

## SOUTH ATLANTIC SPECIES ADVISORY PANEL

March 5, 2008  
Baltimore, Maryland

### Meeting Report

#### Participants

Chris McCurdy (NJ, for-hire)  
Bill Windley (MD, rec.)  
Tom Powers (VA, rec.)  
Sam Swift (VA, com.)  
Jimmy Ruhle (NC, com.)  
Gene Dickson (SC, for-hire)

Tom Ogle (SC, rec.)  
Bill Bird (FL, rec.)  
Tim Adams (FL, com.)  
Nichola Meserve (ASMFC)  
Tina Berger (ASMFC)

#### Overview

The South Atlantic Species Advisory Panel (AP) met for its first meeting since being formed in 2007. The AP was developed to provide management advice to the Commission's South Atlantic State/Federal Fisheries Management Board (Board). The Board currently administers interstate management for five species: Atlantic croaker, red drum, spot, spotted seatrout, and Spanish mackerel. This first meeting was held for the AP to: 1) be provided introductory information on the Commission, its Interstate Fisheries Management Program (ISFMP), and the ISFMP's advisory panel process; 2) review and discuss information on the Board's five species, plus southern kingfish, which is being considered for interstate management; 3) develop management advice for the Board on the six species; and 4) elect a chair and vice chair for the AP. **Management advice for the Board is on pages 5-6.**

#### AP Discussion on the South Atlantic Species

Following a brief presentation on the management, regulations, stock status, and fishery trends for each species, the AP members discussed their concerns and thoughts on each.

#### Atlantic Croaker

Windley noted that data on croaker, particularly in the South Atlantic region are thin, and that better data need to be collected. He noted that progress has been made in Virginia in describing the species composition in what used to be called the "trash fishery." Overall, he felt that there had been progress in data collection since the last stock assessment. Ruhle agreed that it does seem that better data are being collected. He noted that the NEFSC trawl collects poor data on croaker because it misses the migration of the fish, but that the SEAMAP survey provides valuable information, and that the NEAMAP survey will too. He cautioned that landings alone should not be used to indicate abundance as the fishery is extremely cyclical, fish will occasionally move into unfishable areas, and that effort is largely driven by market price. The rising cost of fuel, for instance, could lead to less croaker landings. In terms of stock status, he said the signs are good, such as catching many year classes of fish. Windley agreed that fishery-independent surveys are crucial, as landings are not a good indicator of abundance. Ruhle added that if a contraction of the species' range occurs, this should not cause managers to panic, as range is largely dependent on temperature. With a healthy stock, he sees no reason for any changes to the regulations. He said he was not concerned that only a few states have minimum size limits, because all the little fish are let go by commercial fishermen due to their limited marketability.

Dickson noted that in South Carolina the stock also appears to be making a comeback. Within two years of required implementation of bycatch reduction devices (BRDs), he noticed a population increase. He sees a viable Atlantic croaker fishery in the southeast. Ogle also credited the implementation of BRDs for the population increase in the southern region. With the perceived abundance in population in both the northern and southern regions, Windley supported having no changes to the current management regime.

Going back to the issue of data collection, Dickson noted that he can't see the southern states spending a lot of money on this species. Ogle noted that the liberal regulations are good for the many subsistence fishers that catch croaker. Powers said he saw no desire in Virginia to have the ASMFC implement more croaker regulations, such as a quota or trip limits. Ruhle presumed that to be the feeling in all states. Powers noted that occasionally the idea of a 25 or 50 fish creel limit comes up among recreational fishermen in Virginia, because they believe there are some fishermen from other states that come to Virginia, harvest a lot of croaker recreationally, and then sell them in their home state illegally. Other fishermen in Virginia would likely oppose a 25 or 50 fish creel limit because they keep caught croaker penned up to use later as bait.

### Red Drum

Ruhle wondered if any new release mortality rate studies were being conducted. He commented that these should factor in temperature and how fish are handled and for how long. Gene agreed that he sees too many fish being handled too roughly. He routinely sees drum being dragged through the sand, being picked up by the jaw (which frequently breaks the jaw and leads to death), and being handled too long as pictures are taken before release. He noted a study that said red drum shut down their immune systems in cold weather, so when they are caught then they have more sores and rough handling is even more dangerous to their health. Windley commented that handling concerns were addressed in Maryland by distributing educational materials with the help of fishing organizations like CCA. Dickson agreed that education was essential. He noted that educational materials should include that if a red drum is caught and the hook is pointing up, the hook pierces the dorsal aorta and the fish will bleed out. Ogle thought that South Carolina does a good job with angler education and hopes that this is continued. He added that he finds the fishery to be quite healthy.

