adequate for a stock assessment, but the major deficiency in spot is the bycatch and discard data, mostly attributed to the shrimp trawl fishery and to a lesser extent the Maryland pound net fishery and some of the Virginia scrap and bait fisheries.

These are similar issues that you heard with the Atlantic Croaker Assessments, and the Atlantic croaker have much more data available to them than we do with spot. We already knew from that standpoint if croaker struggled to get past that assessment, we'd never get spot through one with similar issues.

The Spot PRT did recommend additional bycatch monitoring at that time last year to be established so we can start getting the data necessary for a benchmark assessment, though. The PRT, though, in its final conclusion is very much in support of the Omnibus Amendment, which will be before you in a few minutes.

These include trigger-based management measures that we have come up and developed for the Omnibus. We believe management actions should be considered based on these triggers instead of a stock assessment at this time and until we can get to the point where a benchmark is actually feasible.

The PRT also continues to recommend – and we highlight this too often and it has been highlighted by other groups – we need additional bycatch monitoring programs, especially for the shrimp trawl fishery, to be established so we can get to the benchmark. We feel that is very much necessary. This is a multi-state fishery.

Carolina is definitely seeing a decline, Virginia is very much concerned about it – I can speak for that – and I know Maryland has concerns, also. This is where the PRT stands now. We do hope the Omnibus go forward and we can get to the point of at least providing a trigger solution until we can get to a stock assessment. That's all I have, Mr. Chairman.

CHAIRMAN BOYLES: Thank you, Joe, for a great presentation as always. Questions for Joe on the monitoring review? A.C.

MR. A.C. CARPENTER: Not necessarily a question as much as a comment in talking about the pound net discard. I want to bring it to the attention that in 2011 the Potomac River Fisheries Commission started requiring cull panels in pound nets. The testing that was done on these things, it releases spot up to about six inches, so there should be very little discard associated with that fishery this summer. We're interested to track that and see how that plays out, but that's a mandatory requirement now.

MR. COLE: Mr. Chairman, not a question, but I guess the way to handle this, based on Joe's recommendation, would be to accept the PRT report and then deal with the motion for other action under the Omnibus?

CHAIRMAN BOYLES: I think that would be in order so is that a motion, Bill?

MR. COLE: **I'll move the acceptance of the PRT Report.**

CHAIRMAN BOYLES: All right, motion by Mr. Cole; second by Dr. Rhodes. Any discussion on the motion? Is there any opposition to that motion? **Seeing none, that motion carries.** That takes us right back up to Agenda Item Number, the Omnibus Amendment, and note that we are potentially seeking final approval here this week. I'll turn it over to Danielle.

## **OMNIBUS AMENDMENT FOR FINAL APPROVAL**

MS. DANIELLE BRZEZINSKI: We are considering today the Draft Omnibus Amendment for Spot, Spotted Seatrout and Spanish Mackerel for final approval. Just as a reminder of where we are in this timeline, as far as we have, it's at the end. The board has been addressing this issue since August of 2009. In terms of the outline for today, I'll go quickly over the public comment that was received and then go over the decision points and options that are for consideration of the board under the Omnibus.

In terms of public comment, there were four public hearings held, South Carolina, North Carolina, Virginia and Maryland. The major concerns that were heard dealing with any of the management options concerned the 20 percent SPR measure for spotted seatrout due to the monitoring costs and



additionally the limited interstate movement of spotted seatrout.

There was additional concern from two individuals regarding discard mortality, regarding size limits and trip limits and the lack of quotas for all species. Otherwise, most of the other comments were very supportive the board's preferred options that went out for public comment. Just briefly, to go over the decision points and options that the board has, if you looked at the draft of the Omnibus, these are either areas where there are options available or there were areas that were read that said the board will fill this in once it makes the final decision.

Just as a reminder of why we're doing this amendment, all three of these plans were passed prior to the Atlantic Coastal Act in 1993 or the Interstate Fisheries Management Program Charter in 1995. The hope is that with these updates there will be more timely management and efficient management on the stocks. Additionally, there was some concern with federal consistency specifically with Spanish mackerel.

Finally, these are fundamental changes to the existing FMPs which require an amendment. Why we're doing this as an omnibus, well, all three species did need these updates. The first option up for consideration within the Omnibus is regarding the spot stock status, which Joe mentioned. Currently there is no coast-wide assessment and none recommended.

Option 1 under this just simply recommends the collection of needed data to complete an assessment, meaning that bycatch data that Joe mentioned. Option 2 would not only recommend the collection of that data but also implement the management trigger, which the PRT has recommended. This management trigger would be used until a stock assessment can be completed.

The management trigger relies on five different indices; two of which are fishery-dependent commercial and recreational landings and three of which are fishery-independent, and those come from the SEAMAP, the National Marine Fisheries Service Survey, and the Chesapeake Bay Seine Survey.

The second decision point for the board regards the recreational management measures. For all three species Option 1 is the status quo, which are no requirements, only potential recommendations. Option 2 can be sort of termed the operating status quo. It incorporates the lowest common denominator

of state requirements as well as some new federal measures that are being considered for Spanish mackerel, and the PRT recommended management triggers for spot.

Specifically for Spanish mackerel, the details are here indicated with minimum size, creel limits, some concerns regarding charter/headboat operators requiring permits, designation of permitted and prohibited gear, and then following what is currently within Amendment 18 of the federal FMP that's being considered.

The accountability measure would be a payback of the overage, reduced bag limits only when the total annual catch limit is exceeded and the stock is considered overfished. Currently under Option 2 for spot again is the management triggers, and then for spotted seatrout is the 12-inch total length minimum size and the 20 percent SPR requirement. Option 3 would be any other combination that the board would wish to include.

