

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

**The Westin Crystal City
Alington, Virginia
Hybrid Meeting**

April 30, 2024

Approved August 7, 2024

These minutes are draft and subject to approval by the Sciaenids Management Board.
The Board will review the minutes during its next meeting.

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1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings** of October 18, 2023 by consent (Page 1).
3. **Move to approve the Spot FMP Review for the 2022 fishing year, state compliance reports, and *de minimis* status for New Jersey and Georgia** (Page 2). Motion by Spud Woodward; second by Joe Cimino. Motion carries without opposition (Page 3).
4. **Move to approve *de minimis* status for Delaware** (Page 4). Motion by Spud Woodward; second by John Clark. Motion carries (8 in favor, 1 opposed) (Page 4).
5. **Move to nominate Shanna Madsen as Vice-Chair of the Sciaenids Management Board** (Page 6). Motion by John Clark; second by Chris Batsavage. Motion passes by consent (Page 6).
6. **Move to adjourn** by consent (Page 6).

ATTENDANCE

Board Members

Joe Cimino, NJ (AA)	Chris McDonough, SC, proxy for M. Rhodes (GA)
Jeff Kaelin, NJ (GA)	Ben Dyar, SC, proxy for Sen. Cromer (LA)
John Clark, DE (AA)	Doug Haymans, GA (AA)
Roy Miller, DE (GA)	Spud Woodward, GA (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Jeffery Ranchen, FL, proxy for J. McCawley (AA)
Carrie Kennedy, MD, proxy for L. Fegley (AA)	Gary Jennings, FL (GA)
Shanna Madsen, VA, proxy for J. Green (AA)	Rep. Thad Altman, FL (LA)
Chris Batsavage, NC, proxy for K. Rawls (AA)	Ron Owens, PRFC
Chad Thomas, NC, proxy for Rep. Wray (LA)	

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

Ex-Officio Members

Somers Smott, Chair, Atl. Croaker Technical Committee	Harry Rickabaugh, Chair, Black Drum & Spot Technical Committees
	Matthew Rogers, Law Enforcement Representative

Staff

Robert Beal	Caitlin Starks	Jeff Kipp
Toni Kerns	James Boyle	Kristen Anstead
Tina Berger	Emile Franke	Lindsey Aubert
Madeline Musante	Chelsea Tuohy	Trevor Scheffel
Tracey Bauer	Katie Drew	

Guests

Pat Augustine	Jacob Espittia, FL FWC	Brooke Lowman, VMRC
Linda Barry, NJ DEP	Julie Evans, East Hampton Town Fisheries Advisory Cmte.	Michael Luisi, MD DNR
Mel Bell	James Fletcher, Unites National Fisherman's Assn.	John Maniscalco, NYS DEC
Michael Bowen, Cornell Uni.	Anthony Friedrich, ASGA	Anthony Mastitski, Marine Stewardship Council
Delayne Brown, NH FGD	Erica Fuller	Patrice McCarron, Maine Lobstermen's Assn.
Debbie Campbell	Keilin Gamboa-Salazar, SC DNR	Genine McClair, FL FWC
John Carmichael, SAMFC	Marty Gary, NY (AA)	Jack McGovern, NOAA
Nicole Caudell, MD DNR	Matthew Gates	Meredith Mendelson, MA DMR
Haley Clinton, NC DEQ	Pat Geer, VMRC	Chris Moore, Chesapeake Bay Foundation
Scott Curatolo-Wagemann, Cornell Cooperative Extension of Suffolk County	Lewis Gillingham, VMRC	Robert Murphy, NOAA
Tanya Darden, SC DNR MRR	Angela Giuliano, MD DNR	Thomas Newman, North Carolina Fisheries Assn.
Conor Davis, NJ DEP	Derrek Hughes, NYS DEC	Jeff Nichols, MA DMR
Jacob Dorothy, MA DMF	Kris Kuhn	
Roman Dudus	Robert LaCava, MD DNR	

Guests (continued)

Scott Olszewski, RI DEM
Alexis Park, MD DNR
Will Poston, ASGA
Jill Ramsey, VMRC
David Sikorski

Renee St. Amand, CT DEEP
Kristen Thiebault, MA DMF
Laura Tomlinson, MA DMF
Craig Weedon, MD DNR
Angel Willey, MD DNR

Travis Williams, NC DEQ
Gregory Wojcik, CT DEEP
Chris Wright, NOAA
Daniel Zapf, NC DEQ

The Sciaenids Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Tuesday, April 30, 2024, and was called to order at 11:45 a.m. by Chair Doug Haymans.

