

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

**The Langham Hotel  
Boston, Massachusetts  
November 9, 2011**

**Approved February 9, 2012**

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## ATTENDANCE

### Board Members

Russ Allen, NJ, proxy for D. Chanda (AA)	Michelle Duval, NC, Administrative Proxy
Tom Fote, NJ (GA)	Bill Cole, NC (GA)
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	John Frampton, SC (AA)
Stew Michels, DE, proxy for D. Saveikis (AA)	Malcolm Rhodes, SC (GA)
Roy Miller, DE (GA)	Robert H. Boyles, Jr., SC (LA)
Russell Dize, MD, proxy for Sen. Colburn (LA)	Spud Woodward, GA (AA)
Tom O'Connell, MD (AA)	John Duren, GA (LA)
Bill Goldsborough, MD (GA)	Aaron Podey, FL, proxy for J. McCawley (AA)
Jack Travelstead, VA, Proxy for S. Bowman (AA)	Duane Harris, FL, proxy for W. Orndorf (GA)
Catherine Davenport, VA (GA)	Jack McGovern, NMFS
James Kellum, VA, proxy for Sen. Stuart (LA)	Wilson Laney, USFWS
Louis Daniel, NC (AA)	A.C. Carpenter, PRFC

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

### Ex-Officio Members

Joe Grist, Technical Committee Chair,  
Atlantic Croaker

### Staff

Danielle Chesky

Chris Vonderweidt

### Guests

The South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Wilson Ballroom of the Langham Hotel, Boston, Massachusetts, November 9, 2011, and was called to order at 9:30 o'clock a.m. by Chairman Louis Daniel.

### **CALL TO ORDER**

CHAIRMAN LOUIS DANIEL: This is the South Atlantic State-Federal Fisheries Board. I'm Louis Daniel, the chairman of the board. I would like to welcome everybody here today. We've got a fairly easy agenda, I believe. The first thing I would like to do, though, is welcome Dr. Jack McGovern representing the National Marine Fisheries Service. Bob Sadler used to be here and now we've got Jack, and that's a great improvement over Bob Sadler. We've got an agenda and the proceedings from our August meeting. Are there corrections or changes to either from the board? Mr. Cole.

MR. BILL COLE: Mr. Chairman, I request time under other business to present a proposal for the board's consideration.

### **APPROVAL OF AGENDA AND PROCEEDINGS**

CHAIRMAN DANIEL: You've got it, Mr. Cole; thank you. Anything else or other business that anyone else would like to add to the agenda? If not, thank you, Bill, and we will consider those approved by consent.

### **PUBLIC COMMENT**

Is there anyone in the audience that would like to speak on items that are not on our agenda today? Any public comment? All right, seeing none, we'll move on. Joe, if you're prepared, if you'll run us through the Atlantic Croaker Trigger Report; some interesting stuff coming out of this report, so please give Joe your attention.

### **ATLANTIC CROAKER TRIGGER REPORT**

MR. JOE GRIST: Your Croaker TC has been once again hard at work at the annual trigger exercise, the task we all love. As you'll remember from our annual presentations here, there are five triggers that we consider for possibly starting up another assessment. There is one hard trigger and that

involves the annual landings, and there are four soft triggers which involve the biological data, effort and landings data commercially; the catch rates recreationally; and surveys.

Again, our annual landings are our hard triggers. The hard trigger is set up such that if you take the most recent year we're considering – in this case 2010 – we look in comparison to the previous two years. In this case it would be 2008 and 2009, the average landings. An assessment can be triggered if the 2010 value is below the 70 percent mark of the average.

That's a pretty solid, hard trigger the way it was set up. It was intended that way to give you some very specific guidance to go toward an assessment, but we're going to show issues with that that cause us some concern today. The commercial landings, when you do the trigger itself, do not recommend an assessment based on how the trigger is set up.

The 2010 landings were such that they did not fall below the 70 percent value for the average. However, the technical committee has a large amount of concern about the trend in the commercial landings, which as you can see in the graph is on a steady decline overall; a few bumps along the way upward but overall it is on a very steady decline.

This graph, similar to the last, imposes when a trigger would have come about from the commercial landings. When you look at it, you can tell the only time it would have actually triggered an assessment would be after an extremely significant drop or at the point where the landings were at a very low level compared to their historical highs or even an average.

Recreational harvest, the same rule applies. Again, according to the way it's written, we do not trip the hard trigger, so the trigger doesn't say do an assessment. But, again, recreational harvest is on a steady decline; a few more bumps up than down here, but overall the decline is there; and for the central states that have a large recreational component, the phones have been ringing.

