

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

**February 8, 2005  
Alexandria, VA**

**Approved May 9, 2005**

## **ATTENDANCE**

### **Board Members**

Damon Tatem, NC, Gov. Appte  
Louis Daniel, NC DMF  
David Cupka, SC DNR  
John Frampton, SC Leg. Appte  
Robert Boyles, Jr. SC DNR

Spud Woodward, GA DNR, Chair  
John Duren, GA proxy for Ralph Balcom, Gov.  
Appte.  
Peter Eldridge, NMFS/SERO  
Bill Cole, USFWS,

### **Ad hoc State Representatives**

AC Carpenter, PRFC  
Roy Miller, DE Div Fish and Wildlife  
Bernie Pankowski, DE, proxy for Sen. Venables  
Tom Fote, NJ Gov. Appte.  
Bruce Freeman, NJ DF&W

Pat Augustine, NY Gov. Appte.  
Pete Jensen, MD DNR  
Bruno Vasta, MD Gov. Appte.  
Jack Travelstead, VMRC

### **Ex-Officio Members**

William Windley Jr., Atlantic Croaker Advisory Panel Chair  
Rob O'Reilly, Atlantic Croaker Technical Committee Chair

### **Staff**

Vince O'Shea  
Nancy Wallace

Toni Kerns  
Bob Beal

### **Guests**

Bob Evans, MD Waterman's Association  
Dick Brame, CCA  
Dan Dugan, RFA

Gregory P. DiDomenico, GSSA  
Vito J. Calomo, MA Proxy for Rep. Verga  
Jamie Geiger, USFWS

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## **SUMMARY OF MOTIONS**

**No motions were made.**

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

**Radisson Hotel, Old Towne  
Alexandria, Virginia**

**February 8, 2005**

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The meeting of the South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel, Old Towne, Alexandria, Virginia, on Tuesday, February 8, 2005, and was called to order at 10:15 o'clock a.m. by Chairman Spud Woodward.

**WELCOME AND INTRODUCTIONS**

**CHAIRMAN SPUD WOODWARD:** All right, good morning, everyone. I'm Spud Woodward. I'll be your chair for the South Atlantic State-Federal Fishery Management Board for the next couple of years.

I want to recognize, at this time, Bill Cole. Bill was the previous chair and gave us long, dedicated service, and, Bill, I appreciate you moving things along and delivering it to me in such a nice, tidy fashion.

I think it's a tidy fashion; I guess we'll see in a minute. Bill has been rather secretive with me over the last hour or so, so I don't know what he's got up his sleeve, but anyway we'll proceed. Our first action item is the approval of the agenda. You've got that in front of you. Bill.

**APPROVAL OF AGENDA**

**MR. BILL COLE:** Move adoption of the agenda.

**CHAIRMAN WOODWARD:** Do I have a second to that?

**DR. PETE ELDRIDGE:** Yes, I'll second.

**CHAIRMAN WOODWARD:** Okay, any opposition?

**DR. ELDRIDGE:** Pete Eldridge, and I'm the proxy for Buck Sutter, and I'll second the motion.

**APPROVAL OF PROCEEDINGS**

**CHAIRMAN WOODWARD:** Any opposition to that motion? If not, we'll move on. You also have a copy of the proceedings from the November board meeting in front of you. No objection, we'll move forward and consider the proceedings approved.

**ELECTION OF VICE-CHAIR**

All right, the next item is one that's very important to me, and that is the election of a vice chair. I'll open the floor to nominations at the present time. John Duren.

**MR. JOHN DUREN:** Mr. Chairman, I'd like to nominate the distinguished Robert Boyles, Jr., from South Carolina to be vice chairman.

**CHAIRMAN WOODWARD:** Thank you, John. Any other nominations from the floor? Can I have a motion to close nominations?

**MR. COLE:** Mr. Chairman, I move to close nominations and elect by acclamation Mr. Boyles.

**CHAIRMAN WOODWARD:** Any opposition to that? If not, thank you. Robert, welcome aboard, and appreciate you'd be willing to do this. (Applause)

All right, at this time we'd like to open the meeting up to public comment. If we have anyone in the audience who would like to comment on any of the activities of the South Atlantic Board, approach the microphone and identify yourself.

**PUBLIC COMMENT**

**MR. DICK BRAME:** I'm Dick Brame with CCA. I have some comment, but it pertains to the PID. Could I do it at that point?

**CHAIRMAN WOODWARD:** Yes, why don't we just wait until that part of the program. Thank you, Dick. All right, moving along, I'm going to turn the microphone over to Nancy Wallace, and she is going to bring us up to date on the Atlantic croaker public information document public comment.

## **REVIEW OF ATLANTIC CROAKER PUBLIC INFORMATION DOCUMENT PUBLIC COMMENT SUMMARY**

MS. NANCY E. WALLACE: All right, at the last board meeting in November, you all approved the public information document for Atlantic croaker with a few minor adjustments that staff did take care of.

We then went out to public comment at different public hearings all across the state and opened up the public comment summary for mail in as well. So what I'm going to do right now is kind of walk through the public information document and go through what each state had for their comments.

Just as a side note, unfortunately, we didn't get a ton of public comments, so just kind of take that with a grain of salt as we go through. I'll give you the numbers. The purpose of the public information document was to provide the public an opportunity for the public to identify major issues and alternatives relative to the management of Atlantic croaker.

We asked them the question, how would you like to see Atlantic croaker population and fishery look in the future? The time frame which we went through, as you can see now that we are in winter, the public information meetings are gone, and we are going to hopefully draft the first draft of the amendment this spring.

Moving on to the possible plan objectives, this was Issue 1 that was brought out to the public. The first possible plan objective was to manage the fishing mortality rates to provide adequate spawning potential to sustain long-term abundance of the population.

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

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

We asked the public 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?