CALL TO ORDER

CHAIR DOUG HAYMANS: Good morning, everyone, I've got 11:45, and in the interest of lunch, we'll get started with the Sciaenids Management Board. If I could ask the folks on this side, my right, to turn your name tags this way, because there are two in the middle that I don't know. Perfect, thank you. That would be very helpful, appreciate it.

Welcome to the new era of Doug Hayman's Chairmanship, hopefully it will survive two years, and it all will be good.

APPROVAL OF AGENDA

CHAIR HAYMANS: First of all, we have an agenda in front of you. We have one item to add to Other Business, which will be a very brief discussion on the Traffic Light Approach for Spot, and Tracey will handle that. Are there any other additions to the agenda? Seeing none; we'll approve the agenda.

APPROVAL OF PROCEEDINGS

CHAIR HAYMANS: We have the proceedings from October in front of you. Are there any corrections or additions to that? Seeing none; we'll approve the proceedings.

PUBLIC COMMENT

CHAIR HAYMANS: Next is an opportunity for Public Comment for items that are not listed on the agenda.

Is there anyone in the audience who wish to provide public comment? Seeing none; Tracey, is there any online? There are no online comments, I love it as we move along quickly.

CONSIDER SPOT FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE REPORTS FOR THE 2022 FISHING YEAR

CHAIR HAYMANS: From here on out we'll turn it over to Tracey, to talk about the Spot Fishery Management Plan Review and State Compliance Reports.

MS. TRACEY BAUER: Good morning, everyone, I will be covering the Spot Fishery Management Plan Review. As an overview, I will be presenting an abbreviated overview of the Spot FMP today. In this presentation I will start with a brief update of the status of the fishery for Spot, and then we'll go over the de minimis requests received and the most recent compliance reports. Then lastly, review the Plan Review Team's recommendations in the FMP Review.

We will first start off with reviewing the recent trends in total landing of spot. This figure shows commercial and recreational landings in millions of pounds through 2022. The total landings of spot in 2022 were estimated to be 3.9 million pounds, which is a decrease of 45 percent from 2021, and below the 10-year average of 8.3 million pounds.

However, it should be noted that the recreational and commercial regulations for spot implemented in 2021 and 2022 may be a contributing factor for the declines observed in both sectors in 2022. Of the 3.9 million pounds of total landings of Spot harvest in 2022, 1.5 million pounds of that were harvest commercially, and Virginia landed approximately 55 percent of the spot commercial harvest, followed by North Carolina with 26 percent. I also wanted to briefly touch on the recent trends in the recreational fishery specifically. This figure shows recreational harvest in releases in millions of fish, as well as percent of recreational fish that were released.

The recreational harvest has fluctuated wildly throughout the time series, but has generally declined from the most recent peak in 2014, with a near time series low harvest occurring in 2022 at 12.8 million fish. Anglers in Virginia harvested 70

percent of the coastwide number of fish in 2022, followed by anglers in Maryland at 13 percent.

Releases have been increasing annually since the low in 2018. The number of fish released recreationally in 2022 was estimated to be 16.1 million fish a 1.1 million fish increase from 2021, and the percent of fish caught recreationally that were released, which is on the orange line in the graph, released recreationally have generally been increasing throughout the time series, with a time series high in 2022 at 56 percent of the fish caught recreationally that are released.

We will now cover the de minimis requests and the PRT recommendations section of the presentation. As a reminder, as stated in the Omnibus Amendment the spot is managed under, a state qualifies for de minimis status if its past three years average of the combined commercial and recreational catch is less than 1 percent of the past three years average of the coastwide combined catch.

Therefore, spot does not have a separate de minimis for the commercial and recreational fisheries like Atlantic croaker. New Jersey, Georgia and Delaware all requested de minimis for spot. New Jersey and Georgia's three-year average combined recreational and commercial harvest is less than 1 percent of the coastwide total. Delaware, however, did not meet the requirement of less than 1 percent at 1.05 percent, which we will discuss further in a bit.

The PRT recommendations, they found no inconsistencies among states with regards to the requirements of the Omnibus Amendment in Addendum III. As in previous years, the PRT recommends that the Board consider changing the de minimis process and criteria for spot, to put in place separate commercial and recreational de minimis measures similar to Atlantic croaker.

