

Atlantic States Marine Fisheries Commission

South Atlantic State/Federal Fisheries Management Board

*October 23, 2012
4:15 – 5:15 p.m.
Philadelphia, Pennsylvania*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*L. Daniel*) 4:15 p.m.
2. Board Consent 4:15 p.m.
 - Approval of Agenda
 - Approval of Proceedings from August 9, 2012
3. Public Comment 4:20 p.m.
4. Consider Draft Black Drum Interstate Fishery Management Plan for public comment (*D. Chesky*) **Action** 4:30 p.m.
5. South Atlantic Fishery Management Council Report **Possible Action** 5:00 p.m.
 - Spanish mackerel dealer permitting
6. Elect Vice Chair **Action** 5:10 p.m.
7. Other Business/Adjourn 5:15 p.m.

The meeting will be held at the Radisson Plaza Warwick Hotel, 220 S. 17th Street, Philadelphia, PA; 215-735-6000

Healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015

MEETING OVERVIEW

South Atlantic State/Federal Fisheries Management Board Meeting
Tuesday, October 23, 2012
4:15 p.m. – 5:15 p.m.
Philadelphia, Pennsylvania

Chair: Louis Daniel (NC) Assumed Chairmanship: 02/10	Technical Committee Chairs Atlantic Croaker: Chris McDonough (SC) Red Drum: Mike Murphy (FL)	Law Enforcement Committee Rep: Stephen Adams (GA)
Vice Chair: VACANT	Advisory Panel Chair: Bill Windley (MD)	Previous Board Meeting: August 9, 2012
Voting Members: NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS, SAFMC (12 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 9, 2012

3. Public Comment – At the beginning of the meeting, public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Draft Black Drum Interstate Fishery Management Plan (4:30-5:00 p.m.) Action

Background

- At the August 9, 2012 meeting, the Board provided guidance to staff to draft the Black Drum Interstate Fishery Management Plan.
- The Plan Development Team has developed options for recreational and commercial management measures based on Board input, current state regulations, and public comment received on the Black Drum Public Information Document (**Supplemental Materials**).

Presentations

- Options included in Draft Black Drum Interstate Fishery Management Plan by D. Chesky.

Board actions for consideration at this meeting

- Approve Draft Black Drum Fishery Management Plan for Public Comment.

5. South Atlantic Fishery Management Council Report (5:00-5:10 p.m.) Possible Action**Background**

- At the September meeting, the South Atlantic Fishery Management Council discussed current permit requirements for species included in the Federal Coastal Migratory Pelagics Fishery Management Plan, which includes Spanish mackerel.
- The Council agreed to ask the Commission to require a federal dealer permit for dealers buying Spanish mackerel, in order to increase reporting rates and efficiency (**Briefing CD**).

Presentations

- Summary of South Atlantic Fishery Management Council Report.

Board actions for consideration at this meeting

- Initiate management action to require federal dealer permits to purchase Spanish mackerel.

6. Elect Vice Chair (5:10 - 5:15 p.m.)**Background**

- The previous Vice Chair was Aaron Podey (FL).

Presentations

- None.

Board actions for consideration at this meeting

- Elect Vice Chair.

7. Other Business/Adjourn

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

Crowne Plaza Hotel - Old Town
Alexandria, Virginia
August 9, 2012

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Adjournment 9

These minutes are draft and subject to approval by the South Atlantic State/Federal Fisheries Management Board. The Board will review the minutes during its next meeting.

INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of May 1, 2012 by Consent** (Page 1).
3. **Move to accept the technical committee's report and ask the technical committee to go back and look at developing some of these interim assessment and management triggers like we have done with the Spot FMP** (Page 2). Motion by Mr. Robert Boyles; second by Mr. A.C. Carpenter. Motion carried (Page 2).
4. **Move to accept the Spot PRT recommendation for a midyear trigger report** (Page 2). Motion by Mr. Wilson Laney; second by Mr. Robert Boyles. Motion carried (Page 3).
5. **Move that the board recommend to the ISFMP Policy Board that the Black Drum Benchmark Stock Assessment be delayed with the intent that the delay offer more opportunity for sturgeon and menhaden assessments to be expedited** (Page 5). Motion by Mr. Jack Travelstead; second by Mr. Bill Cole. Motion carried (Page 5).
6. **Move to initiate the development of a Black Drum FMP that contains a suite of management measures to include recreational bag limits, size limits, slot limits with trophy allowance, commercial harvest cap and trip limits at a minimum for consideration by the board** (Page 7). Motion by Mr. Wilson Laney; second by Mr. Roy Miller. Motion carried (Page 7).
7. **Move to accept the Red Drum FMP Review, including the recommendations of the PRT and grant de minimis requests for Delaware and New Jersey** (Page 8). Motion by Mr. Robert Boyles; second by Mr. Aaron Podey. Motion carried (Page 8).
8. **Move to accept the Croaker FMP Review, including the recommendations of the Plan Review Team and grant de minimis requests to Florida, Georgia, South Carolina and Delaware** (Page 9). Motion by Robert Boyles; second by Mr. Spud Woodward. Motion carried (Page 9).
9. **Move to appoint Charles Bernie McCants, Jr., to fill a North Carolina spot on the South Atlantic Species Advisory Panel** (Page 9). Motion by Mr. Robert Boyles; second by Mr. Bill Cole. Motion carried (Page 9).
10. **Adjourn by Consent** (Page 9).

ATTENDANCE

Board Members

Russ Allen, NJ, proxy for D. Chanda (AA)
 Tom Fote, NJ (GA)
 Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
 Davis Saveikis, DE (AA)
 John Clark, DE, Administrative proxy
 Roy Miller, DE (GA)
 Bernie Pankowski, DE, proxy for Sen. Venables (LA)
 Tom O'Connell, MD (AA)
 Bill Goldsborough, MD (GA)
 Jack Travelstead, VA (AA)

Kyle Schick, VA, proxy for Sen. Stuart (LA)
 Louis Daniel, NC DNR (AA)
 Bill Cole, NC (GA)
 Robert H. Boyles, Jr., SC (LA)
 Spud Woodward, GA (AA)
 Aaron Podey, FL (AA)
 Jack McGovern, NMFS
 Wilson Laney, USFWS
 A.C. Carpenter, PRFC

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

Ex-Officio Members

Chris McDonough, Atl. Croaker Technical
Committee Chair

Bill Windley, Advisory Panel Chair

Staff

Bob Beal
Danielle Chesky

Toni Kerns
Mike Waine

Guests

Rob O'Reilly, VA DMR
Joe Grist, VMRC

Dick Brame, CCA

The South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel, Alexandria, Virginia, August 9, 2012, and was called to order at 1:20 o'clock p.m. by Chairman Louis Daniel.

CALL TO ORDER

CHAIRMAN LOUIS DANIEL: All right, you've got your agenda and our proceedings from the May 1st meeting.

