

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

**November 8, 2004  
New Castle, NH**

## **ATTENDANCE**

### **Board Members**

Damon Tatem, NC, Gov. Appte  
Preston Pate, NC DMF  
David Cupka, SC DNR  
John Frampton, SC Leg. Appte  
Robert Boyles, Jr. SC DNR  
Spud Woodward, GA DNR, Vice-Chair

John Duren, GA proxy for Ralph Balcom, Gov.  
Appte.  
Mitch Needelman, FL Leg. Appte.  
Anne Lange, NMFS  
Bill Cole, USFWS, Chair

### **Ad hoc State Representatives**

AC Carpenter, PRFC  
Roy Miller, DE Div Fish and Wildlife  
Tom Fote, NJ Gov. Appte.  
Pete Jensen, MD DNR

Russell Dize, MD proxy for Sen. Colburn, Leg.  
Appte.  
Jack Travelstead, VMRC

### **Ex-Officio Members**

William Windley Jr., Atlantic croaker Advisory Panel Chair

### **Staff**

Vince O'Shea  
Nancy Wallace

Megan Gamble  
Bob Beal

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## SUMMARY OF MOTIONS

**Move to approve the 2004 FMP Review for Spot with the understanding that staff will add the available commercial landings to the report.** Motion by Mr. Cupka, second by Mr. Carpenter. Motion carries.

**Move to adopt the 2004 FMP Review for Spotted Seatrout subject to staff adding the 2003 commercial landings.** Motion by Mr. Pate, second by Mr. Woodward. Motion carries.

**Move to approve the 2004 FMP Review for Spanish Mackerel subject to staff adding the 2003 commercial landings.** Motion by Mr. Cupka, second by Mr. Pate. Motion carries.

**Motion to approve the 2004 FMP Review for Atlantic Croaker subject to the addition of commercial data.** Motion by Mr. Pate, second by Mr. Cupka. Motion carries.

**Move to approve the 2004 FMP Review for Red Drum subject to the addition of commercial data.** Motion by Mr. Duren, second by Mr. Boyles. Motion carries.

**Move to grant New Jersey and Delaware *de minimis* status in the red drum fishery subject to the PRT's provisions.** Motion by Mr. Pate, second by Mr. Carpenter. Motion carries.

**Move to approve the Atlantic Croaker PID for public hearings subject to the changes discussed today.** Motion by Mr. Pate, second by Mr. Cupka. Motion carries.

**Move that the South Atlantic State-Federal Board recommend to the Policy Board to authorize the Executive Director sign the Southeast Aquatic Resources Partnership Memorandum of Understanding.** Motion by Mr. Woodward, second by Mr. Frampton. Motion carries.

**Move that the South Atlantic State-Federal Board approve the 2005 Operations Plan for SEAMAP.** Motion by Mr. Cupka, second by Mr. Woodward. Motion carries.

**Move to approve the nomination of Tina Moore and Harry Rickabaugh to the Atlantic Croaker PDT and a yet to be named VA representative.** Motion by Travelstead, second by Mr. Cupka. Motion carries.

**Move to accept the Atlantic Croaker Advisory Panel nominees (Andrew Dehel, Bill Windley, and Tom Powers).** Motion by Mr. Miller, second by Mr. Travelstead. Motion carries.

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION  
SOUTH ATLANTIC STATE-FEDERAL  
FISHERIES MANAGEMENT BOARD**

**Wentworth by the Sea  
New Castle, New Hampshire  
November 8, 2004**

The South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea, New Castle, New Hampshire, on Monday, November 8, 2004, and was called to order at 9:00 o'clock a.m. by Chairman Bill Cole.

**WELCOME AND INTRODUCTIONS**

**CHAIRMAN BILL COLE:** Good morning. My name is Bill Cole and I'd like to call South Atlantic State-Federal Board into session. First of all, let me welcome all of you to this year's annual meeting. I think this is the first board to meet.

We appreciate all of you coming. We have a fairly extensive agenda that Miss Nancy Wallace, our excellent staff, assures me we can get through in post haste this morning. First of all, before I go around, let me start on my left and we'll get a name check and have everybody introduce themselves, please.

**MR. BILL WINDLEY:** I'm Bill Windley. I represent Maryland, and I'm here today as the chair of the Croaker Advisory Panel.

**MR. JACK TRAVELSTEAD:** Jack Travelstead, Virginia.

**MR. DAVID CUPKA:** David Cupka, South Carolina.

**MR. ROBERT H. BOYLES, JR.:** Robert Boyles, South Carolina.

**MR. JOHN DUREN:** John Duren, Georgia.

**MR. SPUD WOODWARD:** Spud Woodward, Georgia.

**MS. ANNE LANGE:** Anne Lange, proxy for Buck Sutter, National Marine Fisheries Service.

**MR. DAMON TATEM:** Damon Tatem, North Carolina.

**MR. PRESTON PATE, JR.:** Preston Pate, North Carolina.

**MR. A. C. CARPENTER:** A. C. Carpenter, Potomac River Fisheries Commission.

**MR. RUSSELL DIZE:** Russell Dize, proxy for Senator Colburn, Maryland.

**MR. W. PETE JENSEN:** Pete Jensen, state of Maryland.

**MR. ROY MILLER:** Roy Miller, state of Delaware.

**REPRESENTATIVE MITCH  
NEEDELMAN:** Representative Mitch Needelman, Florida.

**MR. THOMAS FOTE:** Tom Fote, governor's appointee from New Jersey. I was hoping Bruce Freeman was here so I could stay at the habitat meeting.

**EXECUTIVE DIRECTOR JOHN V.  
O'SHEA:** Vince O'Shea, Atlantic States.

**MS. MEGAN GAMBLE:** Megan Gamble, staff.

**MS. NANCY WALLACE:** Nancy Wallace, staff.

**CHAIRMAN COLE:** All right, thank you very much. I appreciate all of you coming today. First of all, let's address the approval of the agenda. I understand that there are may be some suggestions. Preston.

**MR. PATE:** Yes, Bill, if we have time, I'd like to have some discussion about the red drum stock assessment.

**APPROVAL OF AGENDA**

**CHAIRMAN COLE:** With your concurrence, we can do that under other business. Are there any other changes to the agenda? Seeing none, the agenda is approved.

**APPROVAL OF PROCEEDINGS**

We have been provided the proceedings of August 2004 on our CD disk. Are there any changes, discussion or other actions that need to be taken on

those proceedings? Any discussions? Seeing none, those proceedings of August 2004 are approved.

### **PUBLIC COMMENT**

As is typical of all of our commission meetings, there is always a set-aside period for public comment. I don't think I see any public in the room, but if any does show up, I will extend the courtesy and opportunity to comment as we proceed on our action items to any public that so identifies themselves. With that, Miss Nancy, let's begin with the 2004 FMP reviews.

### **SPOT FMP REVIEW**

MS. WALLACE: Thank you, Bill. This is the annual time when we need to just approve all the FMP reviews, the PRTs from each of the species have gone through and edited and updated. I'm just going to run briefly through each of the FMP reviews now.

The first is the Spot FMP review. Okay, the first slide is the status of the FMP. The FMP for spot was adopted in 1987. It includes the states of Delaware through Florida. The Policy Board adopted the finding that the FMP does not contain any management measures that states are required to implement.

The status of the stock -- except for Virginia there are no specific stock status surveys for spot. It is a major component of samples in generalized trawl and seine surveys. Maryland has a juvenile seine survey, which showed low levels in 2003.