But this would be following the next assessment or when a new management document is initiated, whatever comes first. It would also follow the procedures in the recently approved de minimis policy. A change here would not only mirror Atlantic croaker de minimis structure, but would provide the

states more flexibility in managing their commercial and recreational fisheries. Additional research and monitoring recommendations can be found in the FMP review document.

As for Delaware's de minimis request, the PRT did not recommend de minimis status for Delaware. In the previous FMP review, the Plan Review Team had stated that if Delaware was over the de minimis threshold for a third year in a row, which they were this year, they would not recommend de minimis again, as it showed a consistent trend. In the past three years, Delaware has ranged between 1.05 and 1.2 percent of the coastwide harvest of spot. In addition, the PRT noted that Delaware's recreational spot harvest estimate from MRIP in 2023 is over 11 times higher than 2022, so they would likely not qualify for de minimis again in this year's FMP Review. As a reminder, on the screen are the aspects of Delaware's regs that would have to change if Delaware was not granted de minimis again today.

Right now, Delaware has no restrictions specifically on spot recreational or commercial harvest. The non de minimis states are required to implement at this time a 50 fish recreational bag limit and commercial regulations that would have reduced the average 10-year commercial harvest by 1 percent. The action for the Board today is a motion on approval or disapproval of FMP review, state compliance reports and de minimis requests for spot. With that I can take any questions.

CHAIR HAYMANS: Any questions? My thought was to remove Delaware from a motion. Let's get past the FMP review, the state compliance reports and the two easy de minimis, and then let's pass those and then let's have a discussion about what to do with Delaware. If that's okay, I would entertain a motion. Spud.

MR. A. G. "SPUD" WOODWARD: **Move to approve the spot FMP review for the 2022 fishing year, state compliance reports and de minimis status for New Jersey and Georgia.**

CHAIR HAYMANS: Joe Cimino, thank you. Any additional discussion? **Any opposition? Seeing none; thank you.** John, let's talk about Delaware.

MR. CLARK: I will try to make a convincing argument here for Delaware to continue its de minimis status. As reported, we were at 1.05 percent of our total landings. We're still just barely over the de minimis threshold. Our recreational harvest has been below the 1 percent of the coastwide harvest since 2016.

Our exceedance of the 1 percent combined recreational and commercial harvest is due to Delaware's commercial harvest exceeding 1 percent of the coastwide harvest for a majority of the past 10 years, but when you combine the two, I think the reason that we are now over 1 percent more is just because with both commercial and recreational declining, the commercial harvest has become more of a factor when you combine the two.

When you look at that, the interesting thing is that we're still much more similar to the de minimis states than our actual landings, both commercially and recreational than we are to the non de minimis states. I would just think that it would make more sense to keep us in that category, 2023 as pointed out, the initial MRIP estimates show that Delaware had a huge recreational harvest, but it could be an MRIP anomaly, our PSE for 2023 is about 41 percent. There also, you can take that with a bit of a grain of salt.

Then finally, I would just say that on the process side of things with de minimis, we asked, as the report shows, there was talk about splitting the commercial and recreational de minimis criteria. It's also part of the de minimis policy that isn't clear is, in a situation like ours, where we have now broken the de minimis threshold, just barely for three years in a row. If we make these changes and then going forward, we're back below de minimis again, there is really not a clear process for returning to de minimis, you know to remove the regulations that were put in place when we went through this brief period of being above de minimis. For all those reasons I would ask the Board to indulge us and allow us to continue in de minimis for another year. Thank you.

CHAIR HAYMANS: Spud.

MR. WOODWARD: Yes, question, John. Not being familiar with the way that the recreational fishery is prosecuted in Delaware, but I assume that there is a fair amount of shore mode catches of spot in Delaware.

MR. CLARK: That is true Spud. One of the main places that people catch a lot of Spot, is down at our major fishing pier, the Cape Henlopen, right down at the mouth of the Bay.

CHAIR HAYMANS: Spud, is there a follow up?

MR. WOODWARD: Yes, I think obviously with the concerns we've had with the FES study and the pilot study and shore mode being in one of those ones that might be more proportionately affected. I certainly think that adds some context to this. I appreciate it, John.

CHAIR HAYMANS: Chris.