APPROVAL OF AGENDA APPROVAL OF PROCEEDINGS OF MAY 1, 2012

CHAIRMAN LOUIS DANIEL: Are there any additions or corrections to the minutes or the agenda? Seeing none, those are good.

PUBLIC COMMENT

CHAIRMAN LOUIS DANIEL: Do we have anyone from the public that wishes to comment? Seeing none, we're going to move right on.

Joe Grist is going to give a couple of reports from the Croaker and the Spot Technical Committee Reports, on our triggers that we set for spot and croaker. Joe, if you'll take us through those in the Readers Digest version I would appreciate it.

ATLANTIC CROAKER TECHNICAL COMMITTEE REPORT

MR. JOE GRIST: This is going to be a report of the Atlantic Croaker Technical Committee. We're just going to get right down to the basics on what the committee is recommending to the board. We had a technical committee meeting in late June down in Charleston, South Carolina; a very productive work session. It was a combo meeting between us and our Spot PRT.

In the Croaker FMP we have what are known as hard triggers, and they're basically based on landings. On both commercial and the recreational side, if you look at the previous year, let's say 2011, and you compare it to the previous two-year average – and that is '09 and '10 – and those landings have dropped down below more of 70 percent.

So, if we're 70 percent of the average or lower, we've tripped the trigger. Recreationally we did that. According to the plan, what that means is we should be coming before you and asking for an assessment.

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There are a few reasons someone could ask for an assessment. There is a downward trend also in the commercial landings and something we have bought up before this board before.

There is a downward trend in some of the length and weight triggers. It would provide the board some updates on the F reference points to see where the current F is. But, we also have plenty of reasons not to come before you and ask for such a thing. First off, we can't quantify the shrimp trawl bycatch and removals, and this is very important.

The last assessment had a major review problem because of this, and it is something that we have yet to resolve. The same problems we had in the previous assessment still exist today with data. Now there is currently work being done by North Carolina Division of Marine Fisheries on the inshore and nearshore shrimp trawl bycatch. This can be used to improve the discard mortality estimates in a future assessment, but that work is not going to be ready until 2014 or 2015; so doing it at any time previous to that is not doing you or us any good.

We're going to come back with the same problems in the assessment we've had in the past. We know that the peer review did not accept the biomass estimate or the corresponding biomass reference points. We don't have an ad hoc currently available for that either. We need to still quantify better the bait landings in New Jersey, Virginia and North Carolina.

We still need to do much more work with the whole conversion from MRFSS to MRIP. Your technical committee basically for croaker is recommending today; one, let's not initiate a benchmark or an update. It is not going to provide you the advice that you need. Go ahead and task the technical committee in developing a management and assessment trigger package for croaker.

What we mean by that is think about what we did for spot. We came up with management triggers for spot because we recommended to you on that group that we couldn't do an assessment for the same reasons that we are having problems with the croaker assessment. Now, this would give you more flexibility for a management response until we can do a proper assessment of the species.

It allows also to do a thorough vetting of all the triggers, which you will remember from a previous board meeting or two, or more, we have mentioned that some of the triggers have us set up for failure where you could watch the stock slowly decline but

never trip to the point where it could hit zero and never once force an action.

It allows the technical committee an ability to work on that, also. We currently do not recommend or have no recommendations from the technical committee for any direct management at this time. Of course, if the board has efforts or wishes to do such, the technical committee is also not against such actions because there are a lot of downward trends.

The research needs are the same as we've had before. I've kind of mentioned them already. We're trying to work on it now. Shrimp trawl bycatch, bait landings, all this stuff still needs to be handled. Mr. Chairman, those are the recommendations in a short clip-notes version from your technical committee.

CHAIRMAN DANIEL: Thank you for that. Question for Joe? Roy.

MR. ROY MILLER: Mr. Chairman, I'm trying to understand the technical committee's opinion in this regard. I understand the reasons for not initiating a benchmark or update in the assessment for the reasons you explained. It wasn't clear to me does the technical committee feel an assessment update is necessary or desirable at this point in time?

In other words, apparently we've tripped a trigger with regard to recreational landings. I think I heard you say 70 percent less than some previous time period at which I guess served as the basis. How bad does it have to get, Joe, before we need to use every means at our disposal to bring about some sort of stock assessment?

MR. GRIST: The trigger I mentioned; the recreational landings in 2011 were approximately at 55 percent of the average from '09 to 2010, so it was below what we have as a 70 percent trigger. If everything I mentioned that we have problems with, the discard estimates from the shrimp trawl, the bait landings and the other issues, if we had resolutions to those, I would actually be coming before you today saying we need to do an assessment immediately. But because we haven't resolved those and those were the key problems in the last assessment that need to be resolved; that is why we're not.

It seems to us it is foolish to ask you to do something that we know is going to be flawed. That is where we come up with this management option on triggers. Let us do, as we have already done with spot and come up with other options for the board to use to make a management decision as an interim measure to an assessment that probably should not happen

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until 2014 or 2015 at the soonest. At that point we'll have at least some of the data that we need to do a proper assessment that is going to have a better chance at passing a review and not just getting by and being full of flaws. That is the technical committee's viewpoint if that clears up the question.

MR. MILLER: Are we going to get into what that management advice may be in abeyance of the updated stock assessment; are we getting into that this afternoon?

MR. GRIST: No, what we are asking for is for the board to actually task the technical committee to look at these interim management approaches like we've done with spot in the Omnibus Amendment; to task us to do that work. We're recommending that, but we haven't taken it on yet because we the board to actually tell us the direction you want us to go. It is an interim option to be used by the board at your choosing until we can actually come back to you and say, yes, it is time to do this assessment; we have what we need to do it right and give you good advice based on an assessment, which we just cannot do right now.

MR. ROBERT H. BOYLES, JR.: Joe, thank you for that report. I don't have a question, but I'm prepared to make a motion. **I make a motion that we accept the technical committee's report and ask the technical committee to go back and look at developing some of these interim assessment and management triggers like we have done with the Spot FMP.**

CHAIRMAN DANIEL: Motion by Robert; second by A.C. Does everybody understand the motion? Any discussion on the motion? Seeing none, is there any objection to the motion? **Seeing none, that motion carries.** Spot.

SPOT PLAN REVIEW TEAM TRIGGER REPORT

MR. GRIST: We did our inaugural trigger report also in June in a joint meeting with the Croaker Technical Committee. There were five triggers from the Omnibus Amendment, which I've already mentioned. The fishery dependent, obviously like we've had before, commercial and recreational; the fishery independent, which is a National Marine Fisheries Service Survey, the SEAMAP Survey, and the Maryland Chesapeake Bay Seine Survey.

We thought when we came together in June to have this meeting that we were about to trip that trigger for spot until a few days prior when we come to realize

that we weren't. It had to do at that time with – it looked like the commercial was actually going to force a trip of the trigger for spot, and in the end it did not, but it was awfully close.