And then we go ahead and we show where the trigger would have tripped, and it's only a few times; back in 2008 when we already had the assessment ongoing and back in the late eighties. But again either it would have been a very low abundance or it would have been a very significant drop below that 70 percent average.

The soft triggers; these are basically up to the technical committee to recommend based on the soft trigger whether or not to do an assessment. We have the recreational fisheries mean length, commercial fisheries mean size, commercial fisheries age compositions. The recreation harvest average length, when we looked in the comparison – and again these are very similar comparisons.

You're taking the 2010 data and comparing it to the previous two-year average, so you saw the recreational harvest average length didn't drop by much; only 0.1 of a percent. Commercial landings average length, you can do it gear by state, and it's kind of a hodgepodge. You have some areas where you saw a decline, such as New Jersey gill net a 10 percent decline, almost 11 percent decline in the average length, but you have other areas inside gill net for North Carolina were up by 10 percent; almost 11 percent.

Average weight, commercially, a little bit larger ranges that we saw here; declined as much as 28 percent in Maryland's pound net; and the average weight and increases almost 40 percent in the inside gill net for North Carolina. Commercial landings at proportion at age – a nice thing about the proportion at age, with many of our states we can actually track age classes through the time period, which is very helpful.

We do have some very good aging data coming through from the states, but one of the concerns from the technical committee is overall we're seeing less and less older croaker showing up, especially in that nine-plus group. For Virginia and North Carolina, along with Maryland, is somewhat centric to this population, we are watching a decline.

Now we did have a very large year class from around 2010, Virginia showing up, coming through right now, which is really helping along the fishery, but after that it's a little bit weaker. North Carolina, we see some very strong young years, but not carrying through in the more recent years as much, so this is a concern to the technical committee.

Commercial landings mean size at age; this gets a little bit more befuddled because when you're looking at this, you can look at the New Jersey information and mean size at age, the black line is 2010; yes, it falls below the last three years for the average length. It's kind of in between the average weight. Virginia and North Carolina, it's kind of intermixed with the last couple of years, so there is not as clear a message coming from this information.

And we have the other matrix, which I previously mentioned. We can compare effort versus landings. The problem is effort units are not standardized among states, and there is inconsistent effort reporting. Recreational CPUE; we did not provide this. The 2010 assessment considered two approaches, and both had concerns with both the directed trips being represented and the method with Stevens and McCall.

The methods to improve the Stevens- McCall approach need to be evaluated, and the technical committee should have a review panel endorse it before we actually use it. So we have some issues with presenting anything with recreational CPUE at this time. As far as surveys go, there was a suite of 31 surveys that this technical committee was using up until the last assessment when only four of those made it through.

Now we're reduced down to only four surveys to really rely upon based on the last assessment. I'm not going to show you all those graphs here. The general conclusion from your technical committee was that the assessment update is not currently warranted. Now, there was a pretty robust debate about this with the technical committee.

Now the metrics, we can definitely argue in favor of an assessment, and the soft triggers we definitely could make the argument if we wanted to. The same issues, though, remain from the last assessment; deficiencies in the bycatch and discard data from the shrimp trawl fishery and the scrap bait fisheries. Those have not been solved yet; so for us to turn around and recommend to you an assessment at this time would be foolhardy.

We're not going to gain anything by that recommendation, so we're not going to make that recommendation to the board. However, your technical committee recognized that only the hard triggers, which are based on landings, have an inherent flaw as they could allow for a very slow collapse of the fishery and never ever trigger anything.

We had this debate two years ago on the technical committee and we've continued the debate, and the technical committee at this point said it's time to address this directly. We now see the evidence that we literally could slowly watch this fishery decline and not once trigger an assessment, and that's not good advice to the board from your technical committee. We don't feel we're doing our job that way.

We can't recommend an assessment; we know we have data issues; so management triggers have come up as a recommendation from the technical committee. We recommend you allow us to investigate ways to provide more of a historical context on triggers and provide you more informative tools for management considerations.

There were things that were brought up at our last technical conference call such as the spotlight approach that is being used in North Carolina blue crabs; and also as this board will remember, many of the same players on the Croaker Technical Committee were also part of the Spot Plan Team and came up with the management triggers with spot. If you will remember, we actually came back to the board and said we would have recommended a spot assessment had it not been for the same issues we had in the croaker assessment.

And if croaker had those issues with things such as the bait scrap fishery and trawl, spot we're never going to get through an assessment, so we came with management triggers for spot for this board. We're recommending having us explore that for croaker and giving you basically a better plan than you have now to work with. That concludes the presentation from the technical committee, Mr. Chairman.