For commercial management measures, it's set up very similarly. Option 1 would be status quo, no requirements. Option 2 includes what would be current requirements within states as well as some of the new federal measures. Specifically with Spanish mackerel, again we have some requirements in terms of permitted versus prohibited gear, the minimum size, trip limits, and again that accountability measure of payback of overage only when the total ACL is exceeded and the stock is considered overfished.

Spot, again similar management triggers as spotted seatrout, minimum size and the 20 percent SPR. Again, Option 3 is any other combination. The next decision point is in regards to de minimis, which would 1, 2 or 3 percent of the coast-wide combined landings, so that's recreational and commercial looking over the past three years' average.

The PRT and PDT members all recommended 1 percent and board went out to public comment with the 1 percent preferred option. Additionally, with de minimis there is a possibility for the board to include exemptions for those states that qualify as de minimis. Generally these exemptions have been for monitoring requirements. However, if there is a change that needs to be made later, there is the ability to modify these exemptions at a later date through adaptive management measures, which is an addendum.

The next decision point that the board may wish to include language would be recommendations to the

Secretary of Commerce. Currently there is no language included and there have been no suggestions for language as of yet, and again this can be addressed in the future through adaptive management.

In terms of monitoring specifications, there are currently no requirements except within the spotted seatrout Option 2, which requires monitoring and management measures to achieve the 20 percent SPR for spotted seatrout. The monitoring section does include recommendations to continue current surveys for both adults and juveniles and to increase the level of monitoring for bycatch.

In terms of recommended management measures, this is the section where the board could include measures that don't make it into the requirements but are still highly encouraged for good, sound management of the species. This includes the request that states outside the management units implement complementary regulations. Additionally there are some overfished and overfishing definitions included for Spanish mackerel only.

As the last stock assessment did not conclude any actual numbers itself, there aren't any specific values but rather just definitions. These along with definitions for spot and spotted seatrout can be changed in the future through adaptive management, and that has been included. Compliance reports as part of the Omnibus Amendment would be required.

There are no monitoring requirements to report on other than regulatory and perhaps law enforcement requirements. The proposed schedule for submission would be all in the fall. There are many needs that have been identified for management and research. A lot of them relate back to the ability to perform stock assessments and the data that are needed to fulfill those such as bycatch data. There is also a reference to social and economic impacts.

The total list is listed in Table 17 of the Omnibus. Protected species concerns are also listed as part of the background on each of the species. As a summary, the decisions options that are listed are here so again the spot stock status, recreational and commercial management measures, de minimis levels and exemptions, recommendations to the Secretary of Commerce and NOAA Fisheries, monitoring requirements and the recommendations that perhaps the board would want to include in recommended management measures, and then potentially an implementation timeline would need to be discussed. Thank you, Mr. Chair.

CHAIRMAN BOYLES: Thank you, Danielle. Questions on the presentation? A.C.

MR. CARPENTER: In reading through this, the Option 2 for the recreational fisheries says charter or headboat captains must possess a special permit in terms of Spanish mackerel. Can somebody explain what this special permit is because as far as I know none of our captains have these? Now, we don't see a lot of Spanish mackerel but they do show up at the mouth of the river occasionally.

MS. BRZEZINSKI: Part of the background and thought process regarding the Option 2 management measures within the Spanish mackerel were to have federal consistency. We took what was in the federal plan currently and moved it over. That is certainly something the board could look to change if they wish to.

MR. THOMAS O'CONNELL: Just to follow up on that, I assume that the permit requirement is to facilitate collection of harvest data; so if the states are already collecting that harvest data, I think that's something for the board to consider whether or not that's something that could be excluded from this plan. I also see that there is a permit requirement from the commercial fishermen who would be landing Spanish mackerel, and that's a similar issue there.

MS. BRZEZINSKI: I think part of that background is correct, yes.

MR. O'CONNELL: Yes, and then a second issue is under the Spanish mackerel recreational and commercial sections, under gear, there is a section of prohibited and permitted gears, and my specific concern is related to the gears that are allowed for the commercial fishery. Pound nets are a fishery in Maryland's Chesapeake Bay that occasionally intercepts Spanish mackerel. One option would be to see if the board would be willing to add that to a permitted gear. The other option would be to extract the language on permitted gears and just specify those gears that are prohibited.

CHAIRMAN BOYLES: That's a good comment and I've hear similar concerns as well. Wilson.

DR. WILSON LANEY: Mr. Chairman, my question was relative to that charter/headboat permit. That presently would only apply in federal waters; would it not? Is my perception correct on that?

MS. BRZEZINSKI: The current requirement is only for federal waters. I think including it within this language would require it within state waters as well.

DR. MICHELLE DUVAL: Mr. Chairman, I just have some concern about Option 2 for spotted seatrout, both the commercial and recreational management measures, the requirement for a 20 percent SPR. I know that was the job of the board is to go out to public comment with that being a preferred option.

I believe that this board has also had some previous discussions about maintaining that 20 percent SPR as a recommended management measure. I think Florida is the only state that is well above that 20 percent SPR; and just given the non-migratory nature of these species and the fact that they are susceptible to cold stunt events, I think that we would be very much interested in simply moving that over to recommended management measures as monitoring to achieve a 20 percent SPR as a recommended measure. Otherwise, I think we're going to have a few states that are in a little bit of trouble.

CHAIRMAN BOYLES: Thank you, Michelle, and we have talked about that at some length. I talked to Louis about that as well. That measure did go out as a preferred and I think there was a disconnect and I will claim responsibility for some of that disconnect. That's a good point. Further questions? Wilson.

DR. LANEY: Mr. Chairman, in that regard kind of as a followup to Michelle's point, are the states already doing a sufficient amount of monitoring to assess what SPR we're at now? Would there be additional monitoring required above and beyond what everybody is already doing is my question?

DR. DUVAL: I think our monitoring is sufficient. I think there are a couple of other things that we would like to do, but I think the concern is really in having the 20 percent SPR be a compliance requirement and then us being found out of compliance. I think we're at 9 percent SPR right now just based on our own stock assessment, and we've already been hit with a cold stunt event again this winter. It's not as much about the monitoring; it's really more about being held to that 20 percent SPR given the nature of the species.