We only received one comment on this issue from CCA Maryland, and that was they believe that a fifth objective should be added to restore Atlantic croaker populations to historic abundance throughout its range.

The second issue was the biological reference points. These up on the screen are the biological reference points that were recommended by the technical committee in the last stock assessment.

Just to give you a graph, this is what the target and threshold look like, and you can see that for fishing mortality, the current status is well below the target and the threshold. This spawning stock biomass is well above the target and threshold, so as things look right now, croaker is in pretty good shape.

I'll just remind the board again that these numbers do not include bycatch from the shrimp fishery. Although these numbers look very good, we just have to remember that they don't include all of the mortality.

The second issue with the biological reference points, we asked the following question, 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? Should there be triggers to measure stock status, and what if these triggers are exceeded? The comments that we received back, one person said that reference points should be more liberal to account for natural fluctuations in abundance.

Another person said the reference points should be monitored. A third person said the reference points are appropriate; however, these numbers he felt might be inaccurate, so reference points are an appropriate way to monitor croaker, but he's not sure about these particular reference points.

And the last comment we received was from CCA Maryland that supported the reference points recommended, but also supported attempting to manage for a high abundance of croaker.

The third issue was commercial fisheries. Currently there are no ASMFC management coastwide to restrict commercial harvest. There are some states that have regulations in place. The questions we

asked for the commercial fishery issue was what should be the management measures for the commercial fishery?

Should the 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? And should there be a commercial quota? The comments we received back, 20 people along the coast were in favor of status quo, no regulations.

CCA Maryland supports a minimum size for all fisheries. They felt that a coast-wide minimum size of at least 8 inches should be implemented. It would also be appropriate for an annual quota for croaker at least at the present day harvest levels.

The fourth issue was recreational fisheries. Currently there are no ASMFC management measures restricting the harvest of Atlantic croaker along the Atlantic coast; however, there are state regulations. Certain states do have more conservative regulations.

We asked the same questions that we asked about the commercial fishery. 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, and should there be a recreational quota?

Comments that we received back on Issue 4, 19 people were in favor of the status quo, no regulations for croaker. One person stated a recreational bag and size limit would only be accepted if it were coupled with a commercial quota. And CCA Maryland supports a minimum size limit of at least 8 inches and a 25-fish bag limit.

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

So we asked the question, should this amendment promote the use of bycatch reduction devices in other fisheries? The comments that we received back on Issue 5, one person said that there is no need for BRDs in other fisheries because they already exist in the trawl fisheries.

One person supported the development and implementation of BRDs in all trawl fisheries. And two people stated that they should be implemented on

pound net and haul seine fisheries.

The sixth issue was regional management. The Atlantic croaker stock assessment only addresses the Mid-Atlantic region due to a lack of data in the South Atlantic region. Just to remind the board that the Mid-Atlantic region is North Carolina and north.

The South Atlantic is only Florida, Georgia and South Carolina. The split is at the North Carolina-South Carolina border. So we asked the question, should the South Atlantic and Mid-Atlantic regions be managed differently?

Two people supported different management in the two regions if they are separate stocks. If they are one stock, they should be managed that way. So basically if they are two different stocks, they should be managed differently; if they are one, they should be managed as one.

Three people said that more research should be done. I believe CCA said that they support regional management, and the split should be at Cape Hatteras instead of the North Carolina-South Carolina border.

The seventh issue was conservation equivalency. The background we gave in the PID is similar to what the ASMFC does in other plans. And we asked the question, 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?

The comment that we received was that one person was not opposed to the consideration of conservation equivalency because it enables states to have more flexibility.

The eighth issue was habitat. We asked the questions, what are Atlantic croaker habitat issues and how should these issues be evaluated further? One person said the habitat section should address the amount of building that is going on along the coast.

And the ninth issue in the PID was compliance criteria. In many regulated fisheries, states are required to implement certain criteria to be in compliance with the management plan, so we asked what should the compliance criteria be for Atlantic croaker; and if a state delays implementation, what should be the penalty? There were no comments on this issue.

So that kind of sums up the public hearing summary. We did receive some written public comment. We received public comment from CCA Maryland. That was distributed; hopefully, you all received it in a packet in the mail.

After I sent that out but before the closing date of February 2<sup>nd</sup> we did receive another public comment letter which I think hopefully you received handed out from James Ruhle. Did that come around?

Okay, there will be a handout coming around right now. And then also after the public comment period did close, we received public comment from the North Carolina Marine Fisheries Commission, and that is going to be distributed as well.

So those handouts came, and I wanted you to be able to look at those. Also, Dick Brame has some comments from CCA that he did submit on time to the Atlantic States Marine Fisheries Commission. Unfortunately, we were having some e-mail problems and I did not receive them, so I had asked if he would be able to kind of give a little summary at this meeting for you.

CHAIRMAN WOODWARD: Thank you, Nancy. I think it would be a good time, Dick, if you would come on and approach the microphone and give us your comments. I can't believe e-mail problems. People have e-mail problems? I can't believe that.

MR. BRAME: She blamed it on her spam filter. I'm not sure what to make of that. I'm Dick Brame, the Atlantic States Fisheries Director for the Coastal Conservation Association.

And croaker are a very important species to the CCA Atlantic States Fisheries Committee. And in our examination of the data, we have our comments in here, and I'd be happy to go through them.

But the point that I want to make is the technical committee could not do an assessment on the southern part of the stock; and due to data considerations, they made the split at the South Carolina-North Carolina line.

If you assume that recreational landings are at least a rough proxy for abundance, then we believe the line should be set more at Cape Hatteras and north, and Cape Hatteras south and inside North Carolina should be in the southern zone. Because, if you look north of Cape Hatteras, this fishery has recovered to historic abundance levels.

If you go south of Cape Hatteras, it's in the toilet. The recreational landings are negligible. But what's interesting, in the early '80s, they rose at the same rate as the northern landings, recreational landings, until about '85-'86 and then fell off.

