

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
SCIAENIDS MANAGEMENT BOARD**

**Webinar
March 18, 2021**

Approved August 3, 2021

Proceedings of the Sciaenid Management Board
March 2021

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6. **Motion to adjourn** by consent (Page 13).

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ATTENDANCE

Board Members

Joe Cimino, NJ (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Tom Fote, NJ (GA)	Malcolm Rhodes, SC (GA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)	Doug Haymans, GA (AA)
John Clark, DE, proxy for D. Saveikis (AA)	Spud Woodward, GA (GA)
Roy Miller, DE (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Lynn Fegley, MD, proxy for B. Anderson (AA)	Marty Gary, PRFC
David Sikorski, MD, proxy for Del. Stein (LA)	Jack McGovern, NMFS
Pat Geer, VA, proxy for S. Bowman (AA)	

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

Ex-Officio Members

Dawn Franco, Atl. Croaker Technical Committee Chair	Lee Paramore, Red Drum Technical Committee Chair
Angela Giuliano, Cobia Technical Committee Chair	Harry Rickabaugh, Black Drum & Spot Technical Committee Chair

Staff

Robert Beal	Emilie Franke
Toni Kerns	Chris Jacobs
Tina Berger	Jeff Kipp
Kristen Anstead	Savannah Lewis
Pat Campfield	Mike Rinaldi

Guests

Taylor Ailtmar, CBF	Shanna Madsen, VMRC
Erika Burgess, FL FWC	Genine McClair, MD DNR
Heather Corbett, NJ DEP	Chris McDonough, SC DNR
Timothy Ellis, NC DENR	Chris Moore, CBF
Corrin Flora, NC DENR	Morgan Paris, NC DENR
Craig Freeman	Somers Smott, VMRC
Michael Greco, DE DFW	Stacy VanMorte, NJ DEP
Wallace Jenkins, SC DNR	Dan Zapf, NC DENR
Wilson Laney	Jill Ramsey, VMRC

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The Sciaenid Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Thursday, March 18, 2021, and was called to order at 1:00 p.m. by Chair Lynn Fegley.

CALL TO ORDER

CHAIR LYNN FEGLEY: Welcome everybody to the newly formed Sciaenid Management Board. My one wish is that nobody ever makes me spell it. My name is Lynn Fegley; I represent the state of Maryland, and I'm serving as your Chair. Today we have a couple hours to get through our agenda.

APPROVAL OF AGENDA

CHAIR FEGLEY: We've got a couple of action items that we're going to be looking for motions on, so just get yourselves ready for that. I'm looking forward to good discussion. But first, the first order of business is there any opposition to the agenda as it stands? If you have, please raise your hand if you desire any changes or edits to the agenda.

Seeing none, we will consider the agenda approved by consensus.

APPROVAL OF PROCEEDINGS

CHAIR FEGLEY: The next order of business is the approval of the proceedings from October, 2020 that were in the meeting materials. I will say there was one minor wording change on Page 17, and it was sort of a funny typo. It's been corrected. Is there anybody else who would like to see changes or edits to the proceedings?

If you would like changes or edits, please raise your hand. Okay, seeing none, we'll just consider those approved by consent.

PUBLIC COMMENT

CHAIR FEGLEY: Moving on, the next order of business is public comment. Do we have anybody in the public who would like to provide

comment to the Board at this time? Please raise your hand if you do.

MS. KERNS: Lynn, I just want to tell everybody how to raise their hand, just in case folks haven't been on our webinar before. If you click on the hand icon that is below the red arrow and the microphone, your hand is raised when the red arrow is pointing downward. If it is the green arrow pointing up, your hand is not raised.

CHAIR FEGLEY: Great, thank you, Toni, for that. I'll just ask one more time, is there anybody from the public who would like to provide comment to the Board?

CONSIDER SPOT FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR 2019

CHAIR FEGLEY: Okay, seeing none, we will just roll on along, and we are now going to consider the Fishery Management Plan Review and State Compliance for the 2019 fishing year for spot. With that, I will turn it over to Savannah Lewis.

MS. SAVANNAH LEWIS: Thank you, Madam Chair. Good afternoon everyone, today I will be going over the Spot FMP Review for the 2019 fishing year, as well as *de minimis* requests for the 2021 spot fishery. The PRT met in December, 2020 to review state compliance reports and the FMP Review. This graph shows total landings, with commercial landings represented by the blue bars, and recreational landings represented by the black line. Years on the X axis with harvest in millions of pounds on the Y. Total coastwide spot landings in 2019 were estimated at 6.4 million pounds.

This represents an increase from 2018, but is the third lowest total harvest on record. The commercial and recreational fisheries harvested 30 percent and 70 percent of the total respectively. Coastwide commercial landings have varied, but declined in recent years. In 2019, 1.7 million pounds were harvested

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commercially, with the majority from Virginia and North Carolina.