MR. SPUD WOODWARD: Yes, sort of to follow up on that, I think the predicament we face is say that we established a timeline to do spotted seatrout stock assessment and we did it following one or two of these consecutive winter events, we could end up

with an SPR estimate that is way low whereas preceding the cold events it could have been 25 or 30 percent. It's just a volatile stock subject to a lot of variation; so binding ourselves to something like this could create unintended consequences.

DR. DUVAL: Just a quick followup, Wilson, you may be aware that we've sort of established 20 percent SPR for North Carolina for our FMP as something that we're looking to reach in order to provide that buffer for the stock in the event of these cold stunt events.

MR. WOODWARD: I've got a question about Spanish mackerel just to make sure I'm straight on this. If we adopt it as presented and we got into a situation where there was a midyear quota closure on Spanish mackerel, would the states be required to close their waters consistent with the closure of federal waters?

MS. BRZEZINSKI: Currently within there, there is no quota set, no requirement to stay within the federal ACL and no requirement to close when the federal waters close, so I don't think so. Some of the states I know have in terms of commercial have requirements that say that they close when the federal waters close, but that is not included within these specific measures. I think that would be up to the individual states. Currently with the accountability measure within it, that would likely impact the states the following year as it is included, but in terms of a midyear decision I don't see that specific language in there.

MR. WOODWARD: Okay, well, a followup on that. Okay, so let's just say for instance we had an overage that resulted in us having to shorten the fishing year, so then the state would bear the responsibility the next year of changing its regulations to be compatible with a shortened fishing year in federal waters?

MS. BRZEZINSKI: Yes, should the overage occur and the total ACL be exceeded and the stock be considered overfished. The stock is not currently considered overfished. The next stock assessment would be in 2012.

CHAIRMAN BOYLES: Further questions on the presentation? Okay, Danielle, how do you want to move through this? We've got a number of votes that we need to take. Wilson.

DR. LANEY: Well, Mr. Chairman, if you are ready for a motion, if you want to go through these action by action, **then I was prepared to make a motion**

**that we approved Option 2 for spot under the assessment of spot status**, and that is the board's preferred option.

CHAIRMAN BOYLES: Okay, Wilson, that's a motion to approve Spot Option 2 under stock status; seconded by Mr. Cole. I'll note that this was certainly recommended by the PDT as well. We've got a motion and a second. Is there discussion on the motion? Any opposition to that motion? **Seeing none, that motion carries.** Now we'll look at recreational management measures and probably the best way to deal with this is look at these species by species; would you recommend that, Danielle?

MS. BRZEZINSKI: Yes, Mr. Chair.

CHAIRMAN BOYLES: All right, recreational management measures, two option – the third option is always to add some other management measures – who wants to go first to deal with spot? Wilson.

DR. LANEY: Well, Mr. Chairman, for spot recreational management measures, **I would move that we adopt Option 2, which again is the management board's preferred option.**

CHAIRMAN BOYLES: Motion by Dr. Laney; second by Mr. Cole. Discussion on the motion? Any opposition to that motion? **Seeing none, that motion carries.** Next we'll deal with recreational management measures for Spanish mackerel. Tom.

MR. O'CONNELL: Just a followup to my previous comments regarding permitted gear and permit requirements, **I would move to accept Option 2 for Spanish mackerel recreational measures, removing the permitted gear and permit requirements sections.**

CHAIRMAN BOYLES: Okay, that's a motion by Tom and second by A.C. Discussion on that motion? Tom, note again that this would remove the permitted gear specification and just list the prohibited gear. I think that gets you to your issue. Further discussion on that motion? Wilson.

DR. LANEY: Just clarification, Tom, so that means that under Option 2 we're taking out 2E and 2F; correct?

MR. O'CONNELL: That is correct except under 2F you would still list the prohibited gears.

CHAIRMAN BOYLES: Everybody know what we're doing? Tom, would you read that for the record, please?

MR. O'CONNELL: Move to accept Option 2 for Spanish mackerel under recreational measures, removing the permitted gear specifications and remove the permit requirement.

CHAIRMAN BOYLES: Further discussion on the motion? Any opposition to the motion? **Seeing none, that motion carries.** That brings us to recreational management measures for spotted seatrout. Dr. Duval.

DR. DUVAL: **Mr. Chairman, I would move to accept Option 2 for spotted seatrout recreational management measures but move the monitoring and management measures to achieve 20 percent SPR to the recommended management measures section.**

CHAIRMAN BOYLES: There is a motion by Dr. Duval; second by Spud Woodward. Discussion on the motion? I think the issue here is recognizing the susceptibility of the species to winter cold kills and preventing us from getting into non-compliance as a result of winter kills. It's certainly a concern that we've got in South Carolina as well. Further discussion on that motion? Michelle.

DR. DUVAL: Just a clarification on the language; I believe I said moving the monitoring and management measures to reach 20 percent SPR to the recommended management measures – it's not that we don't want it in the plan somewhere. **It should read move to accept Option 2 for spotted seatrout recreational management measures but move the monitoring and management measures to reach a 20 percent spawning potential ratio to the recommended management measures section.**

CHAIRMAN BOYLES: Dr. Duval, that's your motion and we've got it in the record. Spud, that's clarification for the seconder. Additional discussion on that motion? Any opposition to that motion? **All right, seeing none, that motion carries.** That takes us down to commercial management measures and let's do this again species by species, if we could. Spot, any motion to accept? I'll be looking for a motion to accept either Option 1 or Option 2. Mr. Cole.

MR. COLE: **Move adoption of Option 2 for spot, and this is the commercial measures.**

CHAIRMAN BOYLES: A motion by Mr. Cole to accept Option 2 for commercial management measures for spot; second by Dr. Rhodes. Further discussion on the motion? Any opposition to the motion? **Seeing none, that motion carries.** Next we'll move down to commercial management measures for Spanish mackerel. Tom.