So, clearly, in the southern half of this population, something is going on. The recreational landings just aren't there, and the abundance is not there. That's why there should be a fifth objective in this that calls for the restoration of abundance throughout the historic geographic range. It should be one or your objectives, we believe.

So, we think the two should be managed separately. If you allow one stock assessment to smear over the entire range, then you will never have any reason to do anything south of Cape Hatteras.

But if you look at it -- I'm not going say it's two stocks, and I don't think you need to even designate it as two stocks. It may well be, I don't know. But, clearly, something different is going on that requires some sort of different management in the southern part of their range to restore the abundance that used to be in the southeastern United States.

And that's the major point we wanted to get across. That's why we supported at least an 8-inch minimum size to allow them to at least spawn once. While there's probably no way to calculate the appropriate bag limit for croaker, it seems like 25 is an ethical bag limit.

You don't always have to have a scientific reason to have a bag limit. And there probably ought to be some commercial restrictions also. The 8-inch minimum size may do it, I don't know.

But we can't treat these two portions of the population the same, because all you've got to do is look at those landings and they have gone to nothing. And so I think for the public hearing document that would come out, I would hope you would entertain those suggestions to go before the public. Any questions? Thank you.

CHAIRMAN WOODWARD: Thank you, Dick. Bill.

MR. COLE: Mr. Chairman, I don't have a question for Dick, but the 18 years of experience we've had with the winter tagging cruise suggests that Hatteras does provide -- as it does for numerous other species, seems to be a natural break point.



Louis, I'm not sure, but if I recall the state of North Carolina took a lot of -- we certainly did a lot of samples of croakers last year. I think it was Tina Moore, et cetera. Have they written that up yet?

DR. LOUIS DANIEL: No.

MR. COLE: Mr. Chairman, I think the point that Mr. Brame just raised is something that we need to look into. I think that there may be some data sets available out of North Carolina that do show that Hatteras provides some separation. I'm not saying it's two different stocks, as he's not, but I do think it does provide us some evidence that there is a real separation line there.

#### **DISCUSSION OF WHAT SHOULD BE INCLUDED IN AMENDMENT 1**

CHAIRMAN WOODWARD: Thank you, Bill. Nancy, how about going ahead and putting your slide up. In order to try to guide us through the development of the components of Amendment 1, I asked Nancy to put together a slide to sort of tell us what we've got to do a blueprint.

MS. WALLACE: Well, before I do that, I actually forgot I had one last slide on the public comments. I'm sorry about that. Other comments that were not in the PID that I forgot to mention, here is the last slide.

Twelve people were in favor of a stock assessment for Atlantic croaker being conducted every three years. One person was concerned about the development of a foreign market. One person said abundance seems to depend more on the environment than fishing pressure. One person said croaker are not a good candidate for trawl fishery surveys, and catch-per-unit effort is a better measure.

Okay, let's move on to that last slide now. Because we didn't get a ton of public comment back, staff drafted kind of just some ideas to start the discussion on what can be included in Amendment 1 for croaker, and we came up with four major points.

These are biological reference points, monitoring requirements, no relaxation of current regulations, and adaptive management. These are just staff recommendations to get the discussion started.

CHAIRMAN WOODWARD: Thank you, Nancy. Okay, we need to put some thought into what do we want Amendment 1 to look like. We're going

to begin the discussion. I'll open the floor up to comments. Louis.

DR. DANIEL: Thank you, Spud. The first thing, Nancy, I think there needs to be in the document a summary of those actions that have been taken by the various states. Certainly, in North Carolina there is a long list of issues that have been done, bycatch reduction devices in the long-haul seine fishery, pound net fishery.

The minimum mesh sizes that were implemented through Amendment 3 to the Weakfish Plan certainly has had an impact on croaker. The flynet closure south of Cape Hatteras has had a tremendous impact on croaker, as well as the bycatch reduction devices in the trawl fishery.

So I think it's important for us to outline for the states involved all of those programs that have been implemented through other plans. We've often stated that -- we've often been told we haven't screwed up croaker yet because we haven't developed a plan for them.

And that's really not true because there is a de facto croaker plan through a lot of the ASMFC plans and some of the council plans, so we have done a lot. I just think it's important that we reflect that in the document.

CHAIRMAN WOODWARD: Thank you, Louis. We'll make sure that is included in the Amendment 1 draft. Okay, using this slide, let's begin discussing. Jack.

MR. JACK TRAVELSTEAD: Thank you, Mr. Chairman. Nancy, what did you have in mind on biological reference points? Is that just a need to update from the latest assessment?

MS. WALLACE: Well, one possibility, right now the technical committee has recommended from the last stock assessment certain biological reference points that we went through.

One way that you could look at managing Atlantic croaker would be to monitor those reference points and have in adaptive management what kind of actions you could take if F goes above the target or threshold or if SSB goes below the target or threshold. That would be similar to actually how menhaden are managed. It's a possibility.

CHAIRMAN WOODWARD: Comments on that? Louis.

DR. DANIEL: I think that kind of falls more under adaptive management. What I'm looking at more is the question are the biological reference points recommended by the technical committee appropriate?

I'm not sure that the public would have been able to answer that question with what we gave them. One thing that I think would be very helpful would be to have some percent SPR type information so that we could look and see how our reference points for croaker match up with some other similar conjurers like weakfish, for example.

You know, how does the F threshold of 0.39 relate to a 30 percent SPR -- is it extraordinarily high; is it extraordinarily low -- to kind of give us an idea of how conservative or how non-conservative are we being with our reference points. And that would be one part of the document that I think would be helpful to answer that question, are they appropriate reference points.

CHAIRMAN WOODWARD: Okay, any comment on that concept from Louis? All right, Rob.