This graph shows recreational harvest as orange bars, with releases shown by the black line. Years on the X axis, and catch in millions of fish on the Y. Recreational harvest has fluctuated throughout the time series from 12.8 million fish, to 54.4 million fish, 2018 had the lowest harvest in the time series, at 12.8 million fish, and 2019 saw an increase of 2.2 million fish, for a total of 15 million fish, or 4.7 million pounds.

Anglers in Virginia and North Carolina harvested the majority of the recreational spot. The estimated number of spot released in 2019 was 11.5 million fish, which is a significant increase from recent trends. In 2019, the harvest composite for spot triggered at the moderate response level for both the mid and South Atlantic groups for two out of the last three years.

Here you're seeing two figures that represent the traffic light approach that was presented at the annual meeting in October. The mean proportion of red from 2017 to 2019 in the Mid-Atlantic was 40.4 percent, and the mean in the South Atlantic was 35.6 percent. Due to a delay in the recalibration of the CHESMAP Survey, which is used in the annual TLA reviews, no data points were available for spot in 2019 for abundance indices for the Mid-Atlantic region.

However, even without the data points for 2019, the Mid-Atlantic Adult Composite Index has been above the 30 percent threshold since 2011. The South Atlantic Adult Composite Characteristics did not exceed the 30 percent level in 2019, or in two of the last three consecutive years. Overall, there is a continued trend of disconnect between the harvest and abundance indices, with the harvest metric exhibiting a decreasing trend, while the abundance metric had an increasing trend, specifically in the South Atlantic.

However, because harvest indices for both regions and abundance indices for the Mid-Atlantic were above 30 percent in two of the last three years, management response as outlined in Addendum III was enacted at the annual meeting. Four states have applied for *de minimis*. New Jersey and Georgia applied for *de minimis* status through the annual state compliance report process.

Delaware and PRFC have applied through the state implementation plan process. Just a reminder about *de minimis*: States may apply for *de minimis* status if, for the preceding three years for which data are available, their average combined commercial and recreational landings by weight constitute less than 1 percent of the average combined coastwide commercial and recreational landings for the same period. All four states meet this requirement. Annually, state compliance reports for spot are due on November 1st. The PRT found that all states have implemented the requirements of the FMP. They recommend approving state compliance reports as well as *de minimis* requests for New Jersey, Georgia, Delaware, and PRFC. The PRT would also like the Board to consider reviewing the *de minimis* status for spot by splitting out commercial and recreational *de minimis* to mirror croaker.

This would also allow flexibility for states with their management. Additional research and monitoring recommendations can be found in the FMP Review document. With that, I'm happy to take any questions that the Board may have about the spot FMP Review, state compliance reports or *de minimis* requests.

CHAIR FEGLEY: Thank you, Savannah. Are there any questions at this time for Savannah, please raise your hands?

MS. KERNS: Lynn, you've got a hand.

MS. FEGLEY: I see Chris Batsavage, so Chris Batsavage. Go ahead, please.

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MR. CHRIS BATSAVAGE: A question for Savannah. Would changing the *de minimis* requirements for spot, where it's separate for commercial and recreational take an addendum to the plan, or is there another way to do that?

MS. LEWIS: Yes, great question, Chris. That would require an addendum to the plan.

CHAIR FEGLEY: Okay, thanks, Savannah. Just so that I'm clear. Since that requires an addendum, is there is a motion to approve the state compliance reports and request for *de minimis*? Does that automatically, do we need a separate motion then to direct to split *de minimis* or to initiate an addendum?

MS. KERNS: Savannah, do you want some help with that one?

MS. LEWIS: Yes, go ahead, Toni, because I haven't been through the process yet.

MS. KERNS: No problem. Lynn, any recommendations that are in the FMP Review from the PRT, the Board would actually have to take action to implement any of those. They are not automatically approved when you accept the FMP Review and the *de minimis* requests. You would have to take a separate action to initiate them.

For example, if the PRT suggested the Board task, the TC to do something, the Board would still need to task the TC to do that whatever thing. In this case, yes, you would initiate an amendment. Doug Haymans also had his hand up, I don't know if you can see him or not, so I just wanted to make sure you knew that.

MS. FEGLEY: Thank you very much, and I see it, Doug Haymans, go ahead.

MR. DOUG HAYMANS: I would be in favor of making a motion to accept the plan review, but any change to *de minimis* at this point I think we need to hold, because as many folks on the call know, the Policy Board rather, will be

having a discussion, hopefully in the near future about *de minimis* across the board.

I think to make a change right now to *de minimis*, would be in error, as they may wind up changing it again based on the decisions of the Policy Board. For instance, I'm in favor of keeping recreational and commercial together, and that may be something that comes up in the Policy. I don't think I would be in favor of a motion to split that apart or even to start an addendum at this point, until the Policy Board has had an opportunity to weigh in.

CHAIR FEGLEY: Yes, thank you for that, Doug; that is a really good point. Okay, so Roy Miller, I see your hand is up.

MR. ROY W. MILLER: Thank you, Lynn. I just wanted to agree with what Doug said, and the reason it's of interest to us is Delaware and New Jersey are *de minimis* states, with regard to spot. At times we have a fairly abundant recreational spot fishery in lower Delaware Bay. Common sense says that a limit of 50 is just kind of a common-sense measure, even for *de minimis* states, to prevent wanton waste, to prevent localized depletion, that kind of thing.