I am going to run through these surveys really quick in the interest of time. The NMFS Survey overall has been up with a little downward trend in 2011. The SEAMAP Survey, though, was up. The Chesapeake Bay Seine Survey from Maryland, that was down. Then we looked at the two specific fisheries, the Virginia fishery, which is – it is variable with the Virginia fishery though there has been, depending on which sector you're looking at, a little bit of a decline; Carolina definitely notable decline in their fishery for spot.

So your PRT recommendation is basically – first off, we didn't trip the trigger. We got close but we didn't do it, so we're not recommending an assessment either at this time. The PRT is recommending, though, supporting additional bycatch monitoring programs for spot. It is part of the bait fishery. It does kind of get in that mixed category, which is also an issue over on the croaker dataset, and they are all very much intertwined together.

The Carolina shrimp trawl bycatch work that is being done; the same thing would apply to spot. We really need this information, too, if we ever want to do a spot assessment, anyway. That is the whole reason we actually developed the management triggers. On that, that should be the end of it.

CHAIRMAN DANIEL: Any questions for Joe on the spot trigger report? Wilson.

DR. WILSON LANEY: Joe, there is a recommendation I guess from the PRT; were you going to cover that, Danielle, which is in the material that was provided to us that says the recommended management action is that the board review the trigger data midyear rather than wait until compliance reports are due November 1. That is something that I guess we need to endorse.

MR. GRIST: Yes, actually we didn't have that on the slides and I apologize for that. There was a recommendation. Originally the trigger exercise is set up to be done in the fall, but really to be prudent on management actions we actually can do these trigger exercises during the summer at the same time we're doing croaker.

And if we can get to you by the August meeting of any given year and we see a problem management-wise, we can give you the opportunity to do an

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addendum and have time to take action before the next year. **That is a recommendation from the PRT is we are to do the trigger exercise in midsummer and so you can have that result at your August board meetings. That is one recommendation from the PRT.** Thank you, Wilson.

CHAIRMAN DANIEL: So moved, Wilson?

DR. LANEY: Yes, sir, Mr. Chairman, I so move.

CHAIRMAN DANIEL: Motion to accept the PRT's recommendation for a midyear trigger report; second by Mr. Boyles. Does everybody understand the motion? Any discussion on the motion? A.C.

MR. A.C. CARPENTER: Is this just for spot that you're talking about?

CHAIRMAN DANIEL: Yes.

MR. CARPENTER: In which case I think you may want to clarify the motion.

CHAIRMAN DANIEL: Does that cover it? I'll read it now; move to accept the Spot PRT recommendation for a midyear trigger report; motion by Dr. Laney; second by Mr. Boyles. Any discussion? Any objection? **Seeing none, the motion carries.** Danielle, public comments on the Black Drum PID.

REVIEW BLACK DRUM PUBLIC INFORMATION DOCUMENT PUBLIC COMMENT

MS. DANIELLE CHESKY: Over the past couple of months we have gone out with the Black Drum Public Information Document for public comment and have done four public hearings; Delaware, North Carolina, Virginia and New Jersey. In terms of our projected timeline, we seem to be continuing right on schedule with this.

As part of this presentation to folks, we presented four main reasons why the board was considering initiating a fishery management plan, and so this presentation is to go over each of those and then provide you with some of the public comment that we received on each of those main reasons, because we don't have any structured options in this PID at this time.

The first issue has to do with the fact that black drum is considered to be an interstate species. We get that from the tagging data that we have, and these come

from four main states; Maryland, Virginia, South Carolina and Georgia. The following graphic was presented at the meetings to visualize the public exactly that most of the individuals that were being tagged were staying nearby where they had been tagged, but there was some long-distance movement as well.

Some of the public comment that we received in the movement aspects is the awareness that the big spawners that they fish on in the spring and early summer in Delaware Bay are not there year round, but folks weren't necessarily sure where they went. Folks also commented that they see schools where there are little ones or big ones moving along the coast.

They talk about hearing the big ones drumming as they're going along. There was also support that if the stock is indeed migratory, that they need to have regulations to protect the stock throughout its range. The second reason that was part of the document was the fact that there is a lack of consistent coast-wide regulations or management goals; and if the stock is indeed migratory this may impact other states' fisheries from actions in one state's fishery, and the fact that the stock status is unknown currently at this time.

There was also discussion at the public hearings that there are regional differences between the states and those are likely due to the fact that there are regional aspects to the fishery in terms of the sizes that are seen, but perhaps there needs to be some discussion as well about stock protection and what are those goals as well.

Some of the public comment we received did indeed support that the fishery does vary along the coast. They see different sizes, but the same range does tend to be seen from very small to rather large fish as well. There was support for some sort of size and bag limits. There was also talk and discussion of perhaps a slot limit as well as preserving the trophy fishery that is seen in the more northern areas.

The third aspect that was discussed at the public hearings was the size distribution of the fishery in terms of what age classes are targeted, what size classes and what that may have impacts on in terms of the fishery itself. It is noted that in the more northern areas you see adults being targeted whereas in the southern areas, whether it is due to regulations or availability, there is a lot of primarily juveniles. The following two charts were also shown to the public to give a sense of that.

The pink line is the expected 50 percent maturity for females. You see in Delaware most of the catch is to the right of that; whereas in North Carolina most of it is to the left of the maturity line. Some of the public comment that received regarding the size distribution; again there is support for some sort of a minimum size throughout the coast.

Three comments from the north supported raising the size limit to 32 inches. There was one individual, though, who specifically did oppose this in the more northern areas due to the fact that there is a fishery for some of the smaller sizes, the 16 to 20 inches later on during the fall once the spawners have moved out.

Again, as I said, there is support for a slot limit with allowance for perhaps one trophy. Otherwise, there would be a potential for high discards of these large fish. Especially after a long fight, the public noted that these fish are unlikely to survive because of their state. Suggestions for a slot limit varied; as you can see, from 14 to 28 inches all the way up to 30 to 48 inches.

It was also commented that in some of the areas, specifically in North Carolina there are large numbers of very little black drum that are caught and kept or discarded out of nets or whatnot and then die either by being kept or from bycatch. The last main reason that was presented to the public for potentially considering the fishery management plan was to establish a future framework to address potential issues in the future that may arise and to address them in a timely manner.

This process itself, if everything stayed on schedule, is going to take about two years; whereas, in the future an addendum as you all know, as we got the definition of fast track earlier, can range from six weeks but generally is six to twelve months. Also, it was noted for the public that the stock is not currently considered to be depleted or potential concerns.

The stock assessment has started to get going with data collection and creation of some decision trees for standardizing surveys. The rest of the public comment that we received had to deal with observation on the fishery. One individual observed that in Delaware Bay they had seen declines from past years. Anywhere from ten to fifty years ago were the comments we heard.

There is also concern about increase in effort especially on the big spawners and some of the little ones further south. There were mixed comments that we got regarding the commercial fishery that ranged

from likely no impact or not sure of the impact just because of the very small market for black drum.