MR. CHRIS BATSAVAGE: John, you mentioned there could be an anomaly in the MRIP estimates. It's two questions, one, did your staff kind of take a deep dive into the MRIP data to see if there are any intercepts that might have been anomalous? Second question is, anecdotally, did it appear that there were higher spot catches in Delaware last year by the recreational fishery?

MR. CLARK: Well, in terms, we haven't done the real deep look at the data yet. Anecdotally, I know just going by the reports that it did sound like it was a good year for recreational spot fishing. Roy, I know you fish a lot of times down in that area. Did you see a lot of Spot?

MR. ROY W. MILLER: Yes, particularly inshore areas spot has been abundant the past couple years, and there is a pretty active sport fishery, at least I'm categorizing the sport fishery for Spot.

CHAIR HAYMANS: Okay, have a little discussion. Is there any desire for a motion to support Delaware? Spud.

MR. WOODWARD: Yes, I'll **move that given the circumstances surrounding this, that Delaware be granted de minimis status per its request.**

CHAIR HAYMANS: Second. John Clark. Any additional discussion? Chris.

MR. BATSAVAGE: I appreciate kind of the administrative burden and the variable landings that Delaware has seen. But I cannot support this, you know this could have been a one-off estimate of spot harvest, but it could also mean that there is more available to Delaware last year, and it could be more with warmer winters and things like that. Kind of when you consider that the spot population at least according to the landings in independent surveys show that they are at a very low level, compared to what we were used to seeing for decades and decades. I don't see the harm in Delaware basically putting in the same recreational and commercial limits that the other non de minimis states do, just as a safeguard measure.

CHAIR HAYMANS: Anyone else? Okay, all those in favor of the motion.

MS. TONI KERNS: Mr. Chair, I don't think we actually read this motion explicitly in the record. Do you mind reading it for us?

CHAIR HAYMANS: The motion is, **move to approve de minimis status for Delaware.** Motion by Mr. Woodward, second by Mr. Clark. **Again, all those in favor. I see 8 in favor, all those opposed, I see 1. Motion carries.** Thank you for good discussion, thank you for moving through that quickly, and hopefully as we get to a new plan amendment, we can begin to discuss separating commercial and recreational, as it probably should be.

PROGRESS UPDATE ON RED DRUM, ATLANTIC CROAKER, AND SPOT BENCHMARK STOCK ASSESSMENTS

CHAIR HAYMANS: Next, we'll have a Progress Report from Jeff Kipp about Red Drum, Croaker, and Spot Benchmark Assessment.

MR. JEFF J. KIPP: I'll go ahead and jump right in to updates on a couple sciaenid species, starting off with red drum. The red drum assessment, we have had three workshops to date for this assessment. We had a data workshop over three days back in last year, June of last year, that was a virtual workshop. We had an assessment workshop in person in Charleston in November of last year. One note from that, we did make an additional data request for eight additional months of data, covering January through August of 2023, and this stems from the Technical Committee's decision to change the year definition in the assessment model from a calendar year of January through December to a fishing year of September through August.

With that change we were short on a 2022 terminal year for data. We did get most data for that additional period, but the TC did decide that the 2022 fishing year should not be used for status determination, due to some preliminary data and some incomplete data. We do have complete and final data for the 2021 fishing year, and so that was chosen as the terminal year for the assessment.

We also had a second assessment workshop just recently last month, also in Charleston, in person, that was March 11 through the 14th. There we did review and consider a number of analyses, including some stock synthesis models, the traffic light analyses that were initially developed during the simulation assessment, and some index-based methods.

The SAS does have one final meeting that is going to be a virtual meeting on May 16th, to finalize our stock status determinations, and research recommendations. I do just want to note that there is a potential for advice from different analyses by stock coming from this assessment. Looking forward, our remaining items for the timeline for the red drum assessment.

The SAS will be finalizing the assessment report in early June. That assessment report will be reviewed by the Technical Committee in late June. We'll then send off the report once it's been approved by the Technical Committee to SEDAR for the SEDAR Peer

Review Panel by the first of July, and we are scheduling the SEDAR Peer Review Workshop for the week of August 12, down in Charleston, South Carolina. We'll be presenting that assessment and peer review to this Board at the annual meeting in October of this year.

Moving over to the Atlantic croaker and Spot assessments. These were originally packaged together to go through an assessment together. We had a data workshop; it was a virtual workshop in May of last year. We also had a methods workshop that was virtual as well, back in September. During that timeframe we did run into some personnel challenges.