VIMS also has a young-of-the-year survey. It showed low abundance since 1992. North Carolina Pamlico Sound Survey has been stable since 1979. There is no coast-wide stock assessment for spot.

The status of the fishery. This is going to be the same slide for all that I go through. Unfortunately, the commercial landings for 2003 were not available until just about last week, so they were not included in the CD on the FMP.

What I'm going to ask at the end of all of these is to have approval with the condition that staff will go back and include the 2003 commercial landings for all of these species. Unfortunately, just with the timing, they were not ready for this time.

However, the recreational landings were available. The recreational landings in 2003 were 9.1 million

fish, 4.5 million pounds. This was a 72 percent increase from 2002, quite a large increase. And 3.2 million fish were released alive in 2003.

Status of assessment advice, pretty much the same as every year: formal stock assessment has not been conducted and spot life history information and fisheries data have been localized and conducted at different levels of population abundance, so it might be difficult at this time to have a coast-wide assessment.

Status of research and monitoring, fishery independent data is collected by SEAMAP, the recruitment indices from Delaware, Maryland, Virginia, and North Carolina and Florida. North Carolina ages 400 to 500 spot to produce annual age-length keys, and the CHESMAP Trawl Survey is being developed by VIMS which will provide estimates of population size, distribution, food habits and seasonal length.

Status of management measures that were in the original FMP were to promote the development and use of bycatch reduction devices, which I think has been done in most states, and promote increases in yield per recruitment through delaying entry to the spot fisheries to age one and older.

Elimination of compliance requirements, there are no compliance requirements for spot. The PRT recommendations are to develop an amended Spot FMP with objective compliance criteria. The research and monitoring recommendations were in the document that you have.

I'm probably not going to go through all of them for all the species, but they are in front of you if you have any questions. That concludes the Spot FMP.

CHAIRMAN COLE: Are there any questions of Nancy on the Spot FMP? Board members, what we need to do is to formally adopt these reports this morning. David Cupka.

**MR. CUPKA: Thank you, Mr. Chairman. I'd like to make a motion that we approve the 2004 review of the fishery management plan for spot with the understanding that staff will go back and add commercial landings when they're available.**

CHAIRMAN COLE: I have a motion and I have a second from A.C. Carpenter. Is there any discussion on the motion to adopt the Spot FMP report? Seeing none, it is adopted. Nancy.

## SPOTTED SEATROUT FMP REVIEW

MS. WALLACE: I'll just wait to finish getting the motion up and then we'll move on to spotted sea trout. Okay, the first slide is the status of the FMP. The FMP for spotted sea trout was adopted in 1984. It includes the states from Maryland through Florida. Amendment 1 was approved in 1991.

Again, there is no coast-wide assessment of spotted sea trout. The most recent estimates from Florida was that the spawning ratio was at 57 percent in the northeast and 33 percent in the southeast. That's all we have is from Florida at this time.

The same slide as last time, no commercial landings were available. The recreational landings in 2003 were 928,000 fish, 1.32 million pounds, which was just a slight increase from the previous two years.

Three point one million fish were released alive in 2003. A formal stock assessment has not been conducted, but Florida, South Carolina and Georgia have conducted virtual population analysis on local spotted sea trout stocks.

Status of research and monitoring. North Carolina, South Carolina, Georgia and Florida all have various research and monitoring programs in their states for spotted sea trout. Management measures, all states with a declared interest have established a minimum size limit of 12 inches.

And many states have implemented bag and size limits more conservative than Amendment 1 requires. The implementation, all states required to implement the minimum size limit of 12 inches have done so. We do not require compliance reports for spotted sea trout.

And the PRT recommendations are to develop an amended spotted sea trout amendment with objective compliance criteria, collection of commercial and recreational landings data should continue with emphasis on effort data, develop methodologies to monitor stock status and the rest of the research recommendations are in the document you have. That's it.

CHAIRMAN COLE: Any questions of Nancy? A.C.

MR. CARPENTER: Nancy, I'm looking at Table 5 of the report that has the state-specific recreational creel limits. I'm almost certain that we have a ten-fish creel, not a fifteen-fish creel limit.

MS. WALLACE: Ten fish, not fifteen fish. Okay, I will make that change.

CHAIRMAN COLE: John.

MR. DUREN: Nancy, Georgia also has a 13-inch minimum.

CHAIRMAN COLE: Any other comments, discussions on the report? **Do we have a motion to adopt the report? Motion by Preston Pate to adopt. Second by Spud Woodard to adopt this year's annual report. Any discussion? The report is adopted subject to the addition of the commercial landings as before.** Nancy.

## SPANISH MACKEREL FMP REVIEW

MS. WALLACE: The next FMP that we're going to go through is Spanish mackerel. The status of the FMP for Spanish mackerel, it was adopted in 1990 and includes the states from New York through Florida, excluding Pennsylvania.

The goal of this FMP was to complement federal management in state waters, to conserve the resource throughout its range and to achieve compatible management among the states that harvest Spanish mackerel.

In 2003 the mackerel stock assessment panel conducted a full assessment. It showed that F has been below FMSY and FOY since 1995. And it showed that the stock abundance had increased steadily since 1995, and it is now at an all-time high for the analysis period. Therefore, the panel concluded that Spanish mackerel is not overfished and overfishing is not occurring.

Again, commercial landings will be put in after this meeting. Recreational fishery, the recreational landings in 2003 were 1.2 million fish, which was 1.5 million pounds, a slight decrease from the previous three years.

North Carolina and Florida accounted for the majority of recreational landings and showed 864,056 fish were released alive in 2003. This was an all-time high.

Status of the assessment advice, the mackerel stock

assessment panel conducted a quantitative stock assessment in May 2003. I believe it's a bi-annual stock assessment; therefore, it will be done in 2005 as well.

In addition to the bi-annual stock assessment, NMFS continues to monitor length and weight at age and size frequency, fishing mortality and migration, collects age data, catch-per-unit effort, monitors the shrimp bycatch and investigates methods to predict year class strength, calculates estimates of recruitment and develop conservation geared to reduce bycatch, so there is quite a lot of monitoring going on.

Status of the management measures, in June 2003 the South Atlantic Fisheries Management Council voted to defer action until the next stock assessment, so that will be in 2005. Total allowable catch stays at 7.4 million pounds. It's allocated on a 55/45 basis between the commercial and recreational fishery.

All states with a declared interest have achieved full regulatory compliance with the plan. States have implemented a series of bag and size limits, commercial trip limits and/or provisions for seasonal closures. The recreational limit was increased to 15 fish.

And the recommendations from the PRT are states with commercial fisheries north of Florida should maintain the trip limits specified in the council FMP, and the research and monitoring recommendations are in the document that you have.

CHAIRMAN COLE: Questions or comments on the review of Nancy? David Cupka.

**MR. CUPKA: Motion to approve the review, again with the understanding staff will add commercial landings.**

CHAIRMAN COLE: I have a motion from David Cupka, seconded by Preston Pate, to approve the review subject to staff adding the 2003 commercial landings. Any discussion on that motion? Seeing none, the review is approved. You're doing good, Nancy.

#### **ATLANTIC CROAKER FMP REVIEW**

MS. WALLACE: The next FMP review is Atlantic croaker. Status of the FMP, in 1987 the fishery management plan was adopted. It includes the states from Maryland through Florida. And, as you all know, Amendment 1 is currently being

developed.

The latest stock assessment was completed in 2004 and peer reviewed through the SEDAR process. The Mid-Atlantic region, which includes North Carolina north, is not overfished and overfishing is not occurring. The South Atlantic status at this time is unknown, Florida to South Carolina.