I agree, perhaps the best place to deal with this is via the Policy Board. But, I'm just sort of throwing that out there as something that we need to think about, and use a common-sense approach when it comes to setting *de minimis* measures, or setting minimum regulatory measures for *de minimis* states. Thank you.

CHAIR FEGLEY: Yes, good point. Tom Fote, I see your hand.

THOMAS P. FOTE: Well, I thought he made the motion, I was going to second it, to approve the plan, because we got a report.

CHAIR FEGLEY: Yes, I don't think we have a motion yet. Here is what I would like to do. I would like to, and Marty Gary, your hand just went up. Let's go to you before I say more.

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MR. MARTIN GARY: I was prepared also to make a motion to accept the *de minimis* request, the FMP review, et cetera. I'm not sure if we're quite there yet, but I am prepared to make that. But I did want to, since we kind of tangent into this discussion about rationale for *de minimis*. I wanted to give the Board members another wrinkle that we've experienced at PRFC.

For spot, we are right in the middle of a geographic zone where they should be, and our population of spot are, at least that is available to our fishermen, has declined dramatically, and hence our eligibility for the *de minimis* status that we requested. But we have an interesting scenario, and we're kind of bound by the commercial and the recreational being hinged together for *de minimis*.

Our preference would be, if we had the option to have *de minimis* for commercial, but not for recreational, because our neighboring jurisdictions of Virginia and Maryland, which we would be out of alignment with them from a regulatory perspective. There are nuances I won't go into, that cause problems for that. I just wanted to say for the record that if PRFCs *de minimis* is accepted, we may, and very, very, likely implement more restrictive measures for the recreational fishery, because we really feel like we need to. But I want to make sure folks on the Board knew that, and if we get to the point, we're prepared to make a motion, I'll certainly offer one, thank you.

CHAIR FEGLEY: Okay, thank you, Marty. Doug Haymans, your hand is still up. I assume that's an artifact, or do you have a follow up?

MR. HAYMANS: Artifact, apology.

CHAIR FEGLEY: No worries. Okay, so here is what I would like to do. I would like to just address these issues one at a time. What I want to know is if there is somebody who thinks we should initiate an addendum for this *de minimis* issue. If somebody would like to initiate, make

a motion to initiate an addendum, please raise your hand. If nobody comes forward, then we'll just assume we're going to call that issue resolved, and wait to handle that at a later date. Is there anybody out there, any Board member who would like to make a motion about *de minimis*?

Okay, I am seeing no hands up, so I think I do believe that is a wise choice by the Board, given what Doug Haymans said, that this issue is going to be considered holistically by the Commission, and to wait for that outcome I think is a good move. The next thing is, I would be looking for a motion to accept the FMP Review, state compliance and *de minimis* requests.

MR. GARY: Madam Chair, this is Marty, I would be happy to make that motion if you would like.

CHAIR FEGLEY: Thank you so much, Marty Gary, go ahead.

MR. GARY: Motion to approve the Spot FMP Review, state compliance reports, and *de minimis* requests for the 2021 recreational and commercial spot fishery for New Jersey, Delaware, Georgia, and the Potomac River Fisheries Commission.

CHAIR FEGLEY: Excellent, thank you, Marty, and I saw Jim Estes hand go up first, was that a second?

MR. JIM ESTES: Yes, Ma'am, it was.

CHAIR FEGLEY: Thank you, Mr. Estes.

MS. KERNS: Lynn, if it's all right. I just want to perfect this motion if I can. Savannah, this is the 2020 or the 2019 spot FMP review?

MS. LEWIS: The 2019 fishing year.

MS. KERNS: Yes, great. Could we just put that in the motion, so we're recording which one it is? Maya, thank you so much.

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CHAIR FEGLEY: Good call, Toni. Okay, forgive me, I have to move a couple things around on my screen, so that I can read the motion into the record, which I will do.

MS. KERNS: Maya, the *de minimis* requests were for the 2021 fishing year. We just need to add 2019 to the beginning, so it would be Move to approve the 2019 fishing year spot FMP review. Sorry, Lynn.

CHAIR FEGLEY: No, that's fine. I think that looks good, yes thank you, Maya. Okay, so the motion is to approve the 2019 fishing year spot fishery management plan review, state compliance reports and *de minimis* request for the 2021 recreational and commercial spot fishery for New Jersey, Georgia, Delaware, and for the Potomac River Fisheries Commission. **I'm just going to ask, is there any opposition to this motion? If yes, please raise your hand. Okay, seeing none, this motion is approved by consent.**

Thank you very much for that. We are on time and under budget.

**CONSIDER APPROVAL OF THE STATE
IMPLEMENTATION PLANS FOR SPOT AND
ATLANTIC CROAKER ADDENDUM III
MANAGEMENT**

CHAIR FEGLEY: The next item on the agenda is to consider state implementation plans for spot and croaker, Addendum III management we all know, due to the traffic light results, we have to implement some management for these species. Compliance reports were due back in February, February 15. With that I will turn it back over to Savannah, to go over the implementation plans.