Two individuals are contending that the commercial fishery is having far too large of an impact on it and some support for a limited entry in the commercial fishery as well. One individual, when posed the question of how would you like the fishery to look in the future, specifically said that he would like to see a fishery with some decent sized fish, three to ten pounds, and not looking to keep really small but not really to keep rather large ones as well. Additional public comment; again, bag limits and size limits were supported for along the coast; also, to reduce the retention of especially the larger fish to just one. There was also discussion that because this fishery has primarily been a night fishery, there are potentially some MRFSS data issues in terms of tracking it, but it was also noted that it is increasing in terms of its daytime popularity. Overall, though, I would summarize that there has been support for moving forward with interstate management.

If the board did wish to move forward, here are just some thoughts on potential guidance that would be helpful for your plan development team. There are basic components as part of requirements under the ISFMP Charter that we include in all of our plans, but there are also some areas where the board could be extremely helpful or extremely specific in terms of giving guidance such as specific management measures, recreational versus commercial, and also some regional aspects to keep in mind. Thank you, Mr. Chairman.

CHAIRMAN DANIEL: Thank you. We're getting there. I guess one comment real quick from me; we had a meeting in North Carolina and I thought it was well captured. There is a lot of concern I think about the harvest of juvenile fish. I don't see this really much different than the way we manage red drum.

We're hitting them from both ends of the spectrum, and probably the biggest offender of hitting the little fish is North Carolina with no size limit or bag limit or anything on red drum and black drum. But, clearly, there is a difference; there is a very distinct difference between management of black drum in Virginia north and North Carolina south.

The protection of that traditional trophy fishery is important, and I think maybe doing something along the lines of the old school red drum plan where we had an allowance of one trophy fish and then had some moderate bag limit and a slot really had a lot of interest in North Carolina. What I would like to do is get your thoughts on what type of actions or

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measures we may want to consider for this fishery; and then if you've got any thoughts about the assessment, we are slated to do a black drum assessment in 2014.

But I think with the concerns over – I would not agree that there is no concern on the black drum fishery. We don't have a stock assessment so we can't say they're overfished or overfishing is occurring, but we're hammering each year class, particularly off North Carolina. But can we delay the stock assessment that is not going to really have a huge impact on this FMP, but recognizing the concerns that we all heard around the table for menhaden and sturgeon assessment we may want to consider delaying the assessment for black drum. Jack.

MR. JACK TRAVELSTEAD: I'm so glad you brought that up; I was thinking the same thing. I noticed on the list of stock assessments that the staff had handed yesterday that there was black drum; and while I'd love to have a stock assessment on black drum, I think you said it, Mr. Chairman, compared to what we need on sturgeon and on menhaden quite frankly far outweighs what is almost a nicety if we had one on black drum.

I for one would certainly support delaying the black drum assessment with the hopes that would allow either sturgeon or menhaden somehow to fill in that empty space. If you need a motion to that effect for a recommendation to the policy board, I would be glad to offer that.

CHAIRMAN DANIEL: Let's just do it for fun. I'm not getting a clear direction but let's go ahead and have a motion to make that recommendation.

MR. TRAVELSTEAD: I would move that this board recommend to the ISFMP Policy Board that the Black Drum Benchmark Stock Assessment be delayed with the intent that the delay offer more opportunity for sturgeon and menhaden assessments to be expedited.

CHAIRMAN DANIEL: Second by Bill Cole. I think it is the right thing to do, personally. Any discussion? Any objection? **Seeing none, that motion carries.** Bob.

ACTING EXECUTIVE DIRECTOR ROBERT E. BEAL: Mr. Chairman, I think we will put this into the discussion that the Assessment and Science Committee is going to have and the leadership of the commission. I think black drum; we may be able to continue some of the work sort of on a slower pace

maybe because a lot of the scientists that are involved in black drum are unique to the black drum assessment.

The scientists aren't unique but they're unique to that assessment; you know what I mean. It probably will free up some dollars and some peer review time for staff and those sorts of things. I think it will be some help, but we'll put it in that whole matrix and bring something back to the policy board.

CHAIRMAN DANIEL: Well, I think the South Atlantic Board wants to do its part to try to get the big issues of the commission rolling, and that does that to a small degree I think. Robert.

MR. BOYLES: Mr. Chairman, I can certainly appreciate trying to do triage here. I just want to remind the board we initiated this discussion a year or eighteen months ago. It was interesting in South Carolina in 2006, when we were beginning to look at a comprehensive rewrite of our finfish management measures, that we went around to the public through a series of public hearings and we heard loud and clear from our constituents that they wanted protection on black drum. The result of that was a pretty aggressive bag limit.

Black drum had been unmanaged and unregulated prior to 2007, and we currently have a bag limit and a slot limit, and I think that's something that I would like to continue to explore those as options as we try to get better information on this fishery because it certainly is something that our constituents have really strong interest in.

CHAIRMAN DANIEL: One thing that occurs to me is the 50 percent maturity line being around 24 inches, and I think that is fairly close to the upper limit of your slot. I know that, for example, a state like Virginia I believe has a 16-inch size limit with I believe a one-fish bag limit, but I think 99 percent of their fish are the big trophy fish or a large percentage.

Every now and then there will be a little run on little black drum out of Lynn Haven Inlet, but that is infrequent. What happens is those fish are protected by the 16-inch size limit in Lynn Haven and then they hit the North Carolina line and then they don't make it much farther. Looking at some type of lower and upper slot around that 24-inch and 50 percent maturity line with one fish over for states that want to have a trophy fishery, I don't think you would have to, but certainly I would think that those states that do irregularly interact with the adults – because I what is intriguing to me about this is again where is this fish?

It has got to be somewhere or else there wouldn't be movement in the bay. It is something we haven't thought about and looked at for 20 years, and we don't know the answer. I think it is because we're knocking the hell out of them; and I think if we were to protect them especially in the central portion of their range, we might start seeing some three and four-year-old black drum that I'm not sure we have every encountered.

It can't hurt and the yield per recruit would go through the roof if you were to put some protection and just delay the harvest. You saw the length frequency distribution of our catches are extraordinarily small fish. It won't be very popular to put a size limit on them in North Carolina, but I believe we're the only state that doesn't have one. Is there general agreement of asking the plan development team to look at a suite of size limit options for our consideration?

DR. LANEY: Yes, sir, Mr. Chairman, I was prepared to make that motion if you would like to have it. I think that last slide that was up on the board had a list of things that I think the board could task the plan development team to evaluate and then come back to us with – I guess this would be a draft management plan, which we can do. We don't have to have an assessment to move forward with that. I guess I would make that motion if you would entertain it.

CHAIRMAN DANIEL: Certainly.

DR. LANEY: I guess I would just move that the South Atlantic State/Federal Fisheries Management Board charge the plan development team with developing an appropriate suite of management measures for consideration by the board. Does that recommendation have to go forward to the ISFMP? No, okay.