CHAIRMAN DANIEL: Thank you, Joe. Questions for Joe? Mr. Duren.

MR. JOHN DUREN: Joe, you mentioned that surveys were an eye chart and there wasn't good CPUE data. Was there any fishery-independent data that would give any insight to the status of the stock?

MR. GRIST: Not that we have determined yet, but that's something that along with this recommendation we would like to look further into. The technical committee is rely more on what has come out of the assessment so far with the surveys, but we would like to go through the same exercises we did with spot and investigate all the surveys independently ourselves and see if we can come up with something that would provide better advice based on independent data. We've done the exercise once, many of us, and we feel it would be good to do it again with croaker as we did with spot.

MR. ROY MILLER: Joe, in the Delaware Bay Region and further north it's commonly felt that croaker populations wax and wane depending on environmental conditions. You're nodding your head so that's no news to you guys, but for everyone else severe winters seem to knock out our juvenile

croaker and then they disappear for a while and then they come back.

So our populations historically have waxed and waned and we feel that's largely driven by environmental factors. If the trigger is pulled for some anticipated management action, how will these environmental issues be considered in terms of recommendations for action?

MR. GRIST: That's a good point and we actually – I nodded the head because that's kind of the discussion we've had already at the technical committee level. We have to factor that in on the edges of the population. I mean, everything is somewhat centric to Virginia and Carolina in a sense with the population, but we also have to factor in on what is going on in the edges.

Of course, you'll remember originally this was a two-region fishery before the last assessment when it became one coast-wise fishery. That's something we'll have to take into consideration in our recommendation. If there is way that we can factor in some other environmental parameters and link that into what we're doing, we will if we can find a way. There is bound to be a way of doing things these days that we couldn't do ten years ago when things like this were first developed, but that's definitely a consideration the technical committee would like. We'll explore; we won't ignore it.

MR. COLE: **Mr. Chairman, I think the technical committee has given us some very good advice, so I'm going to move adoption of their revised management triggers.**

CHAIRMAN DANIEL: We haven't selected those yet.

MR. GRIST: If I may, Mr. Chairman, would it be for the development of management triggers, Mr. Cole?

MR. COLE: Yes.

CHAIRMAN DANIEL: Is there a second to the motion? A.C. Carpenter seconds. I'm going to ask Joe to bring up a couple of issues that could perfect this motion to give the technical better guidance. So, Joe, if you would make your recommendations to the motion maker, that would be helpful.

MR. GRIST: Just for clarification for the technical committee, because this is kind of a dual role trigger issue here. One is the management triggers and we want to develop that; but also for the assessment triggers as they stand right now, is it direction from

the board to review them up to revising them and present that back to the board at a later date and possible revisions to the assessment triggers, which are within the amendment currently.

MR. COLE: As soon as possible.

CHAIRMAN DANIEL: Are you okay with that, A.C.? So everybody understands what we're voting on here? Are there any questions or comments on the motion? I would just bring up one point that I think is important for us to note, and that is no different really than weakfish in my opinion where historically we've seen big rises and falls in the harvest, and that's because we don't have any management measures in place for these stocks.

I have a hard time believing that it's environmental conditions that direct this when these fish are living to nine-plus years old. Back in the mid-nineties we couldn't find fish over four because weakfish were at a high level of abundance and croakers were not, but when you have fish that are living to be nine-plus, that was pretty extraordinary in the time series based on a lot of work that was done at least at VIMS on croaker at the time.

I think we need to be cautious and not just lay it off completely on environmental conditions. I think that it has a lot to do with fishery interactions as well as environmental conditions in dictating the status of croaker. The motion is move that the technical committee develop management triggers and revise assessment triggers. Motion by Mr. Cole; second by Mr. Carpenter. Is there any objection to the motion? **Seeing none, the motion carries.** Thank you, Joe. The next item on the agenda is black drum. Danielle, if you could take us through some issues that we need to discuss on black drum.

## **BLACK DRUM UPDATE REPORT**

MS. DANIELLE BRZEZINSKI: This is the update to the South Atlantic Management Board on black drum. At the August Policy Board Meeting the policy board accepted the recommendation of a Black Drum Working Group to develop an interstate FMP. There was also the suggestion and discussion that a stock assessment be performed first.

There were also concerns expressed about staff resources and time and what sort of schedule that should go along, and so myself and Genny have put together a couple of timelines for the board to consider in terms of moving forward. As also part of the policy board meeting, there was discussion of where black drum should go, and thus it was then

delegated to the South Atlantic Board, so congratulations you have a new species.