MR. O'CONNELL: **I would move to accept Option 2 for Spanish mackerel commercial management measures, removing the permitted gear specifications and permit requirement sections.**

CHAIRMAN BOYLES: Motion by Mr. O'Connell; second by Mr. Cole. I believe this is very similar to what we've just done under recreational management measures. Again, I think the effect of this is removing the reference to permitted gear and simply establishing prohibited gear again as we did with the recreational management measures.

The motion is move to accept Option 2 for Spanish mackerel for commercial management measures, removing the permitted gear specifications and removing the permit requirements. Any discussion on that motion? Any opposition to that motion? **Seeing none, that motion carries.** That brings us down to commercial management measures for spotted seatrout. Dr. Duval.

DR. DUVAL: **Mr. Chairman, I would move to accept Option 2 for spotted seatrout commercial management measures but move the monitoring and management measures to achieve 20 percent SPR to the recommended management measures section.**

CHAIRMAN BOYLES: Motion by Dr. Duval; second by Dr. Rhodes. Discussion on the motion? Any opposition to that motion? **Seeing none that motion carries.** Okay, I think that takes us down to de minimis specifications. Do you want to do these individually or together? I think the PDT had some recommendations and we can probably deal with this together. We're looking for a motion to select an option and note that the plan development team and plan review team recommended a de minimis specification of 1 percent. Mr. Cole.

MR. COLE: Since we're doing this together, **I'll move adoption of Option 1 for the de minimis criteria.**

CHAIRMAN BOYLES: Bill, do you mean that for all species?

MR. COLE: Yes, I do.

CHAIRMAN BOYLES: Okay, and note for the record Option 1 is the 1 percent de minimis specification. Second by Mr. Woodward. Any discussion on that motion? Any opposition to that motion? **I see none and that motion carries.** Is there any desire to include any exemptions for the requirements under the de minimis specification? \

There is presently none and we need to be on record whether we want to include any of those or not. This came I think specifically from Mr. Miller from Delaware regarding questions in the past about de minimis requirements. Danielle, do you want to help us out?

MS. BRZEZINSKI: The question is regarding whether the board wishes to include any exemptions for those states that qualify for de minimis. As I said in the presentation, generally these exemptions are from monitoring requirements, which there are none currently in the Omnibus Amendment. There had some concerns raised regarding implementing some of the management measures. However, generally there is not an exemption from management measures within de minimis states.

CHAIRMAN BOYLES: I'm guessing that under the adaptive management approach should we require some monitoring requirements in the future, we may want to consider having a potential for exempting states from those monitoring requirements that meet the de minimis status; is that correct?

MS. BRZEZINSKI: Yes, Mr. Chair, and those could be included in that same adaptive management measure.

CHAIRMAN BOYLES: So we don't need to do this now necessarily; it's just a question of do we wish to? Tom.

MR. THOMAS FOTE: I look at personnel and I look at budgets in New Jersey, and for a small amount of fish I don't want to be where I have to take a hundred otoliths of fish when I have a hard time even catching a hundred fish, and so I think it's a good idea to put an exemption there especially for Delaware and New Jersey and even New York gets caught up in some of this, too.

CHAIRMAN BOYLES: **Tom, is that a motion then to allow for de minimis states to be exempt from monitoring requirements?**

MR. FOTE: I know we don't have any right now, but I've watched the future come down the road and I would basically make that motion.

CHAIRMAN BOYLES: It's a motion by Mr. Fote; second by A.C. Further discussion? A.C.

MR. CARPENTER: Well, I seconded the motion just to get some discussion on it, but I agree with Tom that these things have a life of their own and they do begin to grow. Whether we deal with the de minimis now on monitoring or we wait until we get monitoring requirements is a little bit of an academic exercise.

My preference would have been to leave the de minimis status language that is there noting that it will be addressed and that it has to be addressed at the time monitoring requirements are initiated and I think it would be a more practical solution to this rather than requiring that it be done. It was just an idea along that line.

CHAIRMAN BOYLES: Any further discussion on the motion? The motion is to move to allow the exemption of monitoring requirements for de minimis states. That motion is by Mr. Fote and seconded by Mr. Carpenter. Further discussion on the motion? Michelle.

DR. DUVAL: I like what A.C. said and I'm in support of that. I certainly am sympathetic to Tom's concerns about having to fish to actually get some otoliths, so I guess I just want to be clear that the language to allow the exemption of monitoring requirements doesn't necessarily mean that when set up monitoring requirements down the road that de minimis states are automatically exempt and that the board still has the option to discuss with those de minimis states what they can and cannot accomplish.

MS. BRZEZINSKI: I think as it currently reads it would automatically exempt them. However, the de minimis exemption's language can be changed via an addendum as well as the monitoring requirements; so should the board in the future wish to add monitoring requirements as part of an addendum, they could also change the de minimis exemption language at that time. It would be an additional section within an addendum in the future, but that is certainly within the board's purview.

DR. DUVAL: Thank you; that addresses my concern.

CHAIRMAN BOYLES: Further discussion? Tom.

MR. FOTE: Yes, with global warming we might not be de minimis in about ten years so we might have to do all the monitoring that is available.

CHAIRMAN BOYLES: Further discussion on that motion? Any opposition to that motion? **I see none and that motion carries.** Currently the plan makes no recommendations to NOAA Fisheries and staff are not aware that there are any – we have not heard of any suggested recommendations to NOAA Fisheries from either the public or from the PDT. The question we have before us is do we wish to add any recommendations to NOAA Fisheries at this time? Okay, I see none and we will move down to monitoring requirements and recommendations. Wilson.