MR. ROB O'REILLEY: I just wanted to respond to Louis. I know when the stock assessment was being constructed, one thing that was looked at were the various reference points. I don't have it with me, but I do recall that SPR was addressed, and it was the FMSY which was chosen by the technical committee, but those values should be available.

CHAIRMAN WOODWARD: Okay, I guess the question is whether we can get that done. We're trying to get this document out in the spring, so every iteration of this is going to slow us down. Bill.

MR. BILL WINDLEY: Bill Windley, AP chair. Mr. Chairman, after we received the stock assessment report, from the technical committee, I think the AP was comfortable that these were fairly good reference points, and that they would continue to maintain stocks, if in fact they're going to affect stocks, at the levels we're looking for and keep the stock at a high level, so that the AP was in support of the technical committee's recommendation.

CHAIRMAN WOODWARD: Thank you, Bill, for clarifying that for us. Okay, we need some guidance for staff on this. Bob.

MR. ROBERT E. BEAL: Just a staff

question, I guess, for Louis. Louis, were you suggesting that a suite of different biological reference points be presented to the public or just present the one that came out of the stock assessment, but calibrate those relative to weakfish and some of the other plans and kind of display how conservative or liberal those are?

DR. DANIEL: Well, for our perspective, we're managing now with the Fisheries Reform Act Amendment to Sustainable Harvest, which is based on percent spawning potential ratio. What we're really looking at is replacement SPR.

And what a lot of the public is used to seeing now, at least in our area and I think with some of our other plans, is that percent SPR. And, folks, that's been a contentious issue.

But, if we're managing croaker for 35 percent SPR and we're managing weakfish for 20 percent on the threshold, then there is some inconsistencies there. I think in order to adequately assess whether or not these FMSY estimates are reasonable benchmarks, then we need to have something to refer to.

And if Rob indicates that they've already got that information available, then just parenthetically indicating what the SPR estimates are for these certain targets and thresholds would be a big help for us at least.

MR. BEAL: Yes, that differs from what we did in the striped bass where we took out to public hearing, should the F rate be 0.2, 0.25 or 0.3. It's more of a maintain or present the biological reference points that came out of the stock assessment, but give reference to the SPR and see where they are within that range.

DR. DANIEL: Yes.

CHAIRMAN WOODWARD: All right, sounds like that's doable, and it probably would be advantageous in this confusing business that we do. Jack.

MR. TRAVELSTEAD: You know, in light of the public comment that we got, which was mostly keep everything at status quo, and if you read the North Carolina letter from Mr. Johnson, it lays out North Carolina's point of view.

I can tell you Virginia is almost verbatim identical to what North Carolina has presented. I just see this amendment as being the minimal we can get by with. I don't see a large need to spend a lot of time on this

thing.

If an amendment is necessary to do these four things that Nancy has on the board, that's fine. I agree with what Louis has suggested on the reference points.

Are there things that we need to monitor that we're not now monitoring? We can describe those. There are no allocations. The stock is very healthy, at least north of Hatteras. There's no need for management measures. There's no real allocations issues that I know of with respect to croaker, that everybody seem to be happy with what they're catching, so I'm not even sure we need an amendment at this point.

But if the staff thinks we need to answer those four points, then that's fine, but with so many other things on the staff plate to do, I would hate to see us spend a lot of time drafting these kind of documents.

CHAIRMAN WOODWARD: Nancy, to that point.

MS. WALLACE: A couple different things. The monitoring requirements came up especially for the South Atlantic where we are lacking the data, that would be something to consider. One other issue that is not up here that we should have put up here is the regional management question.

That was kind of a big -- you know, that came up more than other things did during the public comment period. To the third point, the reason that we're doing the amendment is to get in compliance with the Atlantic Coastal Act, because the 1987 FMP was done really without any management measures, without a habitat section, without a socio-economic section.

These are all things that need to get up to date to be in compliance with the rest of our plans. But other than that, we can keep it pretty minimal and maybe put more things in the adaptive management section to be able -- you know, if there is a crash of croaker to have the tools to be able to address those.

MR. TRAVELSTEAD: Just to follow up, I support that last idea. That makes sense to me. Why can't we just put in the usual list of everything we have in our toolbox that if we ever go beyond the reference points, hit the targets or something, then here is the list of options that we'll choose from to consider at that point in time.

CHAIRMAN WOODWARD: Bill, I believe you had a comment.

MR. COLE: Well, to follow up with where I think Jack is trying to go -- and I guess this question goes to Rob and Nancy -- if you look at Jimmy Ruhle's letter that was just handed out in his last sentence in the penultimate paragraph, Jimmy suggested that he would support the concept of establishing a trigger, which would promote development of management measures once a predetermined level of stock abundance or harvest level is reached.

I'm not sure that we have defined those levels yet. Now maybe that's what Jack is also saying, but knowing Jimmy and knowing that he has fished in this fishery for years, there may be something there that a trigger -- if we could develop an acceptable trigger that would then cause us to do additional things may be a way to go here without having to do a full amendment. I think it's worth looking into.

CHAIRMAN WOODWARD: Thank you, Bill. Any staff comments on that? Bob.

MR. BEAL: Well, just to basically say we can do exactly that through the adaptive management process, establish the biological reference points; and once one of those biological reference points is violated above F, below biomass, whatever it is, then that triggers an addendum and we'll have, as Jack mentioned, the whole toolbox of management measures commercial, recreational, quotas size limits, the whole range.

And depending on what the status of the stock is or where we stand with respect to those biological reference points, the board at that time can decide what they want to do. I think in my mind anyway, that's what this amendment likely will end up looking like is sort of a series of biological reference points, maybe an additional biological reference point, a reference point with respect to harvest.

If it drops off or if it peaks really high, then that may signal the board needs to do something. But in my mind it's a pretty straightforward document with some monitoring requirements for the South Atlantic, biological reference points, including triggers, and then a suite of management measures that the board could employ if they needed to.