CHAIRMAN DANIEL: And I would like to give the PDT some flexibility if they come up with ideas, but might I suggest that we – I think we specifically want information on size limits, to include slot limits; bag limits; and trip limits; and I can't think of anything else. I've tried but there may be some various gear issues, but that is going to be a mess. Roy.

MR. MILLER: I would like to speak in support of the motion. The Delaware Bay states of Delaware and New Jersey reacted proactively in the abeyance of a black drum plan and both states have agreed to minimize size regulations and a commercial harvest cap as well as commercial size regulations in addition to recreational size. They have done that without the

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existence of a management plan and I think this motion is headed down that path perhaps for those states that don't currently have those regulations, and so I support the initiative. Thank you.

CHAIRMAN DANIEL: Well, if Delaware has a cap; that may be something we want to consider. Okay, the motion is second by Roy Miller. Wilson.

DR. LANEY: Mr. Chairman, I think I need to clarify the motion per my sidebar conversation with Joe here, so should say "move to initiate the development of a suite of management measures – and then per your comments – to include bag limits, size limits, slot limits, at a minimum, for a black drum fishery management plan for consideration by the board. Well, we should say – well, I guess we don't reference plan development or technical committee, but I think our intent would be to charge the PDT to work with the TC and development of those measures.

CHAIRMAN DANIEL: That is understood, I believe. Jack.

MR. TRAVELSTEAD: Just a little bit more clarity for me; are we asking that only a suite of options be developed at this point or are we actually directing the development of an FMP? I would prefer the latter that includes a suite of management options.

DR. LANEY: That's fine with me, Jack; I'll accept that as a friendly amendment.

MR. TRAVELSTEAD: So move to initiate development of a Black Drum FMP that includes – and then go from there.

CHAIRMAN DANIEL: Wilson, could I make a suggestion that in the "to include", that basically covers your recreational fishery. I think Roy brought up a cap that is being used in Delaware and also trip limits may be reasonable; just trying to be fair and balanced across the suite of options.

DR. LANEY: Sure, Mr. Chairman, yes, let's add those to it. Those would be measures for the commercial fishery, right?

CHAIRMAN DANIEL: That is my thinking, yes. For a lot of us they're only available during a very short period of time. Virginia could have a nine-month seasonal closure and it wouldn't have any effect; but if you stopped them in April and May, it would hurt the fishery.

DR. LANEY: Okay, that has pretty much got it. Would you like me to read that motion now?

CHAIRMAN DANIEL: Let's just wait one second and see if anybody else has any other options or additions or clarifications for the motion.

MR. AARON PODEY: Down in Florida we have trophy; one over the size limit for a trophy, so I'd like to make sure that we include that in the options. I think it falls under bag limit or size limit, but just to make sure that is in there.

CHAIRMAN DANIEL: I would say slot limits with trophy allowance.

MR. PODEY: That sounds good.

CHAIRMAN DANIEL: A lot of our northern states will certainly want that as well. You're lucky if you see if any of those; that's cool. Any other additions or perfections? All right, Wilson, if you'll read it so I don't have to, that would be great.

DR. LANEY: **The motion is move to initiate the development of a Black Drum FMP that contains a suite of management measures to include recreational bag limits, size limits, slot limits with trophy allowance, commercial harvest cap and trip limits at a minimum for consideration by the board.** Motion by Dr. Laney; seconded by Mr. Miller.

CHAIRMAN DANIEL: All right, thank you. I know our CCA buddy in the audience is the only public. If there is anyone that wants to speak to the motion, if not we'll go ahead and vote. All right, all those in favor of the motion signify by saying aye; opposed. **Unanimous**; very good; thank you very much. All right, Danielle informs me that we will see the draft at the annual meeting. The next item on the agenda is fishery management plan reviews and state compliance.

FISHERY MANAGEMENT PLAN REVIEWS AND STATE COMPLIANCE

RED DRUM FMP REVIEW

MS. CHESKY: We've got red drum and croaker on tap for today, so we'll start with red drum. There has not been any change in status to the FMP since we last met. We're still under Amendment 2. In terms of status of compliance, the PRT finds that all states have fulfilled the requirements of Amendment 2. There are no proposed changes to state regulations. North Carolina did account for its 2009 and 2010

overage. Florida has recently updated its regional assessment in 2011.

In terms of the status of the stock and assessment advice, our last benchmark was 2009 so we don't have any updates since then. The next stock assessment is scheduled for 2015, and at that point hopefully the longline data that we've been collecting will be available for that stock assessment and will be very helpful to the board.

The current status of the fisheries; total red drum landings in 2011, 1.6 million pounds. It is about a 25 percent decrease from 2010, but also remember that 2009 to 2010 showed about a 39 percent increase, so right now we're pretty much near the long-term average. Ninety-nine percent of the total landings came from our southern region where the fishery is almost exclusively recreational.

Your big landers in that were Florida at 34 percent and South Carolina at 31 percent. Georgia was at 26 percent of that recreational harvest. The commercial harvest is much smaller; only about 96,000 pounds; most of which comes from North Carolina. As noted, most of the fishery is the recreational fishery and a large portion of the recreational fishery also releases as you can see in the yellow bars versus the blue bars.

The line itself shows the percent released, which pretty much mirrors the average that it has been over the last ten years. In terms of de minimis requests, there is no specific criteria for de minimis defined in Amendment 2 although we do have requests from New Jersey and Delaware, which landed zero landings in the last few years.

The PRT does recommend that you accept those de minimis requests. There are no exemptions from any of the requirements for being de minimis. Again, recommendation to support continued moratorium in the EEZ; consider approving the de minimis requests from New Jersey and Delaware; and pretty much to maintain the current management measures as is until the next stock assessment. Thank you very much.

CHAIRMAN DANIEL: Just as an update from North Carolina on our landings, you see that drop-off in 2010 or 2011; we have seen a huge decline in our red drum landings commercially because of our sea turtle settlement agreement. It has dropped our large mesh gill net effort by about 60 percent, and that is where the majority of the bycatch comes from for the red drum in the commercial fishery.

It looks like we'll finish this year at about the same as last year, around a hundred thousand pounds, so I

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don't think we'll have a cap overage problem unless sea turtles become delisted, which is not likely. Is there interest in entertaining the de minimis requests of New Jersey and Delaware? Robert.

MR. BOYLES: **Mr. Chairman, I would make a motion that we accept the recommendations of the plan review team and grant the de minimis requests for New Jersey and Delaware.**

CHAIRMAN DANIEL: Second by Aaron. Is everybody clear on the motion? Bob.

ACTING EXECUTIVE DIRECTOR BEAL: You may want to include in there also accepting the FMP review and the recommendations; just the whole review.

MR. BOYLES: Thank you, Bob, yes, consider that a perfecting amendment.