MS. LEWIS: I'm going to give you a quick overview for the presentation today. First, I'm going to give a quick recap of the background for this discussion, then we will review a *de minimis* request before reviewing state

implementation plans and recommendations from the Technical Committees.

The traffic light approach, or TLA reports in 2020 indicated that both spot and Atlantic croaker exceeded the threshold for moderate concern, or 30 percent of the proportion is red. Addendum III for each species outlines the management response needed if this threshold was exceeded. Only non-*de minimis* states are required to make changes at the 30 percent level. States must have a 50 fish bag limit for their recreational fishery, and make a 1 percent reduction to the 10-year average of commercial harvest.

TECHNICAL COMMITTEE REPORT

MS. LEWIS: Measures must be in place for at least three years for Atlantic croaker, and two years for spot. States with more restrictive regulations are encouraged to keep them in place. The Technical Committees met to review state implementation plans, and determine if the methods were quantifiable, and met the requirements of the Addenda. PRFC, the Potomac River Fisheries Commission, has requested *de minimis* for their Atlantic croaker commercial fishery.

As a reminder, states may apply for the *de minimis* status if the proceeding three years for which data is available, their average commercial or recreational landings by weight constitute less than 1 percent of the average coastwide commercial or recreational landings for the same period. PRFC is above the 1 percent threshold, but have experienced a 99 percent decline in commercial landings from 2017 to 2019 with landings decreasing from tens of thousands of pounds to hundreds of pounds. The PRT discussed supporting the recommendation of *de minimis* for PRFC, but stressed that *de minimis* for states above the 1 percent limit are temporary for the year, and will be evaluated annually through the state compliance report process. During the approval process for the Atlantic croaker FMP review at the annual meeting, Florida was given

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temporary *de minimis* status for 2021, to ensure that their croaker fishery was actually growing, or if it was just experiencing an outlier year.

PRFC is requesting *de minimis* to allow time to evaluate their recent trends in landings as well. For the Atlantic croaker implementation plans, all non *de minimis* states were required to implement a 50-fish recreational bag limit, and regulations projected to produce a 1 percent reduction to the 10-year average commercial state landings.

State implementation plans were received from three states for Atlantic croaker; Virginia, North Carolina, and Florida. All states plan on implementing the 50-fish recreational bag limit. North Carolina and Virginia have proposed commercial season modifications, to meet the required reduction.

Florida currently has *de minimis* status for the commercial fishery, and is therefore not required to implement commercial regulation changes. Virginia and North Carolina use similar methodologies to calculate season modifications based on daily or weekly average catch rates, then removed enough days or weeks to meet the required reduction.

All states use landings from both state and federal waters to calculate their reductions. Virginia will have a two-week closure that is estimated to greatly exceed the 1 percent reduction with an estimated 12 percent reduction in commercial harvest. North Carolina's 16-day closure is estimated to exceed the needed reduction by a thousand pounds.

All states are expected to implement regulations this year. Response, all non-*de minimis* states are required to implement a 50-fish recreational bag limit, and a reduction that would reduce the 10-year average commercial state landings by 1 percent. State implementation plans were received from four states for spot, Maryland, Virginia, North Carolina and Florida.

All states plan on implementing the 50 fish recreational bag limit, and all states have proposed commercial season modifications to meet the required reduction, with the exception of Florida. Maryland, Virginia, and North Carolina calculated season modifications based on daily or weekly average catch rates, then removed enough days or weeks to meet the required reduction.

Florida, which due to its highly variable seasonality for commercial harvest, elected to have a vessel limit that would meet the required reduction. They looked at annual commercial landings, and then selected a vessel limit that would produce an average annual 1 percent reduction. All states use landings from both state and federal waters to calculate their reductions.

Maryland is proposing a season from April 10 to November 24, Virginia is proposing a season from April 15 to December 8, and North Carolina is proposing a 116-day closure from December 10 to April 4. Florida will have a 2,200-pound vessel limit on spot harvested in state waters. All states will meet or exceed the required 1 percent reduction of the 10-year average commercial harvest. This table is a summary table that if approved, the current regulations for Atlantic croaker for all states with a declared interest. The bold wording indicates where changes are being made, including their *de minimis* request. The asterisks mean that they have additional for-hire language addressing the live-bait bag limit.

This table is a summary table for spot. If approved it's showing all current regulations for spot. For all states with a declared interest, the bold wording indicates where changes are being made, including the *de minimis* requests that were just approved. The asterisk means that they have additional charter language for live bait.

The outcome of the Board approving *de minimis* will impact the regulations. The Plan Review

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Team for Atlantic croaker supported the 2021 *de minimis* request for PRFC, but only on a temporary status. The Technical Committees had no concerns with the final versions of the state implementation plans, and found the methods to be technically sound.