For the public hearing document, it would probably make some sense to bring out some of the other ideas anyway such as minimum size limits, does it make sense to try to standardize minimum size limits for recreational fisheries, just to get public comment, or

at least include that in the first draft for the management board to look at.

When you guys see it I think in May, you can kick out any of the options you don't like at that time. But it probably makes more sense for the plan development team to kind of over populate this document right now and then kick out the ideas that you guys don't want to move forward with.

CHAIRMAN WOODWARD: Thank you, Bob, for clarifying all that for us. I think we probably have enough for staff on this biological reference points and monitoring requirements. Bruce.

MR. BRUCE FREEMAN: Thank you. I just wanted to raise the issue of bycatch reduction devices. I notice Jimmy Johnson's letter emphasized the actions that have been taken by North Carolina for bycatch reduction in the shrimp trawls and also long-haul seines and minimum size mesh in shrimp trawls.

I'm just curious relative to where do we stand with those same aspects in other states? Are they requirements in the other states? And if so, I think it should be in the plan just so that people understand that.

CHAIRMAN WOODWARD: Certainly, anybody chime in, but I know that Georgia has bycatch reduction device requirements, and then you've got it in the EEZ, so you've got pretty wide and broad coverage. I mean, a lot of states don't have entanglement gear fisheries like the Mid-Atlantic and North Carolina, so it's really a non-issue.

But it wouldn't hurt, I guess, just to clarify some of that in the document, which we can do. We can put an appendix in there or whatever to have a detailed list of what actions have been taken, which I think it was mentioned earlier as kind of a status report on where are we at.

As Louis said, yes, we've not intensively managed croaker, but we have de facto managed croaker over time by implementation of bycatch reduction device rules and things of that nature. So, I think that one thing that we do need to come to some -- John.

MR. DUREN: In Bob Beal's clarifying comments, he talked specifically about monitoring in the South Atlantic, and the last stock assessment pointed out there wasn't enough data available to do any stock assessment in the southern part of the

ocean.

I just want to make sure that what we do going forward tries to answer that question, because there does seem to be two distinct behaviors taking place amongst the fish.

CHAIRMAN WOODWARD: Okay, well, I'm sure there will be an optimistic list of research needs in this document as there always is. That's the one thing that always seems to persist is all the research needs.

As far as this business of splitting the coast, we need to have some discussion about that and need to decide if this Hatteras split is what makes sense and give staff some guidance on that as to whether we need to define that as an alternative in the document. Bill.

MR. COLE: Mr. Chairman, I'm inclined to use the Hatteras split. But let me as Rob, because my memory is getting too far gone to remember, I think the statistical grids split at Hatteras also, so that it shouldn't be too -- you're not splitting the offshore statistical grids?

MR. O'REILLEY: You'd better ask a federal person that. I'm not sure once you get off shore. I know that's 621, I'm trying to say.

CHAIRMAN WOODWARD: Do we have a federal person that would like to answer that question? I mean, they're always willing to talk so I know there has got to be somebody here that will answer it. Okay, we have a volunteer, somebody carrying a flag.

MS. LANGE: A volunteer with a questionable answer. Anne Lange, National Marine Fisheries Service. I believe that the line for the statistical areas does break at Cape Hatteras for a number of reasons, because many of the stocks historically were identified as being differences, but I'm not quite certain exactly where that line is. We can check.

CHAIRMAN WOODWARD: Thank you, Anne.

MR. COLE: Mr. Chairman, I believe it does because I think there is a couple Mid-Atlantic plans that split at Hatteras also, for some obvious reasons, but I believe that grid does split there. I think that it's worth looking into; and if it doesn't complicate the analyses by having to split grids, then I would think

that's a reasonable demarcation point.

CHAIRMAN WOODWARD: Okay, I think I had Louis and then I've got Bruce.

DR. DANIEL: I was going to ask Rob as well, the SEAMAP goes to Hatteras, I believe, and that's the northern extent of that survey.

MR. O'REILLEY: That's my understanding, Louis.

CHAIRMAN WOODWARD: Okay, Nancy, to that point.

MS. WALLACE: I just have to check and maybe Rob can answer this better, but splitting at Hatteras, I don't know the extent of work -- if we would have to redo the stock assessment because currently the split is at the North Carolina-South Carolina. I'm not exactly sure how much would have to be reworked to redo the split, so I'd just like the board to take that into consideration.

CHAIRMAN WOODWARD: Bruce, I think you had a comment.

MR. FREEMAN: Well, just trying to answer this question of statistical areas. Just before this meeting, we had a striped bass board meeting, and there was a chart in that document showing the statistical areas. Unfortunately, it doesn't appear there is a break at Hatteras.

There is Area 631 that extends from the mouth of Chesapeake down to about Oregon Inlet, and then 635 goes from there down to it looks like Ocracoke so it covers -- the middle of it is about Hatteras. And the girds offshore follow the same pattern, so that it doesn't seem to be a clear break unless you accept the area down to about Oregon Inlet.

CHAIRMAN WOODWARD: Thank you for that, so it sounds like a split at Hatteras is a good idea and a bad idea.

MR. COLE: Mr. Chairman, I'm going to ask that maybe we ask the technical committee to advise us on the wisdom and how much work it is. I think that it's not necessary that we rework the whole assessment to answer this question. I do think we need some advice as to where we draw that line.

CHAIRMAN WOODWARD: All right, I think we can handle that. Rob.

MR. O'REILLEY: That's a great idea. I think we would need to poll some of the people who worked directly on the data for the assessment. And then at the very least if it is a considerable reworking, perhaps by the time of the update, the next assessment, that's the time where this could be incorporated.

CHAIRMAN WOODWARD: Okay, we've got conflicting comments about a coast-wide minimum size limit. I want to put this out for discussion and see whether we want to include that as an option in the first draft of Amendment 1 or not consider it at all. Jack.