We discussed really two potential timelines. One would be a concurrent timeline; and so as you can see on the screen, you can track both development of the Interstate Fishery Management Plan and the stock assessment itself. Spring of 2012 would be the initial start of the development. We will be preparing the public information document to go out for scoping as well as the stock assessment subcommittee would be having a data planning call to prepare for the data workshop that would occur in the fall of 2012.

In the fall of 2012, that was when the data workshop would occur as well as initiate potential development of the draft fishery management plan. Throughout the process the final end date here would be about the fall of 2013. In talking with staff and those individuals involved, we felt that this was certainly doable.

The Black Drum Working Group has put forth quite a bit of effort already in terms of prepping information and background work. In terms of stock assessment resources, in talking with Genny we felt that the individuals who would be involved in this stock assessment, such as Mike Murphy from Florida and someone from North Carolina, there would not be that overlap with other stock assessments that are scheduled for 2012 and 2013, so this is something that was definitely doable in terms of staff resources and time.

The other potential would be a sequential timeline, so either starting with the stock assessment first or starting with the Interstate FMP first, depending upon the thoughts and will of the board. Again, we would start in the spring of 2012 with either/or and with the final end date being in the spring/summer 2015 as currently projected, so you're about a year and a half or two years further down the road in terms of finishing the full process, but certainly two possibilities in terms of the sequential timeline.

Finally, just to kind of summarize in terms of some potential options for the board in moving forward with black drum management, development could occur concurrently, so both development of the FMP and the stock assessment. They could occur sequentially, depending upon what the board would like to do, which one would like to go first, either the development of the FMP or the stock assessment.

And then a third option could be for this board to revisit the development timeline for black drum some time in 2012 with the option of reviewing annual

summaries of the key surveys and landings to keep an eye on things either at the summer meeting in August or the annual meeting in November. Thank you, Mr. Chairman.

CHAIRMAN DANIEL: Thank you, Danielle. Questions for Danielle? Staff has done a lot of work putting information together for black drum. They've done an excellent job. As Danielle indicated, we're pretty ready to go, and they have indicated that the concurrent approach is acceptable to staff, and that gets us moving off the block here a little quicker than 2015. Bill.

MR. COLE: Well, based on what she has just said, I think we should take the first one, **and I'll move it; move forward with the development of an FMP and stock assessment concurrently.** If we need to do something, let's do it.

CHAIRMAN DANIEL: I have a motion by Bill Cole and second by Malcolm Rhodes to move forward concurrently with an assessment and a PID. If this motion is approved, we will see a PID in February. Does everybody understand the motion and everybody comfortable with where we are? Wilson.

DR. WILSON LANEY: Question for Danielle. Traditionally the Habitat Committee has helped out with the habitat sections of the FMPs. Do you have sufficient habitat information for a PID or do you need assistance from the Habitat Committee on that?

MS. BRZEZINSKI: I think we have enough information for the PID. Certainly once we start developing the draft FMP, we'll look for some help from the Habitat Committee and we'll get you an e-mail and request out very early.

CHAIRMAN DANIEL: Any additional comment on the motion or discussion? Seeing none, is there any objection to the motion? **Seeing none, that motion carries.** Thank you very much. I'm excited to move forward with a black drum plan. All right, we've got a couple of other items. Danielle, if you'll move us through the review of state compliance plans for spot and spotted seatrout.

### **REVIEW OF STATE COMPLIANCE PLANS FOR SPOT AND SPOTTED SEATROUT**

MS. BRZEZINSKI: At the August board meeting when the board approved the final action on the Omnibus Amendment for spot, spotted seatrout and Spanish mackerel, the board set a timeline for submission of the spot and spotted seatrout

implementation plans by October 2011. Those were very simple as the Omnibus Amendment included no requirements for spot and a 12-inch minimum size along with corresponding regulations for spotted seatrout, all of which states already had in place.

All states submitted their implementation plans. Those were reviewed by members of the plan review teams and plan development team, and there were no issues on those. **The recommendation is for the board to approve all of the spot and spotted seatrout implementation plans.** Thank you, Mr. Chairman.

MR. ROBERT H. BOYLES, JR.: **Mr. Chairman, so moved.**

CHAIRMAN DANIEL: Motion by Robert Boyles; seconded by Spud Woodward. Discussion on that motion? A motion to approve the state compliance plans for spot and spotted seatrout. Motion by Mr. Boyles; second by Mr. Woodward. Is there any discussion on the motion? Seeing none, is there any objection to the motion? **Seeing none, that motion carries.** Next to last item, Danielle.