DR. LANEY: Just a quick question to Joe Grist relative to possible recommendations to the secretary with regard to observer coverage maybe in the South Atlantic Shrimp Fishery in federal waters. John Carmichael may be able to help me out here, but I know there are some – I guess some changes coming in the fishery due to some changed TED requirements which could, I suppose, involve some bycatch monitoring in the EEZ, and I'm wondering if there is any need for us to consider a recommendation to the secretary with regard to provision of some of that bycatch data that the PRT is looking for; is that something that we want to consider at this point?

MR. GRIST: From the Spot PRT perspective, yes; and as chair of the Croaker Technical Committee I'd say yes to it also. I think it's important for both.

DR. LANEY: Given Joe's answer, then maybe the way to do this would be to give the staff the latitude to craft some language in the form of a recommendation to the secretary that – and I'm not sure exactly how to word it – just to the effect that the ASMFC would like to see some additional bycatch data especially from the South Atlantic Shrimp Fishery and possibly from other South Atlantic fisheries as well that may impact spot and croaker and I guess all of these species, really, all the five species in the South Atlantic Management Board's purview.

CHAIRMAN BOYLES: Toni, do you have something?

MS. TONI KERNS: It may be something instead of making a recommendation in the FMP, it's something that you want to send in a letter to make that recommendation but not necessarily make it a –

unless you want it to be permanent in the FMP that you're always making that recommendation to the secretary.

DR. LANEY: That would be acceptable to me; that's fine.

CHAIRMAN BOYLES: Okay, recommend a letter – okay, I think we can deal with it that way. Wilson, we're looking for a motion to recommend to the ISFMP Policy Board that a letter to that effect be sent.

DR. LANEY: All right, Mr. Chairman, I would move that we recommend to the ISFMP Policy Board that they authorize the chairman or the executive director to send a letter to the secretary, I guess, recommending or requesting additional bycatch data or at least provision of any bycatch data that they generate for the Southern Shrimp Fishery and other southern fisheries relative to bycatch of these five species that are managed by the South Atlantic State/Federal Fisheries Management Board. Do I need to name the species?

CHAIRMAN BOYLES: No, but I want you to repeat that motion.

DR. LANEY: **Okay, let's see, move to recommend to the ISFMP Policy Board that they authorize the executive director to write a letter to the secretary – I guess we should say requesting bycatch data for species managed by the South Atlantic State/Federal Fisheries Management Board.** Is that good enough?

CHAIRMAN BOYLES: That's terrific; that's a motion by Dr. Laney; second by Russ Allen. Any further discussion on that motion? A.C..

MR. CARPENTER: I thought his original concept involved some additional at-sea monitoring efforts as well and I don't see that in this motion, but I think it would be a good idea if you intended that, to include that here.

DR. LANEY: I would accept that as a friendly amendment, A.C., and, yes, part of my hesitation is I don't know what they're doing now. I also think that the PRT probably would need to take a look at what is being done none and then weigh in on what additional information would be desirable, but, yes, I think that would be an appropriate addition.

CHAIRMAN BOYLES: Wilson, I wonder if it might be appropriate to ask the PRT to give us a recommendation for this before we craft a letter.

DR. LANEY: That's fine with me, Mr. Chairman.

CHAIRMAN BOYLES: I wonder if then maybe the better way to do that is simply withdraw this motion and then we can give some guidance to the PRT and they can bring this back to us.

DR. LANEY: **That's fine, Mr. Chairman, I'll withdraw the motion.**

CHAIRMAN BOYLES: Okay, if that's okay with the body, then that will be okay and we don't have to repeat that pedantic motion. Okay, we're down to monitoring requirements and recommendations, Danielle.

MS. BRZEZINSKI: Yes, Mr. Chairman, right now there are no monitoring requirements; just recommendations to continue current adult and juvenile surveys and to increase, if there is any possibility, additional monitoring of bycatch data.

CHAIRMAN BOYLES: Okay, any discussion or any desire to add monitoring requirements or recommendations? Okay, seeing none, we'll move on down to recommended management measures.

MS. BRZEZINSKI: Currently within the Omnibus Amendment we've got monitoring and management measures to achieve 20 percent SPR for spotted seatrout within the recommended management measures for both the recreational and commercial fisheries and that is what is currently included as well as recommendations to states outside of the management units to implement measures to protect these species.

CHAIRMAN BOYLES: Okay, any discussion? A.C.

MR. CARPENTER: I thought we just voted to take those out?

MS. BRZEZINSKI: Yes, the board voted to take them out of the required management measures. These are just recommended management measures; they're not mandatory.

CHAIRMAN BOYLES: All right, everybody clear, these are recommendations. Any desire to add any additional recommendations for management measures? Okay, seeing none, we will roll on down

to implementation timeline; how quickly can we request that the commission adopt this and implement this? Any suggestions? We have a blank slate here. Toni, do you want to jump in?

MS. KERNS: Typically what we'll do is have a date in which states can submit plans; and then if plans are needed to be submitted; and then we'll do a date for which those plans must be implemented by.

CHAIRMAN BOYLES: Do you think we can have a plan submitted by the February meeting; is that reasonable? What is the desire of the body? Spud.

MR. WOODWARD: I don't see that there is anything in here that is particularly onerous and going to require a lot of significant changes at least not at my state. I don't see any reason to delay it.

CHAIRMAN BOYLES: Tom.

MR. O'CONNELL: I'm just kind of curious just based upon everyone's current status in the regulatory process, from Maryland at least we could have things implemented relatively quickly. I'm interested in hearing from any states that would need more time to delay the implementation schedule.

MR. CARPENTER: How detailed a plan are we talking about because if it's simply the listing of your existing regulations and your intent to continue that into the future, I don't see why we can't have that to you by the annual meeting and have an effective date of January 1. Now if it's going to be a 30-page document that we've got to put together, that may take us a little bit longer. Can I have some guidance on how long this plan has got to be?