The commercial Technical Committees recommended the approval of the spot and Atlantic croaker state implementation plans for adjusting state regulations for the recreational and commercial spot and Atlantic croaker fisheries. With that I'm happy to take any questions that the Board may have.

CHAIR FEGLEY: Thank you, Savannah, great job. I just want to editorialize a little bit that I fully understand how difficult it can be to implement regulations for the fisheries that have historically not been regulated, so thank you to everyone, to all the states for their work on this to get this done.

CHAIR FEGLEY: With that, are there any questions for Savannah? I've got Chris Batsavage.

MR. BATSAVAGE: A couple of questions on the Florida implementation plan for the commercial spot fishery, just to better understand Florida state and federal waters fisheries, in terms of any enforcement issues with different regulations in those waters. First question, I guess it's probably to Jim Estes. What are the gears that land spot that are allowed in federal waters that aren't allowed in state waters?

CHAIR FEGLEY: Jim Estes.

MR. ESTES: Chris, a little over 85 percent of the spot that are landed in federal waters are landed in gillnets. Gillnets are not allowed in state waters. Does that answer your question?

MR. BATSAVAGE: Yes, that helps a lot, thanks, and just one follow up question. I understand from the implementation plan the reasons for the differences to reduce chances of regulatory

discards, which I think we all try to do with our implementation plans. I definitely support that. But just again, to get a clear understanding. Any landings greater than 2,200 pounds when they occur, which I know isn't often. Are those more likely to come from federal waters, or is it kind of a mix, depending on where the fish are located?

MR. ESTES: May I, Madam Chair?

CHAIR FEGLEY: Go ahead.

MR. ESTES: I think, Chris, I think it's a mix. In fact, if you look at the annual landings, they are really super variable. It's a mix. I think that Erica had given me some statistics, but if I remember right, it's a mix.

MR. BATSAVAGE: Great, thank you, I appreciate that.

CHAIR FEGLEY: Excellent, thank you, Jim. Are there any other questions for Savannah?

MS. KERNS: Lynn, I think that you must not be able to see Doug Haymans. He has his hand up.

CHAIR FEGLEY: Yes, I'm sorry, Doug. Yes, okay I see Doug Haymans. Please, go ahead, I'm sorry.

MR. HAYMANS: That's interesting, because I'm really hard to miss.

CHAIR FEGLEY: You're at the very top, and I was scrolled down, so please, go ahead.

MR. HAYMANS: My apologies, I have two webinars running in my office in case my main computer fails, and that's where the feedback came from. My question simply is regarding the PRFCs request for *de minimis*, and why the PRT suggested temporary in nature. I thought *de minimis* ran until the state was no longer *de minimis*, when they were over the 1 percent.

CHAIR FEGLEY: I think the reason is, because they don't actually technically qualify. They are

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over the 1 percent threshold, but they are not sure whether or not this is a typical status for their fisheries that are asking for one year. I will send it over to Savannah if I misarticulated any of that, and then I see Marty Gary's hand up.

MS. LEWIS: Okay, Lynn, I'll just tack on to that. *De minimis* is reviewed annually by the PRT. States have to apply for it through their *de minimis* process. If the PRFC, this would be just, and the PRT made it very clear that this would just be for 2021, that if they were to extend it, they would have to meet that 1 percent reduction, or there would have to be another extenuating circumstance for the PRT to consider granting *de minimis*.

CHAIR FEGLEY: Okay, thank you, Savannah, and Marty Gary, do you want to add on to this?

MR. GARY: I think it's been pretty well captured, but thank you, Madam Chair. Our Commission met on March 5th, and our discussion, we were very conflicted as to whether we would go forward and ask for this *de minimis*. But I think it's been captured accurately. Savannah mentioned we've had a precipitous decline in the abundance of these fish in our jurisdiction for several years.

But again, historically we've had great abundance of this species, and we're hopeful that the status will change in a favorable direction. Even though we don't quite meet those criteria, and we're just above that threshold. We're just asking for this one year for 2021, finish this, take another look at it and see where we are, and hopefully we're in a better place and we won't need *de minimis* status. But we are requesting it for this year, and if you need a motion, I would be happy to make that at the appropriate time, Madam Chair.

CHAIR FEGLEY: Okay, thank you, Marty. I see Roy Miller and Pat Geer both have their hands up, but first I want to just crosscheck with Doug Haymans. Is your question answered?

MR. HAYMANS: Yes.

CHAIR FEGLEY: Next, I would like to go to Roy Miller.

MR. MILLER: I would just like to reiterate the point I made with spot, and say I feel the same way about Atlantic croaker, in terms of once we get around to better defining *de minimis* and what the states have to do who are non *de minimis*. Certainly, Atlantic croaker kind of is in the same ballpark as spot, in terms of 50 Atlantic croaker a day seems like an ample amount to allow harvested for recreational purposes. Well, I'm just putting that out there so people understand where I'm coming from for both those species. The reasoning is similar.

CHAIR FEGLEY: Okay, thank you, Roy. Pat Geer.

MR. PAT GEER: I'm ready to make a motion if there is no other discussion.