MR. TRAVELSTEAD: I would really prefer that we not address size limits in the addendum. I just don't think they work for a species like croaker. In the commercial fishery that's typically a volume fishery, I think you're just going to create discard problems that we really don't need.

Recreationally, the stock is so healthy right now, there might be a point in time down the road where we need to talk about size limits, but this species spawns very early, age and it's small sizes.

I just think putting a size limit on this species does nothing more than create another job for our law enforcement people. I don't think it's needed for the health of the stock. I recognize some jurisdictions have it; other's don't. They might vary up and down the coast, but I think that's something that's just better left to the individual states. If they feel a need for it, that's fine.

I think the other thing is for a lot of our species we've had to raise size limits so much over the years, things like flounder, we have eliminated our shore-based fisheries and pier-based fisheries for a lot of species, and I'd hate to see us get into a situation where we start doing that with croaker.

CHAIRMAN WOODWARD: Thank you, Jack. Any other comments along those lines? Louis.

DR. DANIEL: Well, I would just say that if we do consider a size limit, we take into consideration Jack's points, but also two other points. I think croaker is a very important bait component to the recreational fishery.

They use them quite often in various fisheries, but also a very important bait component to the blue crab fishery. It makes up a large portion of the blue crab bait, particularly I think in Virginia and North

Carolina.

And so we need to be thinking sort of on an ecosystems level. If we take the croaker away from the bait component of that fishery, what are they going to replace it with? So I think there are some various considerations that need to be made if we go down the line of a size limit.

CHAIRMAN WOODWARD: Thank you, Louis. Any other comments? Bruce.

MR. FREEMAN: It may be useful to give some thought, though, to minimum size. I understand the comments made by both Jack and Louis and recognize our use of small fish. The concern I do have, however, may relate to the otter trawl fishery, which is a major harvester at the present time.

And minimum size mesh may be something that could be looked at, particularly in the extension of the net where I'm not sure of the behavior of croaker, but it may be worthwhile to consider some minimum size mesh.

At the present time, commercial fishermen are not looking at taking small fish. There really isn't much value to them. I know in the gillnet fishery it's becoming an important fishery in New Jersey, well over a million pounds, but they're using large mesh to take large-sized fish, which are high priced in the market.

But from the otter trawl standpoint, it may be worthwhile looking at particularly the extension of the net to allow the escapement of juvenile fish. It's something that perhaps should be considered by the technical committee.

CHAIRMAN WOODWARD: All right, A.C.

MR. A.C. CARPENTER: I think for Amendment 1, I don't think we need to have a size limit in the amendment, but I do think it would be one of the things listed under the adaptive management that size limit; and to tie in with Bruce, mesh size limits would be part of the adaptive management things.

Other than the southern thing that needs more information, the northern range of this thing is in very good shape, and I don't think we need to spend a lot of time debating size limits and mesh sizes and other things, but we do need those in the adaptive

management section.

CHAIRMAN WOODWARD: Thank you, we can handle it that way. I guess that sounds like the simplest way to handle this at this point is just to put it as a possible management action when we cross the threshold or whatever. Louis.

DR. DANIEL: I would just ask, if we do in the public hearing draft, try to get some handle on the trawl fishery and the mesh sizes that they're using in the croaker fishery because Weakfish Amendment 3 and 4 require 3-3/4 inch diamond tailback if they're going to retain more than 150 pounds or 300 pounds now of weakfish.

So from my understanding, most of the captains are using at least that minimum mesh size. In the event that they have bycatch of weakfish, they wouldn't be caught in a pinch, and also to try to avoid a lot of small croaker in their catches.

So I think right now the gill net and trawl mesh sizes in Amendment 3-4 of weakfish have sort of addressed that issue to some degree, but I don't know if some of the captains are going out saying, well, we know we're just going to catch croaker and go to a smaller mesh size to catch everything. I don't know if that's happening.

CHAIRMAN WOODWARD: Sounds like we can probably, if we have sort of a synoptic treatment of what gears are out there and affecting the croaker fishery, maybe we can capture some of that. Nancy, do you think you've got enough guidance to get us to a first draft of Amendment 1?

MS. WALLACE: I think we have enough to go back to the plan development team and draft something and put some options together and have you look at it in, hopefully, May.

CHAIRMAN WOODWARD: A.C.

MR. CARPENTER: I do have one concern there with the idea of no relaxation. If we put this table together that has all of the things that were done for weakfish and everything else, and then you want to change something in the weakfish, does that then get you into the box of saying, well, you changed the weakfish, but that affects the Atlantic croaker? I think you've got to be careful how that tabulation of where we are right now based on other plans fits into a croaker plan. It's just a word of caution.

CHAIRMAN WOODWARD: Thank you

for that. Okay, if there is not any other discussion on Amendment 1 to the Croaker Plan, we'll move on with the agenda. Next up is Dr. Peter Eldridge, and he's going to give us an update on the transfer of management authority for red drum from the council to the commission.

#### **UPDATE ON RED DRUM MANAGEMENT**

DR. ELDRIDGE: Yes, this is a real pleasure for me to be here today. I'm going to make one historical comment, but then I'll get on with the report. In 1973 and 1974 I worked with Buck Byrd and Erwin Alperin and Dr. Joseph, and we actually designed the state/federal program.

And the first state/federal program was the South Atlantic shrimp, and the first management board was this group here, so I'm very pleased over 30 years later being able to report back to you. I think you've had a good history and you've done a lot of good things.

Now I'll turn to the progress report on the transfer of management authority from the South Atlantic Management Council to the Atlantic States Marine Fisheries Commission. On October 26<sup>th</sup> the Southeast Regional Office received the request to make the transfer.