Powers noted that one criticism of the plan that he hears from some Virginia anglers is the inability to keep a trophy fish, one greater than 48 inches or so. Ogle noted that South Carolina fishermen had pressed for a trophy tag program, in which a specific number of trophy fish tags would be sold with all profits going to benefit red drum research and management. However, the AP felt that no changes should be made to the management plan until at least the next assessment is complete.

Powers said another issue he has started to hear about in Virginia is that North Carolina wants to increase the commercial trip limit above the existing seven fish allowance. Ruhle said that this makes sense because the existing limit is constraining the fishery such that it is unable to catch its quota (250,000 pounds). Dickson said if the trip limit were increased he would want entry into the fishery to be limited, which Ruhle explained was already the case. Windley noted that Maryland had had a similar issue where a fishery was being artificially constrained, so it was made possible for the DNR to change the season if the fishery is performing poorly. He agreed that if the quota is in place, the fishery should have regulations that allow the quota to be caught. The AP then realized that NC does not need Commission approval to change the trip limit because the quota is in place, so the discussion came to an end.

### Spot

Having been presented with the Plan Review Team finding of declining effort in some commercial fisheries, Swift noted that a large number of gillnet fishermen in Virginia had shifted from spot to croaker fishing. This was not due to any decline in spot abundance, but rather the ample abundance of croaker. He noted that when you find a location with croaker, it's all you are able to catch, and when you find a location with spot, it will also have weakfish and other species, except croaker. When he does find spot, there are plenty, so he doesn't have a concern about stock status. He noted that the fishery used to be over in August, but recently has continued into October. He also noted that he has found evidence of spot eating a lot of skeleton shrimp. Adams noted that spot used to be a big directed fishery in Florida until the net ban was enacted in 1995. He finds there to be a lot of spot in Florida waters, but that it is not a species conducive to cast net fishing. He noted that when fishing in federal waters, he tries to avoid catching spot

because they have soft bellies that split when put on ice. It is thought that “soft bellies” are caused by high iodine in the body from what they eat, which matched up with Swift’s finding that spot eat a lot of skeleton shrimp. Powers voiced a concern that because spot landings tend to cycle through high and low periods, managers may jump to implement more conservative regulations during the low period, when it is really not necessary because the fishery will rebound on its own naturally. He doesn’t want to see any unnecessary regulations implemented. Adams added that the landings are also driven by the marketability of the fish. At times the spot caught in North Carolina are much bigger and firmer, so there is no desire to catch them in Florida waters because the sale price will be low. Again, fuel prices were noted as an important input to how much of a species is landed.

Asked about bycatch issues, several AP members commented that BRDs have done a great deal to reduce bycatch and that discarding is not a big problem for spot. Powers noted that it is because there is no minimum size limit that there are no regulatory discards, so few fish are discarded as really small fish are protected by minimum mesh size restrictions for trawls and gillnets. Swift commented that he is able to target spot very selectively by size with the use of different nets.

Ogle noted that spot are an important subsistence fishery in South Carolina, and Windley added the same for Maryland. Ogle also finds spot to be an important baitfish, as many anglers will keep a pen of spot to use for bait. He found that spot, as well as other species, had benefited greatly from the trawl prohibition deep in the sounds of South Carolina.

#### Spotted Seatrout

Adams brought up the history of size limits for spotted seatrout in Florida. He said that when Florida went from the 12” to 14” size limit, he figured it would be the end of the fishery. In reality, he and other fishermen found that within two years they were able to catch many more 14” fish than previously. The 14” size limit was credited with allowing fish to spawn at least once, sometimes twice, before being harvested. During a later rule review, Florida decided to increase the size limit to 15” and again commercial fishermen were concerned. However, the result was positive: under the increased size limit, spawning potential ratio (SPR) increased dramatically in Florida waters. Adams said he was initially completely against the size limit increases, but now supports them because it has improved the state of the fishery through increasing SPR. He suggested that any state that wants to increase its spotted seatrout percent SPR consider increasing its size limit to at least 14” TL. A slot limit could also be considered, he suggested. A length-frequency study he helped with showed that few fish caught were outside the 15-24” commercial slot limit, resulting in few regulatory discards. Lastly, he suggested states could use a seasonal closure to increase SPR. The Florida closure in November and December protects the spotted seatrout when the fish aggregate and are easy to catch.