CHAIR FEGLEY: Yes, I think we are ready to go down that road. Sure, go right ahead.

MR. GEER: Motion to approve the *de minimis* request for the commercial Atlantic croaker fishery for 2021 for PRFC.

CHAIR FEGLEY: Okay, thank you, Pat, and I see Marty Gary has his hand up, that is a second by Mr. Gary. Great, I'm going to go ahead and read this into the record. This is a motion to approve the *de minimis* request for the commercial Atlantic croaker fishery for 2021 for the Potomac River Fisheries Commission.

I guess before I do that, what I really need, I just need to make sure there is no discussion on this motion. Are we good? Okay, with that I'm just going to ask, is there any opposition to this motion? If there is, please raise your hand. Okay, Toni I see no hands, do you?

MS. KERNS: I do not see any hands, and Pat Geer, your microphone is still open.

CHAIR FEGLEY: Okay, this motion is approved by consent. Thank you very much.

**CONSIDER FINAL APPROVAL OF
STATE IMPLEMENTATION PLANS**

CHAIR FEGLEY: Okay, and with that I think what we will be looking for is a motion for the approval of state implementation plans is next. Is there anybody out there who cares to make a motion? Pat Geer, I see your hand.

MR. GEER: I was going to try to do this all-in-one step, but I guess we're going to do it one at a time. A motion to approve the Atlantic croaker state implementation plans for Maryland, Virginia, North Carolina and Florida.

CHAIR FEGLEY: Great, I believe I see a second by Doug Haymans. Great, last chance. Is there anybody who wants to?

MS. LEWIS: Madam Chair, Maryland should be removed from this list.

CHAIR FEGLEY: You are correct, thank you Savannah for catching that. **Last chance, anyone care to discuss? Okay, is there anybody opposed to this motion, which is to approve Atlantic croaker state implementation plans for Virginia, North Carolina, and Florida? Motion by Mr. Geer, second by Mr. Haymans.**

Any opposition? I see no hands, and seeing none, this motion is approved by consent. Okay, thank you very much everyone for that.

CHAIR FEGLEY: We are going to now move away from spot and croaker, and get an update on the red drum modeling process and stock assessment, which I'm actually very interested to hear about, and for that we're going to go over to Jeff Kipp.

MS. LEWIS: Madam Chair, before we move on, we need to approve the spot implementation plans.

CHAIR FEGLEY: Oh, we do. Yes, thank you. With that we're going to back up. Is there a commissioner who would care to make a motion for the spot state implementation plans? Doug Haymans.

MR. HAYMANS: Madam Chair, I move to approve spot state implementation plans for Virginia, North Carolina, and Florida.

CHAIR FEGLEY: Okay, so for that one Maryland should be in there, I believe.

MS. LEWIS: Yes.

CHAIR FEGLEY: Are there any other states that should be in there that are not?

MS. LEWIS: No, Madam Chair, it looks good to go.

CHAIR FEGLEY: Okay, and I see a second by Malcolm Rhodes. Okay, once again last chance, any discussion on this motion? All right, it is a motion to approve the spot state implementation plans for Maryland, Virginia, North Carolina, and Florida. Is there any opposition? Chris Batsavage, I see your hand. Did you have a comment?

MR. BATSAVAGE: Yes, really quick. I can support this motion. I asked the questions about the differences in state and federal waters for Florida, because that's a problematic issue for our state. However, Florida is a different case, where they have different gears allowed in different states, which would improve their enforceability of the different measures, so I can support that, and just wanted to state that on the record. Also, I guess before we go to red drum after we're done with this, I would just have some general questions about implementation, timing and

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just kind of nuts-and-bolts things with the addenda. Thanks.

CHAIR FEGLEY: Thank you, Chris. We'll get to those questions. Just before we go to the motion again, is there anybody else who has anything to say about this? **Okay, this is a motion to approve the spot state implementation plans for Maryland, Virginia, North Carolina, and Florida. Motion by Mr. Haymans, second by Dr. Rhodes.**

Is there any opposition to this motion, please raise your hand if so? Okay, I don't believe I see any hands, so this motion passes by consent. Okay, so now I think Chris Batsavage is correct. We really do need to talk about some implementation timelines. Chris, do you want to go ahead and ask the questions that you had? I think Savannah has the state implementation dates in her presentation. I'll turn it over to you, Chris.

MR. BATSAVAGE: I just want to be clear, just so we understand, and anyone listening in understands that with starting in 2021, 2021 would be considered the first full year of implementation when we're counting a minimum of two years for spot, and three years of croaker. Do I understand that correctly?

CHAIR FEGLEY: That is a good question. I'm going to turn that over to Savannah or Toni to get their read. We are certainly, in the state of Maryland, expecting that to be the case. But I'm going to turn it to them.

MS. KERNS: Lynn, I guess the question is, is there anybody that cannot implement their regulations in 2021, in time for their season of 2021. I think, I just want to make sure that that is correct before I say my answer.