In early November, the Deputy Regional Administrator met with key personnel in the Regional Office to discuss the transfer process. It was decided that the first steps were to prepare an environmental assessment to determine the appropriate NEPA document for the transfer action and to form a team to provide input to the team leader, and I'm the team leader.

So, on December 16<sup>th</sup> we distributed a draft environmental assessment to the team for review and comment, and comments were received by January 14<sup>th</sup>. Subsequently, of course, on December 17<sup>th</sup> the Atlantic States Marine Fisheries Commission sent a letter to the Regional Administrator supporting the request. We received the comments on the first draft, and by January 18<sup>th</sup> they were distributed to the team.

Now the main comments were that we needed to add language to clarify the authority of the Atlantic Coastal Act. We should provide some additional information to show how essential fish habitat in the other federal FMPs -- we have at least three, South Atlantic Shrimp, South Atlantic Snapper Grouper, and, of course, flounder, black sea bass and scup plan in the Mid-Atlantic -- so that the two councils, South

Atlantic and Mid-Atlantic Councils, can continue to comment on projects that might have an adverse impact on red drum.

It was suggested that we add an economic section to the environmental assessment and also clarify that we were concerned only with the Atlantic Coast red drum resource. So, we're continuing work and we anticipate having a good draft ready in March.

Of course, the final draft will be ready after we receive public comments. Now, we've had a great deal of assistance from the state/federal division at headquarters. I'd like to acknowledge that Tom Meyer and Anne Lange have been very supportive and have been very helpful to the Regional Office. So, what we're doing now is beginning to get the elements of the proposed rules package together, and I'll have the lead on that. I've done this for quite a number of years, so I don't anticipate any problem.

We hope to publish the proposed rules sometime this spring, depending on the workload and the other actions that are occurring. That concludes my report. I'm open for questions.

CHAIRMAN WOODWARD: Any questions for Pete? I see some wrinkled brows, but then that's not unusual. Louis.

DR. DANIEL: I just want to make sure I understand where -- once the rule is published and finalized that transfers the management authority of red drum over to the ASFMC, then, do we have an automatic request in to the Secretary to also prohibit harvest and possession in the EEZ through the Atlantic Coastal Act, so that they're seamless in their changeover? I'm seeing heads shaking everywhere, so I guess yes.

DR. ELDRIDGE: Yes, that is correct. The two parts of the rule, you withdraw the current rule, which is prohibition on possession and harvest, and at the same time under the Atlantic Coastal Act, that rule is reinserted, so there is no gap in between the actions.

CHAIRMAN WOODWARD: Bill.

MR. COLE: Thank you, Mr. Chairman. Pete, thank you very much for this update. Mr. Chairman, I believe it would be appropriate for this letter to be provided to the South Atlantic Council and perhaps a short update based on this letter provided at our next council meeting. I think there were some questions among several of the members

there about where this stood, and this is very good. Pete, I appreciate it.

CHAIRMAN WOODWARD: Thank you, Bill, and we'll be sure to do that down at Savannah, to make sure we have an update on that. And thank you, Pete, for the update on this. This is moving along so progress, incremental, but progress nonetheless. Anybody have any other questions for Pete? If not, thank you.

All right, our next agenda item is a SEAMAP update from Elizabeth Griffin. I'm going to turn the microphone over to her.

### SEAMAP UPDATE

MS. ELIZABETH GRIFFIN: We don't have any action items today. This is just a brief update on what has been going on with SEAMAP. SEAMAP had a very productive year in 2004 and there are handouts being passed out, as I speak.

The first page of this handout is a basically condensed version of what has gone on this year. It includes all of the 2004 activities and all the publications that came out in 2004. If you would like information on any of these activities or copies of any of these publications, please see me after the meeting.

The SEAMAP annual report was recently published. This report summarizes the activities of all three SEAMAP regions from October of 2003 to September of 2004. A copy of this report was sent to each of you last Friday; so if you haven't received it yet, it should be arriving shortly.

The SEAMAP FY-05 budget is \$1.385 million. Page 2 of that handout shows funding tracking over the past, well, pretty much over the history of SEAMAP. And if you look at this, you'll realize that this funding level is a little bit less than last year's funding amount. It's pretty much level with the FY 03 budget.

When you look at the details of that funding tracking document, you'll realize that the budget has stayed level over the past 12 years. With level-funded budgets and rising costs, some of the SEAMAP programs have been forced to scale back.

We need additional money to restore surveys to their historic levels as well as to expand data collection from existing surveys and to develop new surveys. We've begun working with the Gulf States Marine Fisheries Commission and South Carolina to promote

SEAMAP and push for a significantly increased budget in FY 06.

There is a handout included in the information packet that has been developed to promote SEAMAP and to justify increasing the budget to \$6 million in FY-06.

The other big thing going on right now in the SEAMAP is that we're beginning to draft the 2006-2011 operations plan. The goal is to have this done by August so it can be presented to the SEAMAP Committee at the joint annual meeting. This plan will have changes to incorporate the new SEAMAP initiative of coordinating fisheries-independent sampling protocols and data.

The five-year management plan will also include new budget priorities for SEAMAP. This information will be gathered via survey on research priorities for fisheries-independent data, and this survey will be sent to each state agency, NMFS, the South Atlantic Fisheries Management Council, and ASMFC.

In anticipation of receiving this survey, please begin thinking about past projects that need to be restored, additional data that could be gathered from the existing surveys, and new data collection programs that could fill holes in assessments. These surveys will probably go out in mid-April. Does anyone have any questions or comments on SEAMAP activities?

CHAIRMAN WOODWARD: I think you overwhelmed them with your brutal efficiency, but that's good. We need more of that in our business. Questions, here is your chance. Bill.

MR. COLE: It's not a question, Mr. Chairman, but let me take this opportunity to make my pitch here. As many of you know, we've been doing a cooperative winter tagging cruise off of North Carolina for over 18 years now.