Commercial landings will be included. Recreational fishery, landings in 2003 were 10.5 million fish, 9.2 million pounds. This was a slight decrease from the previous four years. Virginia takes the majority of these landings.

We're at the assessment advice. The 2004 stock assessment was approved for use in management decisions by the SEDAR panel. Status of research and monitoring, fishery-independent data is collected through the SEAMAP program.

We have recruitment indices in the new model from ongoing juvenile surveys from Delaware, Maryland, Virginia, North Carolina and Florida. And we have the fishery-dependent information from the National Marine Fisheries Service.

Status of management measures, the PRT recommends that we collect movement data from the southern region, including tagging information to help get at that stock status information for Florida through South Carolina.

We need to collect bycatch and discard estimates from the commercial and recreational fisheries and characterize the scrap fishery. The recommendations also is to standardize aging procedures and to develop a coastwide or regional catch-per-unit effort index.

There are no regulatory compliance requirements in the 1987 Atlantic Croaker FMP. The PRT recommends to develop an amendment to the FMP plan, which already is in progress, and the research and monitoring requirements are in the document.

CHAIRMAN COLE: Any questions, comments, for Nancy? We have to approve this even though we will take up some additional actions on the amendment shortly in the agenda. **I have a motion from Preston Pate to approve the croaker review subject to the addition -- we don't need to add the 2003 to this one, do we?**

**MS. WALLACE: Yes, we do.**

**CHAIRMAN COLE:** Okay, subject to the addition of the commercial data. Seconded by David Cupka. Any discussion on the motion? The motion carries to approve the 2003 croaker review. Nancy, one more.

#### RED DRUM FMP REVIEW

MS. WALLACE: The last one is the Red Drum FMP review. This is the FMP review, and this was the first year that compliance reports were due from Amendment 2 so I will go through -- well, I won't go through them all. You have them all and there are copies on the back as well, but I'll get to that in a moment.

Status of the FMP, Amendment 2 was adopted in 2002 and the primary objective of this amendment is to achieve and maintain SPR at or above 40 percent. The last assessment was conducted in 2000.

It showed that escapement rates for the northern region were 18 percent and the escapement rates for the southern region were 15 percent. The next scheduled ASMFC coast-wide assessment will be conducted in 2008.

Again, we will include the commercial fishery landings. The recreational fishery, the recreational harvest in 2003 was 478,770 fish. One interesting note was that South Carolina harvested more red drum than any other state, and in that state it was an increase of almost 400 percent from previous years.

Okay, South Carolina's harvest did increase 400 percent from previous years. The PRT was a little concerned about this, and did check back with the staff of South Carolina. It does correlate with the large abundance that was shown in South Carolina surveys, as well, and the South Carolina staff is not too concerned about it.

They thought that perhaps the MRFSS data might be a little overestimating, so this is something that we're going to watch and go back on and see, but at this point the PRT was not overly concerned.

Status of management measures, the approval of Amendment 2 in 2002 required states to implement appropriate bag and size limits to attain the management goal of 40 percent SPR. All states in the management unit implemented a 27-inch total length maximum size limit, and all states must maintain their current level or restrictions for commercial fisheries.

As you can see in the document, there is a table of all the states and if their implementation meets the requirements of the FMP. We did find that all states have implemented the three compliance criteria in Amendment 2.

The first compliance reports were due on May 1<sup>st</sup>, 2004. I just want to thank all the states for getting them to me on time, especially since it was the first one. Some interesting notes, all states do meet the FMP requirements.

New Jersey and Delaware have requested de minimis status. Their landings are rather insignificant compared to the rest of the coast, rest of where landings occur for red drum.

The PRT recommends granting de minimis status; however, we would like New Jersey and Delaware to still meet all the regulatory requirements in the FMP and submit annual compliance reports, so the PRT is recommending that it be granted in name; however, they would still have to follow most of the requirements.

One other note was the North Carolina commercial fishery -- if you remember, this South Atlantic Board had granted the director of North Carolina the ability to change the trip limits in a given season.

The PRT recommends that if the commercial trip limit is changed, that the SPR of 40 percent should be maintained. So we just ask that if that were to occur in North Carolina, that the South Atlantic Board be notified as well as the PRT and the technical committee to evaluate the changes that would happen. And the research and monitoring requirements are in the document. That wraps up the red drum.

**CHAIRMAN COLE:** I expect we'll get some discussion on this one so are there any questions or clarifications for Nancy. **Do I have a motion to adopt the report? I have a motion from John Duren to adopt the report. I need a second. Robert Boyles seconded. Is there any discussion on the motion? Seeing none, the report review is adopted.**

Is there additional discussion at this point on red drum? The PRT has some recommendations on de minimis. Do any of those states that have requested this have any additional comments or requests? Pres.

MR. PATE: Bill, as I indicated earlier, I wanted to have some discussion about red drum, but

we also indicated that it would be under other business. If you wanted to do it now, I'm prepared to bring it up.

CHAIRMAN COLE: I'm inclined to think that right now would be a more appropriate time while we're dealing with the red drum issues.

MR. PATE: Okay, thank you. Actually, it's relative to the last item that was in Nancy's report, and that is that North Carolina should be required to present information to the technical committee that the 40 percent SPR that's required in the plan will be maintained if we adjust our commercial trip limit.

A brief history on that subject is that we manage red drum both under a state-adopted plan and the measures that are in the ASMFC plan. We have restrictions in our plan that the commercial landings be a bycatch fishery.

We have capped commercial landings at 250,000 pounds per year, but are currently restricting commercial landings such that we have for the last two or three years been around 75,000 to 90,000 pounds, well below what the cap is.

And we've done that by allowing the fishermen to land seven fish per day year around, provided that their landings of other species constitute at least 50 percent of the total weight of the landings.

Red drum management in North Carolina has been a very emotional subject for the last several years, primarily coming from the needs of the commercial fishermen to have a more directed and aggressive fishery on this species.

We've been able to maintain the integrity of our plan and resist constant pressure to increase commercial limits successfully. But, the problem isn't going away and comes up every time we have one of our marine fisheries commission meetings.

At the last meeting there was some discussion, once again, about raising the commercial trip limit to let the commercial fishermen land a higher weight of fish. And, the staff, myself particularly, have just told our commission that we are not going to do that until the stock assessment shows that it can be done and stay in compliance with the requirements of both plans.

Our commission expressed quite a bit of dissatisfaction with the decision of this board to delay the update of the stock assessment until 2008, I think

Nancy said earlier in her presentation.

They characterize that as a stalling tactic for us to utilize to keep from addressing the reality of the growth in the size of that population and the justification that commercial landings could be allowed to increase.

Our response to that discussion was a commitment to conduct a stock assessment of our own beginning next year. We have changed the order of priorities of some of our other assessments and staff such that we can now do that.

I wanted to bring this up to the board today to see if there was any interest in reconsidering the earlier decision to delay the coast-wide assessment until 2008 and take advantage of the resources that we're going to be providing and committing to the stock assessment in North Carolina next year.

You know, our state is one of the big players in red drum management, and we are one of the big harvesters, both commercially and recreationally, and have a lot of the data that would otherwise go into a coast-wide stock assessment. It would seem to me to be efficient if we were committed to making that investment already, the other states, to bring in whatever resources they have to assist in that process. I was talking to Bill about the idea, Chairman Cole, about the idea before this meeting, and he and I both are uncertain about what other new information there may be from the other states to assist in that stock assessment effort that we're going to lead next year. I wanted to put that out on the table for consideration and feedback from the board this morning. Bill, thanks for the opportunity.