MS. BRZEZINSKI: I think I can answer that, Mr. Chairman. I don't think this is anything too out of the ordinary for anyone. I think the bigger issue might be potentially in terms of the Spanish mackerel just because there are some new requirements that aren't currently within the other states' regulations. That would probably be the major area where there would be concerns in terms of providing – like you said the intent to implement certain regulations or whatnot, but I don't think any of us are looking for 30 pages.

CHAIRMAN BOYLES: When do we want to go? Spud.

MR. WOODWARD: Just to make sure I'm straight is what we're talking about is the date by which we would submit our compliance plans and that doesn't hold us to actually – it says that we're going to do

this by a certain time. I mean, we've got to wait for the council to sort this Spanish mackerel thing out before we know what to do, anyway; so all we can do is say that if the plan goes into effect on this date, then whatever the council does – you know, is finalized, then we will act as soon as we can after that. Have I got the sequence of this correct?

MS. BRZEZINSKI: Yes, the council will be meeting next week to do their finalization. We had anticipated originally that would be done in June, but that did not occur. I guess the plans that we would be looking for would be – like you said, what would be implemented by the implementation date and not actual implementation. The first step would be this is what we will implement and then the second would actually probably be the compliance reports saying this was implemented.

CHAIRMAN BOYLES: Perhaps I've heard suggested dates of submitting the plans for compliance to the commission in time for the annual meeting, so that would probably be two weeks prior to, so by October 15<sup>th</sup> and then an implementation at some point in the future. The question is do states think we can pull that together?

I tend to agree it is in many regards – if you recall the origin of this amendment was simply to update the FMPs to be consistent with the requirements of ACFCMA, among other things, so there is necessarily a lot of heavy lifting and. I don't believe in terms of the regulatory process either, so how quickly can we turn this around?

Staff has suggested one potential approach is that we submit implementation plans in time for the annual meeting, whatever that date is – I'm guessing some time in the middle of October. Perhaps since the South Atlantic Council has not finalized its ACL Amendment and probably won't until next week, any subsequent regulations that may arise from that with Spanish mackerel, we could discuss that at the annual meeting. Toni, did I paraphrase that correctly?

MS. KERNS: Yes, you did, Mr. Chairman.

MR. JOHN CARMICHAEL: Actually I think you are on track with what the council is expecting to recommend, but it will be the secretary that ultimately implements it, so that could take considerably more time, so you probably won't know by the October meeting what actually will be implemented because the secretary could reject some of the things.



CHAIRMAN BOYLES: Good point, John; thank you for that reminder. Why don't I suggest this and look for a motion to submit draft implementation plans in time for the annual meeting for spot and spotted seatrout and we'll discuss implementation at the annual meeting. Does that put us in a box?

**Okay, October 15<sup>th</sup>, how about implementation plans for spot and spotted seatrout due to the commission by October 15<sup>th</sup>?** I'll look for a motion to that effect. Motion by Mr. Carpenter; second by Mr. Cole. Further discussion on that motion? Any opposition to that motion? **All right, that motion carries.** Okay, great discussion, a lot of stuff to wade through, but I would entertain a **motion to recommend final approval of the Omnibus Amendment as amended today.** Motion by Mr. Cole; second by Mr. Frampton. Toni.

MS. KERNS: If you could make a recommendation to the full commission.

CHAIRMAN BOYLES: That was a recommendation to the commission, Mr. Cole, right, and Mr. Frampton. The motion is move to recommend that the full commission approve the Omnibus Amendment for spot, spotted seatrout and Spanish mackerel as amended today. Motion by Mr. Cole; seconded by Mr. Frampton. Further discussion on that motion? Mr. Carpenter.

MR. CARPENTER: How are we going to recommend their approval if we don't have an implementation date in the plan for them to approve? I thought that was one of the key ingredients of a plan was implementation. That's just a question. The other question I have in regard to this is adoption of this Omnibus; does that supplant and replace the existing FMPs for the three species so that we now have one document that we can start referring to and we don't have to try to keep track of the old one and we can throw it out?

CHAIRMAN BOYLES: That's my understanding, A.C., but let me get confirmation of that from staff that this will in fact replace the fishery management plans for Spanish mackerel, for spot and for spotted seatrout; it will now be an Omnibus Fishery Management Plan, such as it were; is that correct?

MS. BRZEZINSKI: Sorry for confusion to the board; as an Omnibus it addresses all three of the plans at once, but it would amend each of the plans individually. If that answers your question, you would still have a Spot FMP, a Spotted Seatrout FMP and a Spanish Mackerel FMP.

CHAIRMAN BOYLES: And, A.C., I think the answer to the first question is a good one and I'll look to Toni.

MS. KERNS: I think what the board can do is you could say that your implementation for the Spanish mackerel AM would be implemented after approval by the Secretary of Commerce so that you're not implementing that AM before them. This board could implement all the Spanish mackerel measures before the secretary does if you so choose.

CHAIRMAN BOYLES: Further discussion? Aaron.

MR. AARON PODEY: Does that mean that as soon as the federal Spanish Mackerel FMP is approved, then we would have to be compliant?

MS. BRZEZINSKI: The passage of the Spanish mackerel measures within the Omnibus Amendment would not require implementation until after the Secretary of Commerce had implemented the Amendment 18 measures; and then the implementation date which is currently not defined within the Omnibus Amendment could then be discussed by the board.

Does that clarify? It wouldn't be requiring the Interstate FMP to then suddenly be a mirror match of the federal FMP. It would just say that implementation of the Interstate FMP Amendment for Spanish Mackerel would not be considered or a timeline specifically set until the Secretary of Commerce had implemented Amendment 18, which as it includes ACLs and AMs which would be theoretically required by the end of 2011 according to the Reauthorized MSA. By December 31, 2011, there should be implementation by the Secretary of Commerce so at the latest this board would consider looking at adopting those Spanish mackerel measures by the February meeting – or looking at that timeline at the February meeting.