### **OMNIBUS AMENDMENT/ AMENDMENT 18 UPDATE**

MS. BRZEZINSKI: This is an update for the board regarding current developments and ongoing implementation of the Omnibus Amendment and then the corresponding Amendment 18 that was passed by the South Atlantic Council. These both refer to Spanish mackerel, which are managed both by the South Atlantic Council and by the commission.

NOAA Fisheries published the proposed rule to implement Amendment 18 with public comment due by November 21<sup>st</sup>. They also published Amendment 18 itself for public comment due by November 28<sup>th</sup>. In all the discussions I had, these are certainly on track for implementation in 2012 according to the Reauthorized Magnuson-Stevens, and so that seems to be on track. The board at its August meeting did put into place that Spanish mackerel implementation plans would be required by March 15, 2012.

That is all on track right now, so that's all positive news in terms of getting those implementation plans and finalization of the Omnibus Amendment, which is due for full implementation July 1, 2012. I also wanted to just notify the board of a couple more things. Since Spanish mackerel is due for a stock assessment in 2012, it's going through the SEDAR

process, data scoping will begin in late November and early January.

The data workshop itself is going to be held from February 6-10, which overlaps with our meeting week that week. The assessment workshop is scheduled for May 7<sup>th</sup>, and then the review workshop will be held beginning August 6<sup>th</sup>, which also overlaps with our summer meeting. They anticipate that the completed assessment report will be submitted by September 7<sup>th</sup>, so we will giving the board updates as that progresses along in terms of the assessment for next year.

The last item that I wanted to let the board know about is in September the South Atlantic Council had a Spanish Mackerel Committee meeting. As they finish up Amendment 18, they're looking towards the next amendments and what would be included in those. One thing of note was that there is discussion of putting in a federal requirement for a federal permit to catch Spanish mackerel in state waters.

That is something that is going out for scoping in December and January. Staff will continue to follow that; and if there are any other concerns or questions from the board, we can certainly help to try to facilitate some answers for that. I just wanted to give everyone a heads up. I know that was a bit of a concern when we were going through the Omnibus Amendment. Thank you, Mr. Chairman.

CHAIRMAN DANIEL: Thank you. I'm not sure that we have much to worry about in terms of the Spanish mackerel permits at this particular point in time, but that would be an issue that would be a concern to this board, but I don't believe that it's an issue for the South Atlantic Council, from discussions with staff and since my discussions with Danielle yesterday. That would create some issues for everybody, I think, so stand by on that. We've got a lot of representation on this board with the South Atlantic Council. The council is here; do you have anything to add to that, Jack or Duane?

DR. JACK McGOVERN: Yes, I think the states would have to adopt compatible regulations for federal permits in state waters. I think that was a suggestion brought up a council member, and it will probably be discussed more at the December meeting.

CHAIRMAN DANIEL: Yes, that's my understanding, too, Jack, so we'll keep our eyes open on that one. That will be one we would need to thoroughly discuss, but that would be something that would have to come through this board to make that

requirement. Any questions for Danielle on that plan? If not, we're moving right along. Bill, other business.

## OTHER BUSINESS

MR. COLE: Thank you, Mr. Chairman, for indulging me this morning. There is a situation developing throughout the South Atlantic Reach that frankly in mind requires new action. Let me back up and say that for those of you who are new to this board, this board is a holdover, if you will, from the early, early days of this commission. When we redid the Charter and so forth, there was a long discussion amongst the four southern states at that time to keep this board alive and use this board as a mechanism for us to manage those species that we have an interest in.

We have expanded this board to the north to include several states and ecosystems. This board is a proven successful management institution. The problem at this time is that the South Atlantic Council is just now finishing up that obligatory work that they had to do under the Revised Magnuson Act, and we're faced with basically what are regional quotas.

My experience is working with the council for decades, but my new experience is working with the advisors to the council and has caused me great concern in the sense that the fishermen feel like they've lost control. They don't feel like there is a real management entity close to them to talk to, but to help manage the fish. They don't want to go out there and just wipe them out or anything.

They want management down close where it is effective. The problem is that if you look to the – it's not the problem but the success that the Mid-Atlantic Council has had coupled with the New England Council in dealing with quotas, state quotas, et cetera, to the north of us certainly gives us an opportunity to use this successful institution as a vehicle for better management of the available resources in the South Atlantic.