CHAIRMAN COLE: Thank you, Pres. Any comments or questions?

MR. WOODWARD: Pres, I can certainly feel your pain. While we're not under the same squeeze you are down in Georgia, I know our anglers have wanted us to do something specific to Georgia for a long time and we're working toward that end.

I don't think we're ready to do it yet. I mean, we have really just within the last couple of years instituted the kind of data collection process that will hopefully give us a better fisheries-independent measure by 2008.

I know when we were discussing Amendment 2, that one of the realities that we had to face was that it was going to take a little bit of time to get the

recommendations implemented.

I think we finally have done that, which means that the 2003 cohort may have been the first one that was really afforded protection under the new set of harvest regulations and certainly the 2004 cohort.

And the challenge is letting them get through the period to get to escape, so I know that's a predicament. I guess the other thing to be discussed is we are splitting the assessment at North Carolina north and then the south unit.

And, certainly, if your agency is going to throw the resources into doing it, there probably is some merit to doing something on that north region, if possible. I mean, I don't know that we're ready to do that in the south.

I would hesitate to get into that, but if you're going to do it -- the bulk of the fish are coming out of North Carolina anyway for the North Carolina unit -- I would suggest that if it's possible for Virginia and any of the other states to contribute, they certainly ought to do it.

CHAIRMAN COLE: Any other questions of Pres? Tom.

MR. FOTE: Well, New Jersey is one of the states at northern end of the range, and my problem is we can't even get accurate catch data any more because people come in, and they're not sure whether they have a red drum or a black drum.

They bring it into the tackle store or someplace to weigh it in, and they find that it's illegal because they don't know about the slot limit, and basically said you've just got to get out of the tackle store.

And that's really a hindrance to get what catch data is in New Jersey on red drum. I mean, when we looked at de minimis status I'm saying, you know, we catch so few fish, but we don't know what the range is.

We don't know what we're actually landing because people don't know about the slot limit. I mean, first you have the governor's tournament in New Jersey. We caught 15 red drum on the fly rods. All the fly rod fishermen caught red drum, so we put it on the list. In the 13 years since, we have never caught a red drum.

But, there's certain areas in New Jersey that do catch them. But, again, what's coming in is probably not the slot fish because I don't hear of any landings. I

hear the kind of, well, this guy brought a 25-pounder in or a 30-pounder in, and we told him to get out of the store before you get a ticket. I mean, it's a real problem in New Jersey.

That's why I fought against putting the slot limit in, because I think we catch so few fish that it would be interesting to see what we're actually catching, and this way we're not going to be able to get those statistics.

CHAIRMAN COLE: Pat Augustine, welcome.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I'm not supposed to be here, but it says New York on here so we're a visitor. In response to Preston's question, I think we're sitting here waiting to see whether ASMFC can address this concern about can they change in any way -- maybe Vince can help us on this one -- can we change the stock assessment from 2008 to 2005 or will that have to go through that whole group?

CHAIRMAN COLE: Let me have Vince address that, if he is prepared to. He's not prepared so we'll leave that question there. Nancy's going to do it.

MS. WALLACE: Well, I believe that decision was made by our stock assessment committee, so I think that if we wanted to -- if this board wanted to go back to them and have them address it, that would probably be the proper channel to go through.

CHAIRMAN COLE: Tom.

MR. FOTE: The reason I didn't answer that question is because Bruce is not here, and I don't know what the resources of the state or how much we're committed right now. I think New York is the same problem.

We're going to have to do some stock assessment work. We're committed to a lot of other species right now, and we've already figured that into the next progression of personnel. Now if Bruce was here, he could better address that, but I'm hesitant to say anything until the state is contacted and see what we could do, what effort we could put in and what we could commit.

MS. WALLACE: I think you may have alluded to this before, but I know the reasoning was 2008 is a five-year cycle; so that once in 2003 everything was implemented, then after five years the technical committee felt they'd have a better

understanding of being able to see what the results were.

CHAIRMAN COLE: Pres.

MR. PATE: Bill, that's a good point. That's the same justification we're using for doing one next year, that our plan was implemented in ever how long ago, five years it was, 2002 and we're compelled to review -- we're compelled by law to review that plan on a five-year cycle. It doesn't necessarily have to include a stock assessment, but we did, as I explained earlier, commit to doing that as part of the five-year review next year.

CHAIRMAN COLE: Spud.

MR. WOODWARD: Well, I tell you what I would like to do is that hopefully Georgia is going to have the means and the data to do its own state-specific assessment sometime around 2008, and we'll certainly be actively involved in the regional assessment. I will do this.

I will offer that I've got a person I'd like to put into your mix, if you will let us do that, to benefit both from just seeing your methods and that sort of thing, and I think it will help us later on down the line. That is, if you want a Georgia cracker in amongst your already problematic formula.

CHAIRMAN COLE: Thank you, Spud. Any other comments to Pres? Pres, is it your intention to do the whole one or would we just -- Spud, help me out here, since you were chairman of that assessment group -- would it just be doing the northern section or do we not know what our data looks like right now enough to be able to answer those questions?

MR. WOODWARD: Well, it wasn't too long ago that we sort of reviewed all the existing fisheries-independent and fisheries-dependent sources, and I don't know that anything has radically changed other than I know in Georgia we instituted a program that is allowing us to collect data that we didn't have prior to development of Amendment 2.

I mean, we really need to go out and census all the states and see what has changed. I would be hesitant to do anything in that south region right now. I think that we need to take what resources we can muster and put it into the north.

That will help Pres out, and I think it will ultimately help the whole South Atlantic and the Atlantic

ultimately. I mean, every time we do one of these, we learn something that we didn't know before, and so I think it would certainly be beneficial.

And from what you're saying, you're going to do this anyway at the state level, and so we need to make it as complementary to the commission process as we can and at the same time be realistic about what we can do. That's why I'm offering up a warm body. I didn't put it to the Atlantic Croaker PDT; I'll put to the red drum assessment.

CHAIRMAN COLE: It is greatly appreciated. Pres, so where I think we're going is that you and Spud's people are going to be looking at doing a northern zone assessment together, and you will let us know at our next board meeting a little more details and so forth. Anne Lange, you're here from the -- is it possible we could get some help from the service because you had a lot of people on that last assessment?

MS. LANGE: I will have to check with Southeast, but I will get back to you and back to Pres.

CHAIRMAN COLE: Could you contact Pres with that answer?

MS. LANGE: Yes, I will.

CHAIRMAN COLE: Any other discussion on red drum? David.

MR. CUPKA: Thank you, Mr. Chairman. I just wanted to bring everyone up to date on some action we took recently at the council level.

You will recall at our last board meeting we were talking about South Atlantic Council taking action to transfer responsibility in the EEZ to the National Marine Fisheries Service, actually the Secretary of Commerce under ACFCMA.

About two weeks ago, as chairman of the South Atlantic Council, I did sign a letter going to Bill Hogarth requesting them to do that, and also copied the ASMFC since it will take some action on the part of the commission to have a seamless transfer.

So that is moving ahead, and we'll see where we go from there. If it goes as planned, the South Atlantic Council will no longer be managing red drum in the EEZ, but it will be under the Secretary.

CHAIRMAN COLE: Thank you, David. Anne Lange.

MS. LANGE: Yes, in regards to that, the Southeast Region has identified a person to start working on the paperwork that will be necessary to do that under the law, to change it from the Magnuson Act to the Atlantic Coastal Act. I'm not sure how long the process will take, but they've at least identified someone to start the DEIS work and that type of thing.