CHAIRMAN BOYLES: I suppose alternatively we could establish a date far enough out at which we would be implementing this, March 15<sup>th</sup>, April 1<sup>st</sup>, June 1<sup>st</sup>. That is one way we could do this, I suppose to provide the date certain. We have a motion; is there further discussion on that motion? Tom.

MR. O'CONNELL: I guess one option would be if the makers of the motion would withdraw for a minute, then we could entertain a motion to establish an implementation date of two weeks prior to the winter meeting. I don't know if that's February 15<sup>th</sup>

or March 1<sup>st</sup>; I forget what the dates are. I would be happy to make that motion.

CHAIRMAN BOYLES: Okay, let's dispense with the motion on the floor. Mr. Cole and Mr. Frampton had made this and there has been a recommendation that we withdraw. Does that suit you and the body? **All right, that motion is withdrawn.** Tom.

MR. O'CONNELL: **I would move that states submit their implementation plans for Spanish mackerel by February 15;** and if that date needs to be adjusted, we can do that.

CHAIRMAN BOYLES: All right, the February meeting is February 6<sup>th</sup>, so that date wouldn't meet that timeline. Toni.

MS. KERNS: You would need about January 15<sup>th</sup> to get it in on the CD.

CHAIRMAN BOYLES: The issue with the January 15<sup>th</sup> submission timeline is that may be a very, very quick turnaround from the secretary's implementation of the Spanish Mackerel AM.

MR. O'CONNELL: Given that sense that may be an expedited schedule, I would change the date to March 15<sup>th</sup> and be prepared for the spring meeting.

MS. BRZEZINSKI: We will be having four meetings next year, so that will be a May meeting; so if you'd like you can do March 15<sup>th</sup> or April 15<sup>th</sup>.

DR. DUVAL: Mr. Chairman, can we clarify that since we already voted on a motion regarding implementation plans for spot and spotted seatrout that this refers specifically to Spanish mackerel?

CHAIRMAN BOYLES: Yes.

DR. DUVAL: Is that okay, Tom?

MR. O'CONNELL: Yes, that was the intent of the motion.

MR. WOODWARD: But this leaves the implementation hanging. We have not defined that, right? Can we not just go ahead and do that and just do it like June 1<sup>st</sup> or something and get a date on there so we can finish this thing up. Do we need a separate motion for that or could that be a friendly motion to that motion? It's probably best as a separate motion and I'll make it if that's the best thing after we deal with this one.

CHAIRMAN BOYLES: Okay, where we are now is that implementation plans for spot and spotted seatrout are due to the commission by October 15<sup>th</sup> presumably to discuss at the annual meeting. We are silent on implementation on all three species at this point. We are silent, with the exception of this motion before us on submission of Spanish mackerel that we have not dealt with.

That's the point of this motion, so let's deal with this motion and then maybe talk about implementation. **The motion is move that states submit their implementation plans for Spanish mackerel by March 15, 2012.** The motion is by Mr. O'Connell; second by Dr. Duval. Further discussion of that motion? Any opposition to that motion? **Okay, seeing none, that motion carries.**

Where we are now are implementation plans to the commission are due by October 15<sup>th</sup> for spot and spotted seatrout and March 15<sup>th</sup> for Spanish mackerel. This is to give the Secretary of Commerce time to say grace over the AMs on Spanish mackerel. Now the question is implementation. Do we wish to specify an implementation date? Spud.

MR. WOODWARD: **I would move that we set an implementation date of the Omnibus Amendment for July 1, 2012.**

CHAIRMAN BOYLES: Motion by Mr. Woodward; second by Mr. Cole. Discussion on that motion? Any opposition to that motion? **Seeing none, that motion carries.** Okay, I think we'll slide back to the recommendation to the full commission that they adopt the Omnibus Amendment for Spot, Spotted Seatrout and Spanish Mackerel as amended today. That motion was withdraw so we'll look for that motion now. Mr. Cole.

MR. COLE: **Well, I'm going to make it again, so move to recommend to the full commission approval of the Omnibus Amendment for Spot, Spotted Seatrout and Spanish Mackerel as amended today.**

CHAIRMAN BOYLES: Motion by Mr. Cole; seconded by Mr. Frampton. Discussion on that motion? Any opposition to that motion? **Seeing none, that motion carries.** Thank you all for the good work on the Omnibus Amendment. We've got a couple of more items on the agenda. Danielle, FMP review.

## **FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE**

### **ATLANTIC CROAKER**

MS. BRZEZINSKI: We're going to go quickly to the Atlantic Croaker FMP Review. Currently the status of the FMP, we're under Amendment I which was passed and implemented in 2006, and Addendum I which was passed and implemented at the last March meeting. We currently have one management region under the revised biological reference points from the 2010 stock assessment.

The status of the stock assessment concluded that overfishing was not occurring and although an overfished status could not be determined it is likely that the stock is not overfished. Trigger exercises for croaker will be presented at the annual meeting in November in Boston. The graph here shows the status of the stock as from the stock assessment, which shows SSB going up as total fishing mortality had decreased.

In terms of the current status of the fishery in 2010, the total poundage landed was 19.2 million pounds. That represents a 53 percent decline in total harvest since the peak in 2001. Commercial and recreational fisheries harvested each about 77 and 23 percent respectively. Although the fishery is not currently divided into two regions, we still show the graph here for the benefit of the board.

The Mid-Atlantic Region does take most of the fishery, which is about 99 percent of the total poundage in 2010. Recent decline in landings is a result of decline in landings in both the commercial sector and the recreational sector in the Mid-Atlantic. Commercial landings in the South Atlantic have been generally stable although recreational landings have recently declined.

In terms of recreational catch, both recreational harvest and released fish have generally increased over the time series, but have stabilized the decline in the last ten years. Proportion of fish caught by anglers that have been released have generally increased, reaching about 56 percent in 2010.