The lead analyst for the Atlantic croaker assessment changed positions and can no longer serve in that role, so the Spot lead analyst transitioned to that vacant role to take over. This created some challenges with workload. We did come to this Board at our annual meeting last year and proposed decoupling the Atlantic croaker and Spot assessments, to focus on the Atlantic croaker assessment first, and then jump into the Spot assessment once the Atlantic croaker assessment is completed. That was approved by the Board at the annual meeting.

For the Atlantic croaker assessment, we have been having biweekly modeler calls to develop the stock synthesis model for Atlantic croaker. The following items here for the timeline are in gray, and italics, and that is because these dates are likely to change. Our plan for the assessment workshop, which will be our last workshop for this assessment, is to hold off on planning that, until we feel like we've seen enough progress and development in the stock-synthesis model during these biweekly modeler calls, to have a productive assessment workshop.

Right now, it is looking like at least another month or two before we start planning for that final assessment workshop as a part of the Atlantic croaker assessment. The Peer Review Workshop was tentatively scheduled for July/August of this year, but that is likely to be postponed to a later month. Then we were tentatively scheduled to

present the Atlantic croaker assessment and peer review to this Board at the annual meeting of this year, but that is likely to be postponed as well.

Right now, we're thinking probably one meeting cycle, so possibly the winter meeting of 2025. Then the plan is, once that Atlantic croaker assessment is finalized and peer reviewed and presented to the Board, the Stock Assessment Subcommittee will then pick up with the Spot assessment, and the plan is to finish that assessment one year from when it is started after the Atlantic croaker assessment. That is it for my updates on those stock assessments, and I can take any questions.

CHAIR HAYMANS: Looks like we're going to need more time on the annual meeting agenda. Any questions for Jeff? Excellent, seeing none; thank you, Jeff, thank you very much. I'm going to skip past the Item 6, move down to Other Business to talk about TLA, and then we'll come back to the final agenda item. Tracey.

MS. BAUER: We just wanted to touch base with the Board and get some direction about the traffic light analyses this year for both Spot and Croaker, and just get some confirmation whether to conduct both for the two species. It's been a while since we've conducted the complete traffic light analyses for both species, and I think we do have the ChesMMA data now. Again, we just wanted to touch base with the Board and find out from you all whether or not we should start getting the data together, because that will take a bit to conduct these analyses this year. Thank you.

CHAIR HAYMANS: Any advice, direction? Shanna.

MS. SHANNA MADSEN: I do think that it is important at this point for us to start looking at the TLAs again. I know that we kind of put that on hold while we were going through the stock assessments, but I also know that SS3 is giving you some trouble on croaker. I would like to see the TLAs. One thing that I would recommend is shortening that document quite a bit.

I don't want to put too much burden on staff, considering that they're all so in the midst of stock

assessments for these species. I think that the actual indices, the composite indices that we use to make management decisions are sufficient. There is a lot of other stuff in that document that is like great as an addendum to it, but I really don't think that it is necessary for making management decisions. Just trying to lighten the load a little bit there.

CHAIR HAYMANS: Anyone else? Do you need anything else, Tracey? I'm sorry, yes, Carrie.

MS. CARRIE KENNEDY: I agree with Shanna. I think whatever we can do to lighten the load, I fully support that. But I also think it's really important, given that Spot, their life span is only three years, and we haven't seen them in a while. We've seen a stock wide assessment in a while, so I think it would be really good to take a look at those this fall.

CHAIR HAYMANS: Anyone else? Okay, we're good on that.

ELECT VICE-CHAIR

CHAIR HAYMANS: That gets us to our last agenda item, and that is the election of a Vice-Chair. Oh, look, John Clark.

MR. CLARK: It is my pleasure to **nominate our esteemed colleague from the Commonwealth of Virginia, Ms. Shana Madsen.**

CHAIR HAYMANS: Excellent, is there a second? Chris Batsavage. Any discussion? Do we need to talk about cobia before we make this vote? No, okay. **Is there any opposition? Seeing none; congratulations,** thank you for your willingness volunteering and all that good stuff.

ADJOURNMENT

CHAIR HAYMANS: I think that concludes the business of this Committee, thank you.

(Whereupon the meeting adjourned at 12:10 p.m. on Tuesday, April 30, 2024.)