CHAIRMAN COLE: Any other comments on red drum? Spud.

MR. WOODWARD: One other thing, and this may have some slight budget implications, but I think we might need to pull together the Red Drum Technical Committee before we embark on this course of action. I know in the Ops plan, I don't believe there is a meeting scheduled.

We probably need to do that just to benefit from that experience. I think we still have a little bit of housekeeping left on that technical committee in that I'm not sure that we actually have a chair right now - not that we need to do it right now, but something that we need to put on the agenda for the future, just to tidy that up.

CHAIRMAN COLE: Let's deal with that and then I have another issue. Those of you who are dealing with the budget and plan for next year, I think that's a well-made point that in order to facilitate what we want to do with red drum, we may need to add to the budget a technical committee meeting.

All right, Nancy has handed me a note about the de minimis states. As I understand it there -- are these formal requests, Nancy?

MS. WALLACE: Yes, they are formal requests from the compliance reports from New Jersey and Delaware to be granted de minimis status. The PRT has recommended that they be granted de minimis status with the understanding that they will still fulfill their regulatory requirements in the plan and still submit annual compliance reports.

CHAIRMAN COLE: It would take a motion to do this. Pres.

**M R. PATE: Mr. Chairman, I'd like to make a motion that New Jersey and Delaware be granted de minimis status.**

**CHAIRMAN COLE: Would that be subject to the PRT revisions, provisions?**

**MR. PATE: Yes, sir, it would.**

MR. AUGUSTINE: Mr. Chairman, the PRT recommended that, didn't they? I thought it was already clearly stated here that the PRT recommended they are required to meet the regulatory requirements as with all of the cases of de minimis status. Wasn't that a part of the acceptance of the total PRT report?

CHAIRMAN COLE: Pat, the way I'm looking at it right now is accepting the report is one thing. The previous motion accepted the report. And de minimis, if I recall under the charter, requires a specific motion so I think it would be --

MR. AUGUSTINE: Thank you for that clarification, Mr. Chairman.

**CHAIRMAN COLE: I have a motion by Preston Pate to grant New Jersey and Delaware de minimis status subject to the PRT's revisions, seconded by A. C. Carpenter. Is there discussion on the motion? Seeing no discussion on the motion, the motion carries.**

Nancy, we want to make sure that their staffs understand the reporting requirements and there are no confusions here. Any other comments or discussion on red drum? We've already passed the motion, Tom, are you asking for a roll call?

MR. FOTE: No, I apologize, I missed the objection. I heard the discussion but I missed the part about the objection.

CHAIRMAN COLE: The motion passed without discussion. All right, we've taken care of red drum. Now we come back to Atlantic croaker, and this is another action item and Nancy is going to walk us through this one.

#### **ATLANTIC CROAKER PUBLIC INFORMATION DOCUMENT**

MS. WALLACE: At the last board meeting, the South Atlantic Board decided to initiate Amendment 1 to the Croaker FMP. Staff went back and drafted a public information document that we hopefully will have some discussion on, and hopefully the board will approve today so we can move forward with public hearings.

This public information document did go by -- we had an Atlantic Croaker Advisory Panel meeting, the

first one. They reviewed the PID and gave lots of good recommendations, which we have incorporated into the version that you received.

So, the AP has seen and incorporated their revisions into the PID that you have before you, so I'll walk through it now and we'll go through each issue.

Public information document, just in the beginning, I'm not going to go through each of these sections, but there is an introduction, what the purpose of the PID is, the process, including the time frame for the public to see, the background of the original 1987 FMP, history of the commercial landings, history of the recreational landings, and an update of the status of the stock, much of which I just went through in the PRT, very similar.

Getting right into the issues, the first issue is to evaluate possible plan objectives. There are four plan objectives that are in here right now, very broad. The first is to manage the fishing mortality rates to provide adequate spawning potential to sustain long-term abundance of the populations.

The second is to manage the stocks to maintain spawning stock biomass above the target and biomass levels and restrict fishing mortality below the threshold. The third is to develop a management program for restoring and maintaining essential croaker habitat.

The fourth is to develop research priorities that will further refine the management program to maximize the biological, social and economic benefits derived from the population.

The questions that we will ask the public related to Issue 1 are do these objectives meet the needs of Atlantic croaker; are there objectives that have been listed here that are important to include in Amendment 1; are there objectives listed here that should not be included in Amendment 1?

Issue 2 would be biological reference points. The technical committee, after their last stock assessment, has recommended the following: that the F threshold be 0.39; F target, 0.29; spawning stock biomass threshold is 20,252 metric tons; and the target is 28,932 metric tons.

Just to show you a graph, this was seen in our last stock assessment report. This is the threshold and target MSY, target and threshold F, which are up there. And you can see that for quite a while, at least the last 20 years about, we've been below both the target and the threshold for F.

Similarly, with the target and threshold for SSB, you see that for the past 20 years we've been pretty much above the threshold and target for croaker.

The questions that the public will be asked are should Atlantic croaker be managed using biological reference points; are the biological reference points recommended by the technical committee appropriate; should the amendment attempt to maintain a high level of croaker abundance as seen for the last 20 years; should there be triggers to measure stock status; what if these triggers are exceeded? This is all to gather information from the public on these things.

The third issue is commercial fisheries. Currently there are no ASMFC management to restrict commercial harvest. There are, however, state-specific things to restrict commercial harvest.

The questions are what should be the management measures for the commercial fishery; should restrictions be put in place if F exceeds the target or SSB falls below the target; should there be a size and/or trip limit; should there be a commercial quota?

Recreational fishery, there are currently no ASMFC management measures for restricting the harvest of Atlantic croaker. Questions: what should be the management measures for the recreational fishery; should restrictions be put in place if F exceeds the target or SSB falls below the target; should there be a coast-wide size and/or bag limit; should there be a recreational quota?

These are the exact same as the commercial. That was a recommendation from the advisory panel, that they keep the commercial and recreational questions very similar.

Issue 5 is bycatch. Atlantic croaker is often caught as bycatch. A goal of the 1987 FMP was to promote the development and use of BRDs. States of Florida through North Carolina have promoted and required the use of TEDs and BRDs in state waters in their trawl fisheries.

The recommendation from the AP was to include this section; and they said should this amendment promote the use of bycatch reduction devices in other fisheries as well?

Issue 6 is regional management. The Atlantic croaker stock assessment only addresses the Mid-Atlantic region due to a lack of data in the South

Atlantic region. Questions that the public will be asked is should the South Atlantic and Mid-Atlantic regions be managed differently?

Issue 7 is conservation equivalency. In the document there is quite a lot of background on conservation equivalency and what that means. The question is if the states are required to implement management measures, should all states be required to have consistent regulations and requirements regarding the Atlantic croaker fishery or should the ASMFC allow conservation equivalency?

Issue 8 is habitat. We just have a little brief section on habitat and the questions are what are the Atlantic croaker habitat issues; how should these issues be addressed or evaluated further?

And those are the eight issues that are in the public information document right now. If there's any questions, I'll be happy to answer them, as well as any additions or things we've left out or changes you'd like to make, please let me know.

CHAIRMAN COLE: Okay, we have a public information document that we need to adopt this morning; but before we do that, are there any additions, discussions or suggestions for Nancy that we need to include in this document? My understanding, Nancy, is that our advisory panel has looked at this and their comments are included in this draft.