Therefore, Mr. Chairman, to cut this short because I know you're nervous about the next board meeting and they're all outside there ready to come in, **but I'm going to move initiation of a South Atlantic Snapper Grouper Complex Implementation Plan.**

CHAIRMAN DANIEL: Thank you, Bill. Is there a second to that motion? Second by Spud Woodward.

MR. SPUD WOODWARD: I told him I would second this for the purposes of discussion, so I hope we'll have some.

CHAIRMAN DANIEL: Second by Mr. Woodward for discussion. Bob.

MR. ROBERT E. BEAL: Just a question; what does the maker of the motion mean with the difference between an FMP and in Implementation Plan?

MR. COLE: Well, I may have used the wrong words, Bob, and I'm certainly open to constructive suggestions. The council has already done the FMP part. They have developed to the point that they have determined that there is X resource available. Now what we need to do at the state level – and in my mind it's best done here and not at the council level – is to decide how we want to manage that regional quota.

The council cannot decide that because that gets into allocation issues. Allocation belongs here. What the fishermen are concerned about is that if there is X resource available, what if Florida gets them all and then North Carolina gets none? It's the same old regional arguments. What I'm looking for here – and I think it can be done fairly easily – is the development of an implementation plan just like we've done with the Spanish mackerel and several of the other council species except their FMP structure and adopted, but we develop a plan at this level of how we're going to deal with that available resource amongst the partners at this table.

MR. BEAL: As a followup, I think process-wise if the South Atlantic Board wants to develop a binding agreement on how to allocate that quota, something that the states are obligated to live by under the Atlantic Coastal Act, I think you have to go through the full FMP process. Obviously, you guys can borrow big chunks of information and wording from the South Atlantic Council's work.

There is not a whole lot of creative writing there. It will be just piecing things together, but I still think you probably have to go through the FMP process to develop that and have that agreement on allocation to be binding under the Atlantic Coastal Act. If this board just wants to come up with an agreement that the states implement on their own, it wouldn't be binding under the Atlantic Coastal Act. If it would just be an agreement that the states all have the ability to live by, then I think that's a very different document than the formal FMP process.

MR. ROBERT H. BOYLES, JR.: Bill, I think I know what you're trying to do. I can't get past the hurdle that despite our best efforts South Carolina's jurisdiction ends at three nautical miles offshore. The South Atlantic just went through a process through this ACL Amendment to remove a number of species from that snapper grouper complex, the majority of which were caught in state waters. As intriguing as this is or may be, I'm just not sure how we can assert ourselves extra-jurisdictionally, if you will.

MR. COLE: Well, in my mind the question is not what waters the resource product comes from because it has got to be landed in one of the four or five states, and that's the number that we're after. That is the number that makes the council's effort meaningful. Where the fish come from is really inconsequential because you're going to have to ultimately, under the council, tally up how many of what. ACCSP can do that for us right now.

Georgia and Florida, I'm sure, can do a daily accounting. I think that you can probably be on line fairly shortly. But where the fish comes from is not the issue. We've got to count them, anyway, but what if your state gets them all and the quota is blown? Boy, I'm going to be mad at you from North Carolina. We might even shut the border down; you know how these things go.

CHAIRMAN DANIEL: And if I could enter into this a little bit, not speaking in favor or in opposition to the motion, we have a lot of places where we've done this kind of thing in the Mid; you know, summer flounder state-by-state allocations; dogfish allocations. The feds don't allocate it by state. It has worked very well.

From my perspective it has worked very well where we have done this in the Mid, where we've got our percentage allocations, everybody knows what their quotas are, and they can manage those quotas as they see fit. We can open when we want to; we can close when we have to; we can set the trip limits, whatever we need to do.

It provides us with that flexibility. We don't have that in South Atlantic, and this board would be the board to address that issue if we wanted to do it. I think what we're finding, from my perspective, with the new ACLs and the new accountability measures with the South Atlantic, not to criticize the actions of the South Atlantic, but we've got fisheries that are closing after five weeks where we used to have fisheries that lasted for an entire year.

Many folks were fishing -- for example, black sea bass, North Carolina pot fishermen never fished in June. They did other things. That was a fishery that occurred in January and February. That was their big money fishery in that time of year. Well, now the fishery is closed by then, so that is forcing folks to fish during a time when they wouldn't normally fish and it has created a derby situation.

The South Atlantic has had a very difficult time trying to figure out how do we deal with that, but right now we're sitting on a Florida Keys to North Carolina/Virginia Line quotas. If you get to fish when the fishing year starts, if the fish are off your area, you hit the jackpot. If not, you're in a scrape and your fishermen are in a scrape.