In terms of state compliance and de minimis, the PRT finds that all states have fulfilled their requirements of Amendment 1 and Addendum I. In terms of de minimis requests, they were from Delaware for the commercial; South Carolina for both commercial and recreational; and for Georgia commercial and

recreational; and Florida for the commercial. The PRT finds that all states qualified for de minimis.

In terms of recommendations, again still encourages the use of circle hooks to minimize recreational fishing mortality. The PRT also recommends that the board consider approving the de minimis requests from Delaware, South Carolina, Georgia and Florida. In terms of research and monitoring, develop compatible and coordinated sampling programs to capture the bycatch in the South Atlantic Shrimp Trawl. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Thank you, Danielle. We'll look for a couple of motions. One is to approve the requests for de minimis for Atlantic croaker. A.C.

MR. CARPENTER: Just like you said.

CHAIRMAN BOYLES: **I believe that's a motion to approve the de minimis requests for Delaware, commercial; South Carolina, commercial and recreational; Georgia, commercial and recreational; and Florida, commercial.** Seconded by Mr. Cole. Further discussion of that motion? Any opposition to that motion? **Seeing none, that motion carries.**

**We also need a motion to accept the FMP Review for Atlantic Croaker; motion by Dr. Duval; second by Dr. Rhodes.** Any discussion on that motion? Seeing none, any opposition to that motion? **Seeing none, that motion carries.** Danielle.

### **RED DRUM**

MS. BRZEZINSKI: One last FMP Review for the board today will be for red drum. In terms of the red drum status of the FMP, we're operating under Amendment 2, which was implemented in 2003. There are currently no amendments or addenda under development. Transfer of federal authority occurred on October 6, 2008.

In terms of status of compliance, the PRT finds that all states have fulfilled the requirements of Amendment 2. There are currently no scheduled changes to state regulations although North Carolina did have a partial season closure in 2010 and has decreased the 2010/2011 cap to account for an overage. Florida will also be updating the regional assessment in 2011.

In terms of status of the stock and assessment advice, this comes from the 2009 benchmark assessment which determined that the northern region is above

the threshold and likely above the target and the southern region is likely above the SPR threshold. Total red drum landings in 2010 shown in the shaded area are 2.1 million pounds, which is a 36 percent increase from 2009 and about a 26 percent increase from the previous ten-year average.

Recreational harvest represents about 89 percent of the landings. In 2010 about 71 percent of the total landings came from the southern region where the fishery is almost exclusively recreational. The recreational harvest, which is shown in the white bars, in 2010 was 1.9 million pounds. Commercial harvest in 2010 was 235,000 pounds.

In terms of the recreational catch, harvest is shown in the blue crossbars on the bottom and release is shown in the solid yellow bars. Recreational harvest has been relatively stable. Although releases have increased over the time series, reaching 3.6 million fish in 2010, the release rate has generally been about 80 percent through the last decade.

Just as a note, the last assessment used an 8 percent release mortality rate to estimate recreational dead discards. De minimis requests, currently within the Red Drum FMP there are no specific criteria defined although requests were received from New Jersey and Delaware. The plan review team compared the states two-year average total landings to the coastwide, which amounted to zero percent for both states.

The status does not exempt the states from any compliance requirements. The PRT's recommendations include supporting a continuing moratorium in the EEZ; to consider the de minimis requests for New Jersey and Delaware. The PRT also recommends that the southern region maintain the status quo due to uncertainty in the assessment results and recommends for the northern region that although it is above the threshold managers should first consider the desired degree of precaution in management strategy before raising the F mortality. Thank you, Mr. Chairman.

CHAIRMAN BOYLES: Thank you, Danielle. **I'm looking for a motion to accept the de minimis requests for red drum for New Jersey and Delaware.** Motion by Dr. Rhodes; second by Mr. Cole. Discussion on that motion? Any opposition to that motion? **Seeing none, that motion carries.**

I'm also looking for a Woodward. Any discussion on that motion? **Any opposition to that motion to accept the 2011 FMP Review for Red Drum.**

Motion by Mr. Cole; second by Spud motion? **Seeing none, that motion carries.** That takes us down to **other business**, and John Carmichael had a couple of things he wanted to share with us. John.

## OTHER BUSINESS

MR. CARMICHAEL: The SEDAR Program in the southeast, we are preparing to do assessments of Spanish mackerel and cobia next year. Obviously, with the interest in Spanish, we had a lot of cooperation from the states when we did Spanish the last time, and the ASMFC staff and ACCSP, of course, were involved in that.

Cobia is a new assessment. It hasn't been done in the South Atlantic. It was looked at a number of years ago and there wasn't a lot of data, so the Center pursued one in the Gulf, but this round we're really going to look closer at cobia in the South Atlantic and are hopeful that we can do an assessment.

We know there is a lot data from South Carolina and I understand there may be some data from Virginia and perhaps some of the other states. I'd like to put a plea out here if folks within the states have data on Spanish or cobia and you have people that might be involved in research and monitoring of those species, to please let me know and get these individuals appointed by the council to the SEDAR Data Workshop; and if there is some assessment expertise, perhaps to the Assessment Workshop, also.

CHAIRMAN BOYLES: John, is there a time by which you'd like that information?

MR. CARMICHAEL: The council is going to make appointments initially in September and possibly again in December if we need to fill in some blanks; so if I could have some feedback by September 1<sup>st</sup> we could get that into the materials for the council at the September meeting.

## ADJOURNMENT

CHAIRMAN BOYLES: Again, just a reminder those are two very, very important species, of course, down south; and so if you've got data or folks with an interest and a passion in those fisheries stock assessments, please let John know by September 1<sup>st</sup>. Any other business to come before the South Atlantic Board? Seeing none, we will stand adjourned.

**(Whereupon, the meeting was adjourned at 10:35 o'clock a.m., August 4, 2011.)**