MS. WALLACE: They are, and I think Bill's going to give an update as well, so we could hold questions until after he has given his update.

CHAIRMAN COLE: Tom.

MR. FOTE: When I look at croaker, I look at it the same way I look at bluefish, which I look at entirely different than other species. You know, I look at Jersey's catch.

Recreation has just dramatically increased in the last couple of years to where out of nine states, I think we're the fourth largest recreational harvester. I also realize that it's not because we put restrictions or because we did other methods that that increase has occurred.

The same way with bluefish, when the stocks decrease or increase, it really is not so much done in fisheries management measures but either on an environmental or some other bycatch fishery which might be responsible for croakers, I don't know. I

know it's not in bluefish.

So my fear is when we start putting measures on something like that and hard targets and bag limits and everything else which really doesn't affect -- you know, when we put the Bluefish Management Plan in effect, they asked the same question; if we stopped all fishing, would it make any difference on the stocks?

Until this date, I still have no answer to that question, and I'm still sitting here with croaker and thinking is that the same situation. Whereas, in striped bass and weakfish and other species, I know it has a dramatic affect, red fish. But I'm not sure what happens with croaker; and if I'm going to go out to public hearings, I'd like an answer to that question.

CHAIRMAN COLE: Do you understand the question, Nancy?

MS. WALLACE: Not really.

MR. FOTE: I'll make it distinct. With bluefish we know that bluefish stocks went down dramatically without any real change in federal management regimes of increase in commercial or recreational fishery.

What I'm looking at it was more environmental reasons that I think with the ecosystem management or some other reasons because there was no prey for it to feed upon. I'm looking at the same thing with croaker, because I can't explain the reasons why there's dramatic increase and influx of the croakers in New Jersey.

To me it looks more environmental than fisheries management measures. And when I go out to the public and basically sell fisheries management plans to rebuild stocks or hold status quo, I want to make sure it's going to make a difference because I don't want to say if I cut back the bag limits, if I basically restrict the commercial fishery, and then I'm going to increase the stocks over a period of time.

I asked that question when we did the bluefish management plan, and I'm going to ask the same question when we do the croaker. If we basically had put in a lot of -- back when the stocks were down low in the north, had we put in management measures, would it brought it back?

Well, I don't see any management measures we put in place that brought those stocks back to where they are right now. That's the question I'm asking. I'm

sorry if I'm not the clearest, but do you understand now what I'm saying, Nancy?

MS. WALLACE: I understand. I'm not exactly sure where to go with that, though. This is just a public information document and questioning the public of how they would like to see croaker managed. I believe people might come back and say, you know, the croaker stocks are doing well, don't put any management measures in. I think that's an answer that we might hear.

This board has initiated the amendment, and one of the reasons is because the Policy Board found that the 1987 plan was not in compliance with the Atlantic Coastal Act, so there is a lot of things that need to be updated, anyway, such as the habitat section, economic section, all of those things need to be updated.

So, I guess I'd like some direction from the board of how they would like to incorporate Mr. Fote's comments and still move forward with the amendment.

CHAIRMAN COLE: Tom.

MR. FOTE: Yes, I mean, all I'm saying is when we give the introduction at the beginning of this plan, how do we explain the fact that these stocks have increased greatly in lieu of no fisheries management plans?

And we should make that statement because people should know that and don't count on fisheries management plans to bring all the stocks back. And there might be other reasons why these stocks go up and down.

CHAIRMAN COLE: A.C.

MR. CARPENTER: Tom, I think Nancy's comment that we're going through this so that the plan will meet the new standards is the primary focus, and I think maybe that ought to be the first thing in the public hearing document is the reason we're doing this is not because the status of the stock is off, but it's because -- and it may not need regulation, it's because we need to update the habitat, the economic data, the other things to be in compliance with the new Cooperative Fisheries Management Act.

I think that's what you're looking for is the reason why we're doing this. It doesn't have anything to do with the status of the stock. That's in pretty good

shape. Does that help?

CHAIRMAN COLE: Does that help you, Tom, because that's the way we're looking at it up here?

MR. FOTE: I just don't want to give a false representation that we're going out there, and also that we can actually do something with rebuilding the status of the fishery if the stocks go down.

I mean, because right now croakers are playing an important part in the charter boat and party boat fleets, especially from Barnegat south in New Jersey. And if those stocks right away start crashing, I don't want them to come running and say we need to put heavy management measures in place to protect them even though it might not rebuild the stock. That's what I'm looking at.

MS. WALLACE: Yes, I think we can definitely put A.C.'s comment into the introduction, which may help qualify things a little better. And also I think for Tom's comments, that's a discussion I can have with the technical committee and kind of get some scientific backing on what would happen with certain management measures.

CHAIRMAN COLE: Roy.

MR. MILLER: Thank you, Mr. Chairman. Nancy, can you refresh my memory on this FMP. Are there any provisions in this FMP for states that go out of compliance, any sanctions or suggested corrections if a state goes out of compliance, say, mid-year or fails to implement in a timely fashion?

You know some of our FMPs we've been cleaning up in that regard recently, and I don't recall whether this one would benefit from that or not. We're not at a crisis situation, obviously, with this stock at this point in time, so I'm looking hopefully years down the road or maybe never.

MS. WALLACE: Well, the original FMP does not have any compliance requirements or anything about states going out of compliance, but I think that is something that we could put in the public information document as an issue. If a state goes out of compliance, what should be done; how should we get back? I think that's something we can definitely address in the PID.

CHAIRMAN COLE: Additional discussion? David.

MR. CUPKA: Some of this might be able to be cleaned up a little bit, Nancy, if we go back to the introduction. For example, if you look at the last paragraph where it talks about stock assessment and then the last sentence in there, it said that the board initiated development of Amendment 1.

When you read what follows, there must be something wrong with the stock assessment because we developed it. In the paragraph above that, where it talks about the shortcomings of the plan in order to be in compliance with ACFCMA, it again talks about the board doing the amendment for that purpose.

I think some of that could be clarified and maybe changed a little bit in the introduction to make it clear that this amendment really is a result of trying to bring the plan into compliance rather than there being a problem with the stock.

CHAIRMAN COLE: Any other comments to Nancy? Okay, where we are right now is guidance to staff on this. Now, does the board want to see this again before you finally approve it or are you ready to approve it today subject to the staff corrections in the introduction and the clarifications so that the staff can go ahead and begin to schedule the hearings for this? Pres.

**MR. PATE: Mr. Chairman, I'd like to make a motion for adoption of the document for public hearings based on the discussion for changes that we had today.**

MR. CUPKA: Second.

CHAIRMAN COLE: I have a motion from Pres Pate, seconded by David Cupka to approve the public hearing document subject to the changes in the introduction. Staff has license to fix those.

Is there any additional discussion on the motion? **Seeing none, the public hearing draft is adopted.** Now, Nancy help me, as I understand it, we need to advertise this for 30 days or so, which would put us just about right in the middle of the holidays if we tried to schedule hearings.

Staff has suggested to me that we will need to hold hearings on this, but it would probably benefit everyone's schedule and the public if we did these in late January and February; is that correct?

MS. WALLACE: That's correct. And what I would ask the board members to do, if everyone is okay with that, is I'll be in contact with all of you to

see if your state would like to have a hearing or if you know right away, you can let me know after this meeting.

CHAIRMAN COLE: I know several of you are probably right now not ready to make those decisions, so I'm going to ask each state director and other board members to contact Nancy about the hearing schedule so she can get those done.