I think certainly the folks that are sitting around the table that deal with black sea bass -- and I'll just keep using that as a good example because I think it's great example -- south of Cape Hatteras is managed as a different stock, but that is the bread and butter to our headboat industry down in the South Atlantic.

The fact that fishery is closing so early because of a coast-wide situation has also created issues. Now, we can deal with bag limits and size limits and the like, and we've done that in the South Atlantic, but quota shares and divvying it up among states; I mean, that would be something that would have to come from this board. So if we want to try to get off of that dime and try to make some changes, just like we did with summer flounder, just like we do with dogfish, I think this is an opportunity to move in that direction. I think that was Mr. Cole's intent by bringing it forward. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, you mentioned summer flounder. In the federal plan with the Mid-Atlantic Council, the state-by-state quotas for the commercial fishery, it's a joint plan with the commission, but those quotas are provided for in the federal plan.

The state-by-state recreational quotas in the summer flounder plan are only on the ASMFC side. And in black sea bass north of Hatteras the state-by-state commercial quotas are only on the ASMFC side. So there is a combination there, but the council had gone in and given commercial state-by-state quotas in summer flounder.

CHAIRMAN DANIEL: Thank you for that clarification. So the nice thing about this board -- and I guess for the folks in the Mid-Atlantic Region it might not have as big of an impact, and we often do plans on this board that doesn't affect every state on

the board, but we do have good representation on the South Atlantic Council for this board.

I think all of the state directors serve on the council. We always have council representation at our board and we also have the National Marine Fisheries Service representation from the South Atlantic on this board. Spud.

MR. WOODWARD: Just to sort of follow up on what you were talking about with the quotas, we're already seeing an emerging issue with quota overages. We're just barely into them and black sea bass shut down. Right now if one state whatever intended or unintended action produces an overage, everybody suffers for it because we have no mechanism whatsoever to have that state suffer the consequences of it.

The punishment gets spread over the whole region, and that's another reason I think this at least needs to be thoroughly examined for its feasibility; so if it's not the right tool to get to where we think we want to be, then let's make sure of that. That's the reason that I support this is I think we need to look at it, look at the lessons that we've learned from the Mid-Atlantic and other areas and what has worked and what has not worked and see if we can do this in the South Atlantic, because we're in a new era in the South Atlantic.

CHAIRMAN DANIEL: That's for sure. Wilson and then Robert.

DR. LANEY: Well, I was thinking along the same lines as Spud, Mr. Chairman, and wondering if the board would be perhaps more comfortable with the motion instead of saying "move initiation of the implementation plan"; that the motion would be reconfigure to charge staff with taking a look at the feasibility of this and in particular to which species it would apply. You've already identified black sea bass as certainly one candidate. I'm wondering if that would be something the board would be more comfortable with.

CHAIRMAN DANIEL: I see absolutely no reaction from the board, none, but I think you're right. I think it's a good idea. Personally I think it would be good to kind of get a sense of the issues that we have to deal with and working at least with everybody that is interested in this, but certainly have the states that are on the South Atlantic Council as well as the council itself and NMFS have an opportunity to look at the direction that we're headed.

I know we have a lot of joint plans with the Mid-Atlantic and I know that there is a lot of interaction between Vince and Pat and those folks on managing the various species that we jointly manage, but certainly how something like this would work. We don't want to step on the council's toes and get into that situation but simply how we implement these plans at the state level jurisdiction to avoid some of the pitfalls that we are starting to see in this new era. It certainly sounds like that's a reasonable goal.

MR. COLE: Mr. Chairman, I have no problem with the suggestion from Wilson. We can just say move – you know, I'm willing to move that staff investigate the initiation. I can right now assure you based on conversations as of this morning that the South Atlantic Council staff is ready to meet with us and with staff to work out the details of how this can be done. I don't think it's a question of toe-stepping. I will agree that staffs need to talk about how to do it, so I would agree to that word change.

CHAIRMAN DANIEL: Just sort of a friendly amendment to your motion from Wilson. Duane.

MR. DUANE HARRIS: Mr. Chairman, speaking from the council's perspective, we've already talked about state quotas, and I think one of the reasons we haven't gone down that road to any greater extent is simply because of the workload that we've had before us with the ACL Amendment and some overfished species that we had to deal with. I don't think the council is opposed to looking at state-by-state quotas. I think the council staff probably has more time to do that now than they have had in the past.