Powers, looking at ODU age-length data, said that a 15” size limit allows Virginia spotted seatrout to spawn a whole season. It was noted that in North Carolina, fishermen have been heard to say that you have to catch 10 spotted seatrout in able to get one keeper. Adams said that if states wanted to consider size limit changes but were concerned about release mortality, that the bag limit can be set appropriately so there aren’t too many discards. He noted that spotted seatrout aren’t as tough as some other fish, thus release mortality can be high. Powers said he wouldn’t mind a higher recreational size limit, noting that the Virginia minimum size is already at 14” total length. Dickson supported a 14” minimum size for all states. He also noted that the wintertime freezes are a recognized problem for the resource that they have to deal with. Ruhle wondered if the growth rate for spotted seatrout differs with latitude (based on temperature). He said he liked the idea of increasing SPR but wondered if fishermen in North Carolina would have trouble catching 14” fish if the growth rate is slower there than further south. Adams noted that gillnet fishermen in Florida were not much affected by the rule change because they were already required to use a 2 and 7/8” stretched mesh, which catches mostly 14” and larger spotted seatrout.

*Spanish Mackerel*

Adams started the conversation with an issue of importance to commercial Spanish mackerel fishermen. He said that the possibility of state-specific and/or gear-specific quotas for the resource is being discussed at the Council level. Currently there is a coastwide total allowable catch (TAC), which may be reduced following completion of the 2008 stock assessment. Florida continues to have the largest commercial fishery for Spanish mackerel; however, over the last two decades, North Carolina has had an increase in landings, largely due to the growing availability and marketability of the resource. Adams and other Florida commercial fishermen's concern is that Florida might need a state-specific quota to protect what the state has historically caught, especially if the TAC is lowered. However, he said, he would not want to see state-specific quotas based solely on historical landings as this would deprive the participants in the emerging North Carolina fishery of a resource they should have some access to. He stressed that equity in the allocation process is paramount to avoiding conflict between the states. He also suggested that time-specific quotas (e.g., a quota for each quarter of the fishing year) be considered. Because of the migration pattern of Spanish mackerel and the fishery's seasonality, the quota could otherwise be harvested before Florida's fishermen have a chance to participate. Adams also brought up the Limited Access Privilege (LAP) programs being explored by the Council. The Council has developed a LAP working group and has held public scoping meetings to discuss the possibility of a LAP program for the commercial snapper grouper fishery. Adams said that while he does not particularly like LAP programs, he thought one could possibly work for the Spanish mackerel fishery in Florida.

Both of these issues focused the AP on the question of how to balance historical and emergent use during resource allocation. Dickson was concerned that a surge fishery, largely composed of part-time fishermen, would result when trying to divide up the resource if the emerging fishery was given too much leverage. He said he doesn't want there to be more nets in the water than necessary. Adams commented that he would not want the implementation of a LAP program to push too many new-users out of the fishery. He said that the Florida dealers rely on the part-time fishermen (some of which used to be fulltime until the state net ban resulted in them needing to get another job) to keep their doors open. Therefore, the fulltime fishermen rely on the part-time fishermen to have somewhere to sell their catch. He said that, prior to the net ban, there were about 13 large (>30 ft) gill net boats and a number of smaller boats that harvested the quota, but now many cast net and rod and reel fishermen participate in the fishery. Ruhle agreed that the question of what you do when a fishery shows up in a new location is one that management has not yet addressed well. He noted that Florida would be in a unique situation in divvying up the resource because of the change in gears fishing for Spanish mackerel. He said there is a need to guarantee access to the historical fishermen. On the other hand, Adams said there was a need to provide a fair share to the new-users too. Powers suggested that there needs to be some control on the growth of an emerging fishery so that it does not become a free for all. Bird said that the most important thing is that the catch stays within the bounds of what the science says is okay to harvest. Overall the AP agreed that there needs to be balance between the states so that access is spread wide, but without burdening the historical users.

The AP also discussed how it could influence Spanish mackerel management as the Council takes the lead on the species' management. It was felt that the AP's management advice would transfer to the Council through the individuals that are both ASMFC Commissioners and SAFMC Council Members, but that the AP should take a more active role in the process by sending it's collective management advice to the Council during public comment periods and, if possible, having staff or the AP chair attend scoping meeting or public hearings.

*Southern Kingfish*

Ruhle commented that landings in North Carolina's gillnet fishery have declined due to a decrease in effort, which itself is not an indication of decreasing abundance. Additionally, landings in North Carolina's trawl fishery have declined due to voluntary increases in minimum mesh sizes. Swift said that it seems as though abundance is increasing in Virginia, but that most southern kingfish landed are not

caught during directed trips. Ruhle and Adams mentioned how closures for Atlantic right whales are likely having an effect on kingfish landings.