All right, any further discussion on the public hearing document? Seeing none, the document is approved. Let me move on to the agenda now. Let's take up the advisory panel report. Bill Windley, appreciate you being here. You've been awful quiet over here.

### ATLANTIC CROAKER ADVISORY PANEL REPORT

MR. WINDLEY: Thank you, appreciate you having me here. The Atlantic Croaker Advisory Panel met for the first time on September 29, 2004, in Raleigh. We had six members present: North Carolina, Virginia, Delaware, New Jersey, Maryland, and Virginia. And from the TC we had John Foster and, of course, Nancy as our fearless leader.

We introduced ourselves to each other and got familiar a bit and gave a little background into our interest in the fishery, wherever it came from, whether it be commercial, recreational or whatever, and then proceeded with business.

The next order of business was to elect a chair and a vice chair. I was elected as chair from Maryland, obviously, and Gene Doble from New Jersey was elected as vice chair.

John Foster gave a presentation of the new stock assessment for Atlantic croaker which was recently peer reviewed and approved for use in management decisions. John described the fishery dependent and independent data that was used in the assessment.

The stock assessment is only for the Mid-Atlantic region, North Carolina north. There is currently not enough data to access the South Atlantic region, Florida through South Carolina.

The Mid-Atlantic region shows that the spawning stock biomass is well above the recommended target and threshold. The fishing mortality is well below the recommended target and threshold. This means that in the Mid-Atlantic region, Atlantic croaker is not overfished and overfishing is not occurring.

The advisory panel then went through the draft public information document for Amendment 1 to the Atlantic Croaker Fishery Management Plan. They suggested a number of changes and additions to the draft PID.

Some of the issues they raised are listed below: Should the management plan attempt to maintain a high level of croaker abundance above targets; should management be proactive and more conservative when instituting regulations; should there be triggers to measure stock status?

If these triggers are set, should the management restrictions be put in place even if we have not exceeded the targets and thresholds? The original '87 Atlantic Croaker FMP stated, as one of its goals, to institute bycatch reduction devices. It should be mentioned that in this PID that many states have implemented the use of BRDs and they have been successful in reducing the amount of croaker bycatch.

The 1987 FMP promoted the development of BRDs for trawl fisheries. Should that be expanded in this amendment to other types of fisheries as well? The PID did not mention anything about the issue of bycatch of croaker in the shrimp industry. Should this be added to the PID?

What habitat studies have been done? How will we incorporate the habitat issues into the PID and into the amendment? We need more research on pollution effects and loss of habitat and how they affect croaker.

There is also a need for a habitat characterization study for Atlantic croaker. Commercial and recreational management regulations should be linked. For example, if a quota is instituted in the commercial fishery, should a bag limit be implemented in the recreational industry?

Should we implement a multi-year management plan or a single-year management plan? Concerns over lack of data for the southern region. Should the croaker be managed as two separate stocks?

The AP would like the technical committee to give a clear statement on whether croaker should be managed as two separate stocks. What data do we need to determine the stock status for the southern region? If the Atlantic croaker becomes overfished, what management measures will be put in place for recovery? That's it.

CHAIRMAN COLE: Thank you, Bill. Any questions of Bill? We appreciate that very excellent

report. When I was getting a cup of coffee, David Cupka raised a question and I think I probably need to clarify it.

That question was when we approved the motion to accept and approve the red drum plan review this morning, did it include in that motion the determination that everyone is in compliance? Nancy assures me that when we did that, that was correct so everyone would be in compliance for red drum.

The request for de minimis status, if I recall, goes back to the charter's guidance that provides that the board must take independent actions for de minimis determinations. That was the reason we asked for a separate vote on that. David, did that help you?

MR. CUPKA: Yes.

CHAIRMAN COLE: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I was kind of surprised to see that Bill's report came after we had already approved the PID process, and I guess the question I have was I kind of scratched my head and said, I guess you guys do different things in the south than we do in the north.

But the question was, were your concerns noted by your panel addressed full enough in the response around the table when we reviewed the PID or were there still dangling questions that you had here that were so hot that maybe we should go back and revisit what we approved in the PID?

MR. WINDLEY: If I understand your question, you're asking me if all of our questions that I just listed were addressed in the PID?

MR. AUGUSTINE: Yes.

MR. WINDLEY: And I'll have to tell you that I have not compared the two documents, but I think Nancy probably could answer that better than I could.

MS. WALLACE: I think I went through -- I actually generated most of the report and put each bullet point and made sure I covered it in the PID. If it's not covered in the PID, it is something that wasn't appropriate for the PID, but may be appropriate for later conversations when we're actually doing management measures in the amendment. I did try to express that to some of the AP members who were concerned. I think we have covered it.

MR. AUGUSTINE: Thank you for that clarification.

CHAIRMAN COLE: Thank you, Pat, for it, too. And that was a mistake with the chair this morning when we were laying out the agenda. We probably should have had this discussion and then this motion.

Let me suggest and request that Bill and Nancy sit down the first chance they can and go back through this and double check it for the board. Roy.

MR. MILLER: Out of curiosity, Bill, I wondered if the AP had any discussion or any concerns relative to the August 2004 Atlantic croaker kill along the Mid-Atlantic area?

MR. WINDLEY: There were questions and because it was -- the meeting was fairly close to the time that it happened, there were still a number of potential answers to what happened. You know, thermal rollover was one that we heard a lot about.

But, yes, they were very concerned, and I certainly hope that it will reflect in the next stock assessment. I'm not sure that I ever heard anybody finally determine exactly what happened.

MR. MILLER: I don't know if I can give you a final answer to that, either. I have spoken to Wolf Vogelbine, Virginia Institute of Marine Science, and his thinking is that it's some form of bacterial gill disease, but the last time I spoke to him he hadn't identified the cause of the organism.

Personally, having been an observer to that particular kill last summer, my personal opinion is that it was a combination of the two, perhaps temperature inversion coupled with fish in weakened condition, perhaps to some yet undescribed form of bacterial gill disease.

But it was a large enough kill that I thought it would probably be a concern of the PID and maybe, maybe, when you have an epizootic of this magnitude perhaps it's related to stock size. Perhaps the stock size has now gotten so large that this population becomes vulnerable to an epizootic. Thank you.

CHAIRMAN COLE: Additional questions of Bill or additional comments? Well, Nancy and Bill will sit down and walk back through this one more time just to make sure that everybody is in agreement with this so we can get these hearings

scheduled.

Nancy, the next item is a matter that Vince is back with us now, and I'm going to ask the two of you if you would take this. They're debating it.

### **SOUTHEAST AQUATIC RESOURCES PARTNERSHIP MEMORANDUM OF UNDERSTANDING**

MS. WALLACE: At the last board meeting we talked about the SARP project. I think Spud filled us in on what was going on and asked that staff go back and review the memorandum of understanding and give a recommendation to this board if the ASMFC should sign on to it, so I'll let Vince take it from here.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. Thank you, Nancy. We took a look at this. You all had asked us to do that. I think this makes a lot of sense for the commission to be involved in this initiative.

We'd be happy, from a staff standpoint, to support it and, Mr. Chairman, my recommendation would be that the board recommend up to the Policy Board that we sign on to this. Thank you, Mr. chairman.

CHAIRMAN COLE: Thank you, Vince. Any questions of Vince? Spud.