I am concerned about ASMFC staff and if they say that they can do it at this time and work with council staff to come up with some recommendations to this board and to the council, because both of us are going to have to approve it, then I don't have any problem with it and I'll vote in favor of the motion.

EXECUTIVE DIRECTOR O'SHEA: Well, it depends on what you decide here. The direction you're going now is I interpret this motion to be more or less a scoping and assessment thing by us to see what all is involved here, what are the key issues here, how complex this whole thing is going to be.

I'm confident that we have the staff to do that now and that would be a prudent thing for you all to hear down the road and then make a decision do you really want to engage on this when you have a better assessment or what it's going to take to do it. But the

part of just doing the scoping thing, I think we can support you on that, Mr. Chairman.

CHAIRMAN DANIEL: Thank you. This is a little different issue, I think, than just asking for staff to go back and collect information. I think this is going to be an issue that we all have to be involved in, and I think we have to help staff. Our ASMFC staff may not know the inner workings as much of the council process and the issues in the South Atlantic that this brings up.

I think the state directors and their proxies that are involved with the South Atlantic as well as Jack's staff at the National Marine Fisheries Service, they need to help ASMFC staff and work very closely with them to make this work. Otherwise, we're going to come back with a document that we're going to have to wordsmith to death. I think this is going to have to be a joint effort between the council staff, council members and ASMFC staff. That would be the way I would see it working because we don't want to step on any toes and we don't want to reinvent the wheel. Spud.

MR. WOODWARD: Is it realistic to maybe expect the first deliverable of this process for the spring meeting or is that too soon?

CHAIRMAN DANIEL: I would defer to staff on that; I mean, no sooner than May.

MR. BEAL: I thought you were going to push for the February meeting, so I think we got a break. We can definitely pull a draft together by the May meeting. Danielle has got a number of hearings and the holidays and everything between now and February, so I think her plate is going to be fairly full, but by May we can pull something together working with the council staff and members on the board.

MR. WOODWARD: I guess what I'm looking for is basically just frame the issue, identify things that need to be done. If there needs to be a commissioner/council member workgroup formed to facilitate this, at that point that's when we can decide and appoint those people and keep this thing moving down the road.

DR. McGOVERN: Duane was talking about the council has talked about state-by-state allocations a number of times and really the problem has been that there isn't any kind of feasibility study about how it would work, which species it would work for, and that really needs to be worked out.

Right now we have a lot of species that have very small quotas and to split that among the states can easily lead to overages because it's hard to monitor that. Every time it has been brought up, the council has said, "Well, we don't know how this is going to work," and so all that needs to be I think detailed out.

CHAIRMAN DANIEL: I agree, and I think certainly we would want to focus on the big groups that do have – you know, we don't want to deal with tomtates or something like that with a quota of 1,200 pounds, which we are dealing with some species like that in the South Atlantic, some things in the discussion at the council meeting we removed from the management unit because we don't even see them in the South Atlantic.

The other point that I think is important is that there was discussion and there was interest at the South Atlantic and there were some concerns from our constituents in the South Atlantic that by taking some of these species out of the management unit, that they would no longer have any management actions taken on them at all.

There may be some species that were removed from the management unit that we need to address issues on to make sure that those species are covered by some management scheme, which right now for a lot of us at least there are no measures on those species, and so that would provide some comfort I think to the folks that were opposed to us removing any species from the management unit in the South Atlantic. That's just a thought. Danielle.

MS. BRZEZINSKI: Mr. Chairman, if the board pleases, we could certainly add that into the document if you'd like.

CHAIRMAN DANIEL: Yes, I think at least an acknowledgement of those species that were removed from the management unit as Chairman Boyles suggested, that there were a lot of species that were taken out, which species are those and are there any species in that group that we may need to take some action on. I don't know what the result will be, but I would hate to lose that opportunity to address that if we're going to move in this direction.

Good discussion. Anything further on the motion; any additional discussion that we need to have on this? I'll read it before we vote. There is a motion to charge staff to look into a South Atlantic Snapper Grouper Complex Implementation Plan. Motion by Mr. Cole; second by Mr. Woodward. Is there any further discussion on the motion? Do we need a minute to caucus? I haven't gotten that impression, so I'm going to show for a show of hands in the affirmative on that motion; opposed same sign; null votes; abstentions. **It passes unanimously.**

## ADJOURNMENT

Thank you, Mr. Cole. We'll continue this in May. Is there any other business to come before the South Atlantic Board? If not, excellent meeting, thank you for your attention. We are adjourned.

(Whereupon, the meeting was adjourned at 10:25 o'clock a.m., November 9, 2011.)

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