CHAIRMAN DANIEL: Does that make you happy, Bob? Is everybody else happy with that language? Any changes or corrections? Any discussion? If not, I will read it: move to accept the Red Drum FMP Review, including the recommendations of the PRT and grant de minimis requests for Delaware and New Jersey. Motion by Mr. Boyles; second by Mr. Poday. Any objection to that motion? **Seeing none, the motion carries.** Next.

ATLANTIC CROAKER FMP REVIEW

MS. CHESKY: Last but not least is the Atlantic Croaker FMP Review. Similar to red drum in terms of the status of the FMP, there has been no update since the Addendum I was implemented in early 2011, so we're still on that route. Status of the stock; the 2010 stock assessment again was the last time that we've assessed.

Overfishing was likely not occurring although the overfish status could not be determined, as you heard from Joe today. This graph specifically comes from the status of the stock. Again the SSB was not accepted, but the F values were by this peer review. In terms of the status of the fishery currently, the 2011 total harvest was at 14.8 million pounds.

This is a 64 percent decline since the peak at 41.2 million pounds in 2001. This continues a continued decline that we have seen in the fishery in the commercial and recreational. Split up among the regions, although the stock is no longer considered to be assessed on the Mid-Atlantic versus South Atlantic regions, there is a recognized difference in terms of the targeting of the sizes among those regions and so we still present these data.

You see that the southern region has been fairly stable whereas the primary source of harvest and also the declines that have been seen have been in the Mid-Atlantic as noted in Virginia and North Carolina. There is quite a recreational component as well and most likely it has been about 50/50 between releases and landings itself.

Both the recreational harvest and released fish have generally increased over the time series, but have declined overall in the last decade itself. In terms of state compliance and de minimis requests, the PRT finds that all states have fulfilled the requirements of Amendment 1, which is to submit the compliance report.

In terms of the de minimis requests, the PRT finds that all of the requests, Delaware for commercial; South Carolina, commercial; Georgia, commercial and recreation; and Florida, commercial; all qualify. Again, the status does not exempt the states from any of the compliance requirements.

The PRT's recommendations include considering approving the de minimis requests from Delaware, South Carolina, Georgia and Florida; continuing to encourage the use of circle hooks; and as well as noted in the Croaker TC Report, to support research and monitoring, especially of bycatch and discards that might help at the next stock assessment in 2015. Thank you.

CHAIRMAN DANIEL: Any questions for Danielle on the Croaker Report? Seeing none, I would entertain a motion similar to the last. Robert.

MR. BOYLES: **Mr. Chairman, I make a motion to accept the Croaker FMP Review, including the recommendations of the plan review team and grant de minimis requests to Florida, Georgia, South Carolina and Delaware.**

CHAIRMAN DANIEL: Seconded by Spud. Any objection to the motion? **Seeing none, the motion carries.**

REVIEW NOMINATIONS FOR SOUTH ATLANTIC SPECIES ADVISORY PANEL

CHAIRMAN DANIEL: All right, the last item is review nominations for South Atlantic Species Advisory Panel. Danielle.

MS. CHESKY: North Carolina has nominated Bernie McCants, Jr., as a member of the South Atlantic Species Advisory Panel, and so we would

just need a motion, Mr. Chairman, to approve that nomination.

MR. BOYLES: **Mr. Chairman, I would move that we appoint Charles Bernie McCants, Jr., to fill a North Carolina spot on the South Atlantic Species Advisory Panel.**

CHAIRMAN DANIEL: Seconded by Bill Cole. Any objection to the motion? **The motion carries.** Joe, do you want to make a quick introduction?

MR. GRIST: As of 15 minutes ago, I ceased being the chairman of the technical committee for croaker, but the future and current chair is now present, Chris McDonough, South Carolina, sitting back there next to Mr. Boyles. He will be presenting the Croaker TC Reports to you for the next two years.

CHAIRMAN DANIEL: Welcome and thank you for coming. Robert.

MR. BOYLES: I think we would be remiss if we didn't offer Joe a round of applause, so, Joe, thank you. (Applause)

ADJOURNMENT

CHAIRMAN DANIEL: He can get a report done quick; I like that. Anything else to come before the South Atlantic Board? All right, we're adjourned.

(Whereupon, the meeting was adjourned a 2:12 o'clock p.m., August 9, 2012.)

**Summary of the SAFMC Data Collection Committee
September 12, 2012
The Charleston Marriott Hotel
Charleston, SC**

Members:

Michelle Duval, Chair
Jessica McCawley/Martha Bademan, Vice Chair
Steve Amick
Tom Burgess
Ben Hartig
Wilson Laney
Charlie Phillips
Tom Swatzel

The agenda was adopted, and the minutes of the June 2012 meeting were approved.

The committee received the following presentations:

- A. NMFS Presentation on Results from Current Bycatch Monitoring – Dr. Bonnie Ponwith, SEFSC Director
- B. NMFS Presentation on the NMFS Quota Monitoring System – Dr. Bonnie Ponwith, SEFSC Director

The Committee discussed the reports and requested that Council staff be provided access to the Quota Monitoring System. Dr. Ponwith agreed to provide a live demonstration of the system for Council staff with clearance for confidential data.

The committee reviewed the Decision Document for the Joint Gulf & South Atlantic Council Generic Dealer Amendment. This document proposes modifications to seafood dealer reporting requirements for fishery management plans of the Gulf of Mexico, South Atlantic, and two joint fishery management plans. The committee reviewed recommended changes to the summary statement of the three proposed actions and on behalf of the committee I move to accept the IPT wording for list of actions:

MOTION #1. ACCEPT THE IPT WORDING FOR LIST OF ACTIONS:

- Action 1. What dealer permits are required to purchase federally managed species?
- Action 2. Frequency and method by which dealers will be required to report.
- Action 3. Requirements for maintaining a dealer permit.

APPROVED BY COMMITTEE

The committee reviewed recommended changes to the history of management and on behalf of the committee I move to replace the dates of Council actions in the amendment:

MOTION #2: REPLACE THE DATES OF COUNCIL ACTION IN THE AMENDMENT APPROVED BY COMMITTEE

Council staff reviewed the public comments received by both Councils. The Committee then examined the actions and alternatives as outlined in the Decision Document.

Action 1. Dealer Permits Required

The committee discussed the IPT recommendations and on behalf of the Committee I **move to accept the IPT recommendations for Action 1:**

MOTION #3: ACCEPT THE IPT WORDING FOR ACTION 1: APPROVED BY COMMITTEE

Alternative 1: No Action – Do not modify the following current six federal dealer permits:

- Atlantic Dolphin-Wahoo
- Gulf of Mexico Reef Fish
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (excluding wreckfish)
- South Atlantic Wreckfish

Gulf of Mexico Fishery Management Council Preferred Alternative 2: Establish one federal dealer permit for the Gulf of Mexico and South Atlantic regions.