CHAIR FEGLEY: Right, and I think if I remember there was one state, and I don't recall which state it was, but it had a late 2021 implementation date. Perhaps that was Florida.

MS. KERNS: I see Jim with his hand up.

CHAIR FEGLEY: Yes, Jim Estes, go ahead.

MR. ESTES: I am fairly confident that we can do it, but it would be late in the year.

MS. KERNS: The reason why I ask, Lynn, is because my assumption is that we need the two years in order to see if the regulations can have an impact on the stock, and that you see those changes in the traffic light. If everybody is able to get those measures in place, then 2021 would be the first year of the two years. Yes, if that makes sense.

CHAIR FEGLEY: I guess with that, I would, and I don't know, Savannah. It looks like the bulk of the states are going to be implemented within their season. I certainly, I'm not actually sure how to approach this, except to ask if any states feels as though they are going to miss enough of their season with this timing, that it would not be a complete reduction. If there is any state that feels that is the case, please raise your hand and let's talk about it. I know, Jim, you just said you're confident you can get it done, so I think you're good. Anybody else? Okay, so I think Maryland, Virginia, North Carolina and Florida, I believe what I'm hearing, Toni, is that this could be considered a full year. That is what I think I'm hearing.

MS. KERNS: That sounds good, because if I'm remembering correctly, the Addendum has implications for if we don't meet the reduction within the first two years, then it tells us what to do next. That is why I ask.

CHAIR FEGLEY: It does, yes it does. Hopefully, this will get us there. Is there anything else we need to do with that, Savannah, Toni, and Chris, does that answer your question?

MR. BATSAVAGE: I just have one follow up question, only because we've been getting questions about that, if I could. It's really quick. I promise not to take too much more time here.

CHAIR FEGLEY: No, go ahead.

MR. BATSAVAGE: Okay, so we have these implementation plans set for two- or three-years periods, you know depending on whether it's spot or croaker. Can a state submit a conservation equivalency proposal during this period of issues such as increased regulatory discards arise from the season closures or bag limits? Are we able to adjust that, as long as whatever we do is conservation ally equivalent with what is outlined in the addenda?

CHAIR FEGLEY: Yes, good question. I'm going to go to staff for that one.

MS. KERNS: I'm reading the provisions in the plan to make sure it doesn't say anything.

MS. LEWIS: I checked earlier, Toni, and I didn't see any mention of conservation equivalency in the Addendum itself.

MS. KERNS: Chris, I think you can from what I'm reading. It doesn't say you can't, and that is really what the plan has to say, is that you can't use conservation equivalency. You should be able to. You are able to.

CHAIR FEGLEY: I'm just going to, Chris, try to restate your problem quickly so that we all understand. What you're saying is that with the regulations that you're proposing, you're not entirely sure what the result of those regulations is going to be on your discards. If those discards become unwieldy or too high, you would apply for a conservation equivalency to adjust that to lower the discards. Is that what you're proposing?

MR. BATSAVAGE: That's correct, Madam Chair, yes, we've never had specific spot and croaker regulations before, so we're definitely going into some unknown territory, as far as management goes. Thanks.

CHAIR FEGLEY: Sure, I think you know that makes sense, this is new territory, and you

know certainly the goal here is not to increase regulatory discards or create them. Okay, good. I think we're on the same page there. Are there any other questions about implementation for spot and croaker? Please, raise your hand if you have a question. Okay, so now it looks as though I believe we can move on to red drum, I think.

UPDATE ON RED DRUM MODELING PROCESS AND STOCK ASSESSMENT

MR. JEFF KIPP: Thank you, Madam Chair. I'm Jeff Kipp, I'm the Commission's Assessment Scientist working on red drum, and I'm here to just give a quick update on the current red drum assessment. Just as a quick refresher on the background of this current red drum assessment. It's a little different than our typical benchmark stock assessment for our species.

This is a simulation study, and it says recommended in consultation with the Assessment Science Committee, on how to proceed on assessing red drum. The purpose of this assessment is to evaluate the performance of several candidate assessment approaches, to inform the Technical Committee and the Peer Review Panel's recommendation on the most robust path for a benchmark assessment of red drum, following this simulation assessment.

We're really trying to get a good idea on what the best assessment approach out of several that we're considering is, moving forward for assessing red drum. This is the first update to the Board on this assessment, and since we've started, we've completed two of our major milestones for the assessment.

We had a data workshop back in November, and during that workshop we reviewed the available datasets for red drum, and we set up the simulation models that we're going to be using throughout this assessment. Then we just finished our first assessment workshop during the first week of March.

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During that workshop we reviewed the outputs of the simulation models, and spent some time configuring our candidate assessment approaches, that we'll be shifting our focus to and evaluating those candidate assessment approaches for the remainder of this simulation assessment.

Moving forward, the Stock Assessment Subcommittee will be meeting biweekly, to check in on progress. Then we'll be meeting for a final assessment workshop, hopefully in person, but we'll see, later this year to review the performance of the candidate assessment approaches, then SCNR simulated populations.