**MR. WOODWARD: I'll make the motion. I move that the South Atlantic Board recommend to the Policy Board that they direct the Executive Director to affix his signature to the Southeast Aquatic Resources Partnership Memorandum of Understanding.**

CHAIRMAN COLE: Can the chair take an editorial license with that when I have a second? I have a second with John Frampton. Spud, can we try this, recommend to the Policy Board the Executive Director be authorized to sign the memorandum, something like that? I mean "affix his signature" is a little bit like --

MR. WOODWARD: Whatever gets his signature on that document is fine with me.

CHAIRMAN COLE: Vince, you understand what this means. I'm going to leave it alone. It's a unique motion. Vince.

EXECUTIVE DIRECTOR O'SHEA: Well, Mr. Chairman, when I saw the first language there, I

was next going to ask the question who would be interested in having one of the pens that I use to sign the MOU.

CHAIRMAN COLE: Is there additional discussion on the motion? The chair would like to thank all of the state directors and other people that have worked so long and hard to make SARP a reality.

It's still in its infant stages. I can say the approach that SARP is using right now of inclusiveness and incorporating all of the aquatic interests from basically white water to blue water is certainly drawing a fair amount of attention in our capitol as we begin to address some of the Ocean Commission recommendations.

I think while nothing is ever perfect, this one is certainly a lot better start than others have. Are there additional comments on the motion? **Seeing no additional discussion, the motion is approved.** Vince, affix. Okay, let's move on down to SEAMAP. Elizabeth, can you come up.

#### SEAMAP UPDATE

MS. ELIZABETH GRIFFIN: The first topic on the agenda is the budget update. We put this on the agenda several weeks ago in the hopes that we would know something more by now. I'm sure many of you know we know nothing more and we probably won't for several weeks. As we learn more, we will keep you updated on what happens with the SEAMAP budget.

The next topic I'd like to update you on is the SEAMAP fisheries independent data coordination effort. On August 26, 2003, you approved the expansion of SEAMAP to include fisheries-independent data coordination. The Gulf and Caribbean components have also approved this expansion.

The chairs and staff coordinators from each of the components met in June of 2004 to initiate efforts on this topic. The group is being referred to as the fisheries-independent work group.

The work group began the establishment of sampling protocols and a data management system for various gear types. The output of this meeting was referred as to the Fisheries Independent Work group Report, May 2004.

This report was presented to the SEAMAP

components at the annual joint meeting in August and several comments came back on the report. These comments were then taken into consideration in the creation of a draft fisheries independent sampling protocol document.

This document was sent out to review to the SEAMAP Committee last month and several comments came back. The work group will be meeting via conference call on Friday to address these comments and determine what the next steps in this process will be.

The draft documents are not being distributed at this time because there are so many changes being made to them. If you would like to see a copy of these draft documents, please let me know and I can get them for you. Hopefully, we'll have a more complete draft document that we can show you at your next meeting.

The next topic is the 2005 operations plan. This operations plan very closely resembles the plan from last year. It has no significant changes to it, and we ask you to approve it today.

CHAIRMAN COLE: Any questions? David.

**MR. CUPKA: Not a question, Mr. Chairman, but I would make a motion that we approve the 2005 Operations Plan for SEAMAP.**

CHAIRMAN COLE: I have a motion from David Cupka to approve the 2005 Operations Plan for SEAMAP. It's seconded by Spud Woodward. Is there discussion on the motion? David.

MR. CUPKA: No discussion, but let's take a vote on this one if we can. The last time you didn't ask for objection, you just asked for discussion and then declared it was passed.

CHAIRMAN COLE: You're correct. Any further discussion? Is there any objection to the motion? **Seeing no objection, the motion passed.** Elizabeth.

MS. GRIFFIN: We are beginning work on the 2006-2010 operations plan. I will be taking the lead on this for the three components; and over the course of the next year, we will be circulating various drafts of this document.

Hopefully, the draft that's presented at the August 2005 SEAMAP joint meeting will be approved and

then it will come to you guys in the fall of 2005. If all goes well, hopefully the five-year operations plan will be approved and in place, ready to go, by the start of 2006.

There will be some significant changes from the last five-year plan because of the expansion of SEAMAP to include fisheries- independent data coordination, so please keep a close eye on those as they start coming around. Thank you.

CHAIRMAN COLE: Any further questions of Elizabeth on SEAMAP? David, do we have any further thoughts on SEAMAP as it relates to the five-year plan from the discussions that were held at the South Atlantic in Pawleys Island?

MR. CUPKA: No, not along those lines, but we'll be interested in seeing what comes out of this work group on fisheries- independent data.

I still have some concerns that if we aren't careful, we're going to dilute the program that's already underfunded. I just think we need to be careful and monitor that before we go trying to take on a big new effort to coordinate all this fishery- independent data. We'll see what comes out of the work group on that.

CHAIRMAN COLE: Thank you, David. Any additional thoughts or comments? Thank you, Elizabeth. Okay, the next item on our agenda is the Atlantic croaker nominations for the plan development team. Nancy.

#### **ATLANTIC CROAKER PLAN DEVELOPMENT TEAM NOMINATIONS**

MS. WALLACE: So far we've had two nominations: Tina Moore from North Carolina and Harry Rickabauh from Maryland for the Plan Development Team for Atlantic Croaker. We also do have the two CESS nominations that were approved at the last meeting. Staff would really like possibly at least one more PDT member to help draft this document.

CHAIRMAN COLE: Thank you, Nancy. Jack.

MR. TRAVELSTEAD: Virginia would like to put someone on the plan development team. I can't give you a name at this point, but I know there will be some interest there, so we will supply that name as soon as I have it.

CHAIRMAN COLE: Thank you, Jack.

Nancy.

MS. WALLACE: Thank you. So if we could just probably approve Tina Moore and Harry Rickabauh today; and then when Jack gets me the name, I can just probably do that by e-mail.

CHAIRMAN COLE: We need a motion on this, Nancy?

MS. WALLACE: Yes, we need a motion.

**CHAIRMAN COLE: I have a motion from Jack Travelstead, seconded by David Cupka, to name Tina Moore and Harry Rickabauh and a to-be-specified individual from Virginia to our plan development team. Any discussion on the motion? Any objection to the motion? Seeing no objection, the motion is approved.** Nancy, the next item is the advisory panel.

#### **ATLANTIC CROAKER ADVISORY PANEL NOMINATIONS**

MS. WALLACE: The Atlantic Croaker Advisory Panel, we did solicit for more names for the AP before our September meeting. We received three new names: Andrew Diehl from Delaware, Bill Windley from Maryland and Thomas Powers from Virginia.

All these members did come to the last meeting with the provision that they would be nominated officially or approved officially at this meeting, so we have Andrew Diehl from Delaware, Bill Windley from Maryland and Thomas Powers from Virginia that we need approved for the Croaker AP.

CHAIRMAN COLE: Roy.

**MR. MILLER: I move we accept these nominees.**

**CHAIRMAN COLE: I have a motion by Roy Miller, seconded by Jack Travelstead, to accept Andrew Diehl from Delaware, Bill Windley from Maryland and Thomas Powers from Virginia to our advisory panel.**

Any discussion on the motion? Any objection to the motion? **Seeing no objection, the motion carries.**

That brings us down to other business. Pres, we took care of your item earlier. I think that was concluded satisfactorily.

## **ADJOURNMENT**

Is there any other business to come before the South Atlantic State-Federal Board? Before we adjourn, let me thank the staff for the excellent work, the always excellent work that they give in support of the chairmen and vice chairmen.

And, Spud, thank you very much for carrying that last meeting for us. I certainly appreciate it. There being no other business before the board, the board is adjourned.

(Whereupon, the meeting was adjourned at 10:28 o'clock a.m., November 8, 2004.)

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