Regarding the nature of the fishery, Windley said that it occurs in North Carolina in late spring and early summer and that most kingfish are caught by surf fishermen. He said the fish is an important one for families with kids. Swift said that he doesn't think kingfish are targeted a lot in Virginia, but that they are caught when targeting croaker and spot. Ogle added that in South Carolina there is some subsistence fishing for kingfish and that it makes good red drum bait.

In terms of management, the AP felt that there is no reason for the ASMFC to involve itself in southern kingfish management right away. Other than that, the AP felt that it needs stock status information from an assessment before it can give pointed management advice. Therefore the AP supports tasking the new Southern Kingfish Technical Committee with conducting an assessment if the data are available, or with developing research needs to make an assessment possible in the future. Should an assessment be completed and lead to a management plan, the AP was uncertain a southern kingfish FMP would be effective given the mixed fishery for northern, southern, and gulf kingfish.

### **Management Advice for the South Atlantic Board**

The following management advice will be presented to the Board at its next meeting during the week of May 5, 2008.

#### Atlantic Croaker

Based on the favorable performance of the fisheries and the healthy stock status of Atlantic croaker, the AP recommends that the Board maintain the existing management plan. The AP notes the great benefit for Atlantic croaker derived from the implementation of bycatch reduction devices. The AP cautioned against a hasty management reaction to declining landings, as they are a poor indicator of abundance. The AP also supports improved data collection to make an assessment for the southern region possible.

#### Red Drum

The AP recommends that the existing red drum release mortality studies be reviewed, and that studies be carried out that incorporate temperature and handling technique if not already done. The results of such studies should be incorporated into existing angler education materials on handling techniques. The AP commends those states that have angler education materials available, and encourages all states to begin or continue outreach on proper handling techniques. Regarding regulations, the AP finds the current regulations suitable to help the stock continue rebuilding, and would recommend against adopting any changes to the management plan until the next stock assessment is complete.

#### Spot

Based on the favorable performance of the fisheries and perceived stock status of spot, the AP recommends that the Board maintain the existing management plan. The AP notes the great benefit for spot derived from the implementation of bycatch reduction devices. The AP cautioned against any hasty management reaction to declining landings, as they are a product of many factors including market price, operating costs, and other species' availability.

#### Spotted Seatrout

Based on the favorable response in spotted seatrout SPR and fishery performance to an increase in Florida's minimum size limit, the AP recommends that the Board consider increasing the minimum size limit from 12" TL to 14" TL. Several AP members wanted the Board to consider the growth rate of spotted seatrout by geographical location before increasing the minimum size limit coastwide to be sure that such a change would not burden fishermen in the north more than fishermen in the south. Other AP

members noted however that the proposed size limit would require rule changes in New Jersey, Delaware, North Carolina, South Carolina, and Georgia (other states have 14”+ minimum sizes already), that New Jersey and Delaware have insignificant landings, and that North Carolina, South Carolina, and Georgia probably do not have differences in spotted seatrout growth rate (which could make catching a 14” keeper fish in one state harder than another state).

#### Spanish Mackerel

Several AP members spoke in favor of having state-specific, time-specific quotas for the commercial Spanish mackerel fishery to protect the historical users of the resource amidst emerging fisheries for this resource and a likely decrease in the quota. It was agreed that there needs to be a balance in the allocation between new and historical users as to avoid conflict and provide some equity between states. Specific allocation schemes were not discussed, but the AP plans to stay involved in this issue and provide input to the Council if and when options are presented for resource allocation. The AP also discussed limited access privilege programs and will become involved if the Council considers this management tool for Spanish mackerel.

Because the AP does not have a formal avenue for providing management advice to the Council (which takes the lead on Spanish mackerel management), the AP encourages Commissioners that are also Council Members to relay the AP’s management advice as given to the Board. The AP plans to also be involved in the Council’s public involvement processes.

#### Southern Kingfish

Noting that southern kingfish is an important fishery, the AP supports the Board’s decision to conduct a stock assessment. Without stock status information, the AP does not feel equipped to provide management advice to the Board. Similarly, the AP would not recommend that the Board initiate management action until such stock information resulting from an assessment is available. Should a management plan be developed, the AP was curious whether it would be for southern kingfish only, or for the mixed fishery of southern, northern and gulf kingfish.

#### **Chair and Vice Chair Election**

Bill Windley and Tom Powers accepted nominations to serve as the chair and vice chair of the AP. The term for the positions is two-years.

#### **Other Business**

In a memo to the FMP coordinator following the meeting, Ogle added another issue of business. He requested that the Board be made aware of the status of hardhead saltwater catfish (*Arius felis*) and gafftopsail catfish (*Bagre marinus*) in South Carolina. As of June 2007, possession of both species has been prohibited due to stock health. He suggested that these catfishes might be species of interest to additional states and merit interstate management.