Option 2a. Require a single dealer permit to purchase the following federally-managed species or species complexes, excluding South Atlantic coral, South Atlantic *Sargassum*, and Gulf of Mexico coral and coral reefs.

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico Reef Fish
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Red Drum*
- *Gulf of Mexico Penaeid Shrimp*
- *South Atlantic Penaeid Shrimp*

(Note: Italics designate additional new species that currently do not require dealer permits.)

Gulf of Mexico Fishery Management Council Preferred Option 2b. Require a single dealer permit to purchase the following federally-managed species or species complexes, except South Atlantic coral, South Atlantic *Sargassum*, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico Reef Fish

- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Red Drum*

(Note: Italics designate additional new species that currently do not require dealer permits.)

South Atlantic Fishery Management Council Preferred Alternative 3: Establish separate Gulf of Mexico and South Atlantic federal dealer permits that combine multiple single region dealer permits.

Option 3a. Require dealer permits to purchase the following federally-managed species, except South Atlantic coral, South Atlantic *Sargassum*, and Gulf of Mexico coral and coral reefs.

Gulf of Mexico Region Permit

- Gulf of Mexico Reef Fish
- *Gulf of Mexico Coastal Migratory Pelagics*
- *Gulf of Mexico Spiny Lobster*
- *Gulf of Mexico Red Drum*
- *Gulf of Mexico Penaeid Shrimp*

South Atlantic Region Permit

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *South Atlantic Coastal Migratory Pelagics*
- *South Atlantic Spiny Lobster*
- *South Atlantic Penaeid Shrimp*

(Note: Italics designate additional new species that currently do not require dealer permits.)

[Note: The South Atlantic Fishery Management Council will need to approve the exemption of “Gulf of Mexico Coral and Coral reefs” to Option 3a.]

South Atlantic Fishery Management Council Preferred Option 3b. Require dealer permits to purchase the following federally-managed species, except South Atlantic coral, South Atlantic *Sargassum*, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

Gulf of Mexico Region Permit

- Gulf of Mexico Reef Fish
- *Gulf of Mexico Coastal Migratory Pelagics*
- *Gulf of Mexico Spiny Lobster*
- *Gulf of Mexico Red Drum*

South Atlantic Region Permit

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- *South Atlantic Coastal Migratory Pelagics*
- *South Atlantic Spiny Lobster*

(Note: Italics designate additional new from Option 3a.)

[Note: The South Atlantic Fishery Management Council will need to approve the exemption of “Gulf of Mexico Coral and Coral reefs” and “penaeid” to Option 3b.]

The committee discussed the Gulf Council’s preferred alternative and on behalf of the Committee I **move to adopt the Gulf preferred Alternative 2, Option 2b for Action 1:**

**MOTION #4: ADOPT THE GULF PREFERRED ALTERNATIVE 2, OPTION 2B FOR ACTION 1:
APPROVED BY COMMITTEE**

Gulf of Mexico Fishery Management Council Preferred Alternative 2: Establish one federal dealer permit for the Gulf of Mexico and South Atlantic regions.

Gulf of Mexico Fishery Management Council Preferred Option 2b. Require a single dealer permit to purchase the following federally-managed species or species complexes, except South Atlantic coral, South Atlantic *Sargassum*, Gulf of Mexico coral and coral reefs, and penaeid shrimp species.

- Atlantic Dolphin-Wahoo
- South Atlantic Golden Crab
- South Atlantic Rock Shrimp
- South Atlantic Snapper Grouper (including wreckfish)
- Gulf of Mexico Reef Fish
- *Gulf of Mexico and South Atlantic Coastal Migratory Pelagics*
- *Gulf of Mexico and South Atlantic Spiny Lobster*
- *Gulf of Mexico Red Drum*

(Note: Italics designate additional new species that currently do not require dealer permits.)

The committee discussed the Gulf Council’s intent that permitted vessels can only sell to permitted dealers. This will improve data collection and help prevent ACL overages. In the South Atlantic, North Carolina and Florida fishermen can harvest and sell Atlantic Migratory Group Spanish mackerel harvested within state waters without having a Federal Spanish mackerel permit. The South Atlantic Council discussed that this would apply to vessels with spiny lobster tailing permits (and the other spiny lobster federal permit if anyone got one) and to for-hire vessels with Coastal Migratory Pelagics permits and on behalf of the Committee I **move to clarify that it is the Council’s intent that in the Generic Amendment for Dealer Permits and Electronic Reporting, permitted vessels can only sell to permitted dealers in those fisheries where a dealer’s permit exists:**

**MOTION #5: CLARIFY THAT IT IS THE COUNCIL’S INTENT THAT IN THE GENERIC AMENDMENT FOR DEALER PERMITS AND ELECTRONIC REPORTING, PERMITTED VESSELS CAN ONLY SELL TO PERMITTED DEALERS IN THOSE FISHERIES WHERE A DEALER’S PERMIT EXISTS
APPROVED BY COMMITTEE**

The committee discussed the issue of catches in state waters and on behalf of the Committee I **move to direct Council staff to work with ASMFC staff to ask that state dealers get a federal permit for Spanish mackerel from the South Atlantic:**

MOTION #6: DIRECT COUNCIL STAFF TO WORK WITH ASMFC STAFF TO ASK THAT STATE DEALERS GET A FEDERAL PERMIT FOR SPANISH MACKEREL FROM THE SOUTH ATLANTIC APPROVED BY COMMITTEE

The committee discussed the issue of timing for the dealer permit requirement and renewal of permits on the birth date of permit holders and how this may delay full implementation until 2014. On behalf of the Committee I **move to clarify that it is the Council's intent that the new reporting requirements be implemented as soon as possible (for the 2013 fishing year):**

MOTION #7: CLARIFY THE COUNCIL'S INTENT THAT THE NEW REPORTING REQUIREMENTS BE IMPLEMENTED AS SOON AS POSSIBLE (FOR THE 2013 FISHING YEAR) APPROVED BY COMMITTEE

Action 2. Frequency and Method of Reporting

The committee discussed the current preferred alternative that is the same for both Councils (Preferred Alternative 3, Preferred Option 3b and clarified that allowing dealers to report ahead of time if they are closed meets the intent of the weekly reporting in the preferred alternative. The current program design will allow dealers to report up to 90 days ahead of time and this was satisfactory to the committee. The committee also wanted to allow flexibility for NMFS to modify this allowance and so did not specify a time limit.

The committee discussed the additional wording approved by the Gulf Council in Preferred Alternative 5 and on behalf of the Committee I **move to accept the revised wording for Action 2, Preferred Alternative 5:**

MOTION #8: ACCEPT THE REVISED WORDING FOR ACTION 2, PREFERRED ALTERNATIVE 5: APPROVED BY COMMITTEE

During catastrophic conditions only, the annual catch limit (ACL) monitoring program provides for use of paper-based components for basic required functions as a backup. The Regional Administrator (RA) will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed effected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the Federal Register, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NOAA Fisheries. The RA has the authority to waive or modify reporting time requirements.