The genesis part of the funding or a large part of the expenses for this fall into the NOAA portion or the NMFS portion of the SEAMAP allocation. We've been level funded for years, and we're getting rapidly, with our gear problems which I mentioned at our previous board meeting, we're getting to the point where we're about to get to a crisis state.

In my current occupation with the National Marine Fisheries Service, I am working with the administrator trying to find additional funds somewhere to supplement the SEAMAP accounts, such that we can solve these gear problems if we're going to continue to do that offshore tagging cruise.



Let me point out that cruise provides data sets that are useful for a lot of South Atlantic, Mid-Atlantic and Commission plans and FMPs. It is in fact a requirement of the Striped Bass FMP.

So, we need to participate in this upcoming survey, but we also need to get busy doing whatever it is that we can do to address this level-funding problem. I'll leave it right there.

CHAIRMAN WOODWARD: Robert.

MR. ROBERT BOYLES, JR.: Thank you, Mr. Chairman. I would just like to reiterate what Bill just said. It is incredibly important not only as I think we've seen here at the South Atlantic Board for the issues that face us, I can tell you in South Carolina it seems like once a week there is an issue that comes up, a data request, a problem, that we rely on SEAMAP data to help us address those questions.

I don't think I need to remind this board that the geopolitics in Washington have changed. We lost our state's senior senator for after thirty-some odd years who was a very strong proponent for SEAMAP.

I'd just ask that each of our states do whatever it is as necessary to get to D.C. to let folks know on the Hill, within the Fisheries Service and our partner organizations how important this project is to us. I appreciate that. And, Elizabeth, I appreciate all your help with things to date as well. Thank you.

CHAIRMAN WOODWARD: Thank you, Robert. Would it be helpful if staff was to send out this sort of briefing document in an electronic format where it could be sent as an attachment to e-mails, things like that, just to broadly publicize it? I think we can get that done. That would be a good tool for us to have, anyway. John.

MR. DUREN: I just want to say that would be very helpful.

CHAIRMAN WOODWARD: I don't want to put the photocopying people out of business, but this highly reliable e-mail system we've mated ourselves to, we might as well use it. Louis.

DR. DANIEL: I'll use the opportunity to make a plug as well. Certainly, SEAMAP is important, but one of the things that they have failed to do in many instances is promote what they actually do and making sure that a lot of these assessment workshop folks, data workshop participants, are

actually aware of the information that's available through SEAMAP.

I've asked Elizabeth to send this needs' request to our South Atlantic SSC to sort of get some idea about how could that information be used in the research needs and priorities that are being developed out of our new SEDAR process in the South Atlantic and what types of information may be available.

Certainly, it would be nice to know, in addition to Atlantic croaker, queen conch, Spanish mackerel and weakfish, the other stocks that they feel are appropriately indexed in that survey, so that we might be able to use those data in additional stock assessments.

And then in terms of expanding the scope of SEAMAP, I think an opportunity exists to build on the good work that has been done in South Carolina through the MARMAP program and try to start using some additional gear types such as traps in the near-shore coastal areas to try to get some abundance indexes that we're lacking through the MARMAP program.

So there is a very good opportunity to have SEAMAP and MARMAP dovetail with each other to collect more effective indexes of abundance throughout the range of the South Atlantic's area of jurisdiction.

I think we're moving in a good stead and I think our SSC will be able to provide some good input, but I would certainly think that some of those additional gear types would be a big help to us.

CHAIRMAN WOODWARD: Thank you, Louis. Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman. One thing that puzzled me, and I wanted to ask is you notice the SEAMAP budget tracking is fairly flat until all of a sudden it jumps up in 2004, and then, of course, now you don't know precisely what's going to happen. What do you attribute then the large increase in 2004?

MR. BOYLES: Mr. Vasta, I can tell you that DNR, South Carolina, in 2004 it was a main priority for us in dealing with our delegation because of the needs we've had in the South Atlantic. I don't want to take all the credit, but I can tell you it was a priority for South Carolina then, and we had a sympathetic ear with Senator Hollings' staff.

CHAIRMAN WOODWARD: It's kind of a

case of the “squeaky winch” gets the cash, which is the way it always works. Any other questions for Elizabeth? If not, thank you very much for that, we appreciate it. All right, we’re on to other business. Do we have any other business to come before the South Atlantic Board at this meeting? Mr. Cole.

CHAIRMAN WOODWARD: Okay, and we will see you in the spring.

(Whereupon, the meeting was adjourned at 11:20 o’clock a.m., February 8, 2005.)

**OTHER BUISNESS**

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MR. COLE: Well done, Mr. Chairman. You’re well ahead of schedule, my congratulations to you. Let me take this small opportunity to say that this is probably the last time that I will be representing the Fish and Wildlife Service for this board.

I have been involved with this board and with the commission for almost two decades. I just want to say thank you for letting me be involved with you and being a small part of your world and what I think we’ve accomplished together.

Let me also take this opportunity, Bob, and Nancy and the rest of the commission staff, to say thank you. You’re one of the greatest bunches of people to work with I’ve ever worked with, and you deserve all the applause you get.

You are obviously some very, very hard-working people and very committed to our programs. Let me take this opportunity to thank you. Thank you. (Applause)

CHAIRMAN WOODWARD: Thank you, Bill, and that wasn’t nearly like I thought it was going to be. I thought Bill had conjured up some sort of misery to throw us off of track here.

MR. COLE: Not today.

CHAIRMAN WOODWARD: Well, we appreciate your long service. Those of us who are still sort of new to the council process, we’ve learned a lot watching you out in the halls and watching you at the table and watching you in the evening and other places and you learn how the work really gets done.

It’s not always right here at a table in front of a microphone, but thank you for your long service and you will be sorely missed. Any other business? Well, if not I’ll entertain a motion to adjourn.

**ADJOURNMENT**

DR. DANIEL: So moved.