The assessment is set to be completed and peer reviewed in 2022, at which point we'll present the results of that assessment and peer review to the Board, and then we'll immediately shift focus to the benchmark assessment of red drum, set to be completed in 2024. That concludes my update, and I can take any questions on the red drum simulation assessment.

CHAIR FEGLEY: Excellent, thank you very much, Jeff. Are there any questions for Jeff Kipp? Bill Gorham.

MR. BILL GORHAM: I was reading over the last stock assessment, and it was noting issues of capturing the spawning stock biomass, in part because of regulations. Are there any efforts to look at other sources of data, like angler photos, citations, et cetera to capture the huge schools of drum that are off North Carolina and Virginia?

MR. KIPP: The only data we've reviewed is more feedback on the size composition of the adult red drum that are caught and released in the recreational fishery. We've looked at several things like tag and recapture data, and then also some more citizen science-based efforts, data collection through phone apps during tournaments, and just from the general fishing population, to try and get some

information on the size composition of caught and released adult red drum.

Those have been the primary sources. We haven't looked at anything, in terms of fishery independent data. The only sources that are available are the longline surveys that are conducted by the states to capture the spawning red drum. That's what we've looked at to date in this assessment, and then you know we'll continue looking at those sources I mentioned on the length compositions of caught and released red drum during the benchmark assessment that follows this simulation assessment.

MR. GORHAM: Okay, well thank you, it's just looking at the increase, and I have guys here in the shop. Last year alone, whenever it blows southwest, you know they're catching a couple dozen of these large fish, and then turn around and tell them, you know looking at the assessment that we're never sure of the size of those fish, or those fish are even there. I feel it's troubling, and any way that we can better accurately assess those fish being out there. That's it for the eco-based system, those schools getting bigger and bigger play a role in other fisheries as well.

CHAIR FEGLEY: Are there any other questions for Jeff? I'm sorry, I was not unmuted. Thank you, Jeff.

OTHER BUSINESS

CHAIR FEGLEY: Thank you for that, and I think our last agenda item is other business, and Savannah, I believe, has an item for us.

MS. LEWIS: During the black drum annual compliance reports review process, the PRT discussed and recommended that the Board consider the use of a TLA for black drum. Black drum is a data poor species, and the stock assessment for black drum has already been delayed once, due to no change in terms of data collection, and will likely be delayed again this year.

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The last stock assessment was approved for management use in 2015, and indicated that black drum is not overfished, and not experiencing overfishing. The assessment did indicate that the medium biomass is estimated to be declining slowly. The use of the TLA would give the Technical Committee and the Board the ability to be proactive, and make sure that there is not any indication of stock trouble while the assessment is delayed. I wanted to bring this in front of the Board on behalf of the Plan Review Team for black drum.

CHAIR FEGLEY: Thank you, Savannah. Just to remind everybody. I believe that black drum is a species that we essentially everybody sort of froze their regulations where they were a number of years ago. I know Maryland wound up getting frozen in a moratorium. We've since filed, we created an addendum to allow some very limited harvest, harvest in Maryland that is consistent with what's happening in other states. I guess I'll just start by throwing this out to the Board for discussion. Does the Board support the development of a traffic light approach for black drum? Raise your hand. Chris Batsavage.

MR. BATSAVAGE: Just raising my hand for supporting it, thanks.

CHAIR FEGLEY: Okay, John Clark, I see your hand.

MR. JOHN CLARK: Like Chris, I think it's a good idea, I would support it.

CHAIR FEGLEY: Pat Geer.

MR. GEER: I think it's a good idea too, I mean I know it's more work for the TC, but it's a lot easier than a full stock assessment, so I would consider looking at it. I think it's a good idea too.

CHAIR FEGLEY: Okay, anybody else with commentary on a black drum traffic light?

Savannah, do you need a motion for this, or is this something that the Board can just agree by consensus that the TC can go ahead and do?

MS. LEWIS: I'm going to double check with Toni, but I believe we need the Board to task the TC to make sure that this is something that is doable.

MS. KERNS: Lynn, we don't need a motion. As long as everybody is in concurrence with the task that the TC is going to explore a traffic light for black drum, and bring it back to the management board that's fine. I don't believe we would have enough time to do this between now and the May meeting, but I think we could do this between now and the August meeting, if that timeline is reasonable to the Board.

CHAIR FEGLEY: Yes, that was my next question is, when. What's the timeframe? I know this is a really busy group of people on Sciaenid, so August. I don't think this is a hair on fire situation, and I think August would be a really good time to see what sort of information they can pull together for a black drum traffic light.

Does anybody else have any other comments to add to this issue? Okay, so I think with that I'll just state for the record that we are in consensus to task the TC to explore a traffic light approach for black drum.

ADJOURNMENT

CHAIR FEGLEY: Okay, I think that gets us to the end of our agenda, so with that I would accept a motion to adjourn, or better yet I will ask if there is any objection to adjourning this meeting. If you object, raise your hand. Awesome, thank you everyone. I think we can adjourn, stay safe.

(Whereupon the meeting adjourned at
2:00 p.m. on March 18, 2021)