Note: The South Atlantic Council will need to approve the addition of "The RA has the authority to waive or modify reporting time requirements."

Note: Any selected Preferred Alternative will include "Dealers reporting purchases of king mackerel landed by the gillnet sector for the Gulf West Coast Florida Southern Sub Zone must submit forms daily by 6:00 A.M."

Action 3. Requirements to Maintain a Dealer permit

Council staff noted that the HMS final rule used to draft Alternative 2 has published so that provided precedence for this action. The committee discussed the IPT’s recommended change to the wording of Action 3, Alternative 2; the recommended language was approved and selected as preferred by the Gulf Council and on behalf of the Committee **I move to accept the IPT’s recommended change to the wording of Action 3, Alternative 2 and accept Alternative 2 as the preferred alternative for Action 3:**

MOTION #9: ACCEPT THE IPT’S RECOMMENDED CHANGE TO THE WORDING OF ACTION 3, ALTERNATIVE 2 AND ACCEPT ALTERNATIVE 2 AS THE PREFERRED ALTERNATIVE FOR ACTION 3:

APPROVED BY COMMITTEE

“No purchase forms” must be submitted at the same frequency, via the same process, and for the same species as specified for “purchased forms” in Actions 1 and 2. A dealer would only be authorized to receive commercially-harvested species if the dealer’s previous reports have been submitted by the dealer and received by NOAA Fisheries in a timely manner. Any delinquent reports would need to be submitted and received by NOAA Fisheries before a dealer could receive commercially harvested species from a federally-permitted U.S. vessel.

The committee reviewed the codified text and provided the following clarifications/comments:

1. Does the Council want to require that all fish harvested on board a vessel with a Federal vessel permit, even non-Council managed fish, be sold to a federally permitted dealer, or only Council-managed fish for ACL monitoring?
SAFMC Committee: NO
2. The Committee understands that for-hire vessels with Coastal Migratory Pelagics permits and other federal permits would be required to sell to a federally permitted dealer and that this meets the Council’s intent.
3. The Committee understands that vessels with the spiny lobster tailing permit would be required to sell to a federally permitted dealer and that this meets the Council’s intent.

The Committee then discussed approval for formal review and on behalf of the Committee **I move to approve the modified Joint Dealer Amendment for formal Secretarial review and deem the codified text as necessary and appropriate. Give staff editorial license to make any necessary editorial changes to the document/codified text and give the Council Chair authority to approve the revisions and re-deem the codified text:**

MOTION #10: APPROVE THE MODIFIED JOINT DEALER AMENDMENT FOR FORMAL SECRETARIAL REVIEW AND DEEM THE CODIFIED TEXT AS NECESSARY AND APPROPRIATE. GIVE STAFF EDITORIAL LICENSE TO MAKE ANY NECESSARY EDITORIAL CHANGES TO THE DOCUMENT/CODIFIED TEXT AND GIVE THE COUNCIL CHAIR AUTHORITY TO APPROVE THE REVISIONS AND RE-DEEM THE CODIFIED TEXT
APPROVED BY COMMITTEE

DATA ITEMS FOR CE-BA 3

The committee reviewed the Decision Document for Data Collection Actions in CE-BA 3. Council staff noted that the Biological, Economic, Social, and Administrative impact sections have been expanded and this material is included in the decision document.

The Committee clarified that spiny lobster and shrimp would not be addressed by this amendment given that bycatch has been studied in those two fisheries, that there is no ACL for shrimp, and that the spiny lobster ACL is being monitored by Florida trip ticket data.

Purpose and Need

The Committee discussed the IPT's recommended changes for the Purpose and Need, and on behalf of the committee I **move to accept Option 3 for the Purpose and Need:**

MOTION #11: ACCEPT OPTION 3 FOR THE PURPOSE AND NEED:

The *purpose* of Comprehensive Ecosystem-Based Amendment 3 (CE-BA 3) is to improve data collection methods to better verify dealer reports to help ensure **annual catch limit** overages do not occur in the South Atlantic fisheries. CE-BA 3 would modify commercial and charter/headboat vessel reporting requirements and bycatch requirements to enhance data collection throughout the South Atlantic.

The *need* for action in CE-BA 3 is to improve data collection methods, limit overages in **annual catch limits**, and improve bycatch reporting in South Atlantic fisheries.

APPROVED BY COMMITTEE

Action 1. Modify permits and data reporting for for-hire vessels

The Committee discussed the IPT's recommended changes for Action 1 and the alternatives, and on behalf of the committee I **move to accept the IPT wording for Action 1:**

MOTION 12: Accept the IPT wording for Action 1:

APPROVED BY COMMITTEE

Action 1. Amend the Snapper Grouper, Dolphin and Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels

Alternative 1 (No Action). Retain existing permits and data reporting systems for the for-hire sector. Currently, the owner or operator of a vessel for which a charter vessel / headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper grouper, or Atlantic dolphin and wahoo has been issued, or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, and who is selected to report by the SRD, must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed records for charter vessels must be submitted to the Science and Research Director weekly, postmarked no later than 7 days after the end of each trip (Sunday). Completed records

for headboats must be submitted to the Science and Research Director monthly and must either be made available to an authorized statistical reporting agent or be postmarked no later than 7 days after the end of each month.

Alternative 2. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 2a. Charter

Sub-Alternative 2b. Headboat

Alternative 3. Require that vessels submit fishing records to the Science and Research Director (SRD) daily via electronic reporting (via computer or internet). Daily = by noon of the following day.

Sub-Alternative 3a. Charter

Sub-Alternative 3b. Headboat

Alternative 4. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 4a. Charter

Sub-Alternative 4b. Headboat

The Committee discussed alternatives and the SEFSC indicated they were ready to move forward with the headboat sector but not the charterboat sector. In addition, changes to the charterboat sector would need to involve MRIP. On behalf of the committee I **move to accept Alternative 4, Sub-Alternative 4b as our preferred:**

MOTION #13: ACCEPT ALTERNATIVE 4, SUB-ALTERNATIVE 4B AS OUR PREFERRED APPROVED BY COMMITTEE

Alternative 4. Require that vessels submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified by the SRD via electronic reporting (via computer or internet). Weekly = 7 days after the end of each week (Sunday).

Sub-Alternative 4b. Headboat

Action 2. Modify permits and data reporting for commercial vessels

The Committee discussed how to deal with CMP species and shifting boundaries. Fishermen in Monroe County and parts of the Florida East Coast would have to report electronically part of the year and not part of the year. On behalf of the committee I **move that it is the Council's intent that Action 2 alternatives apply to all vessels with a king or Spanish mackerel commercial permit fishing for Atlantic Migratory Groups of king and Spanish mackerel:**

MOTION #14: IT IS THE COUNCIL'S INTENT THAT ACTION 2 ALTERNATIVES APPLY TO ALL VESSELS WITH A KING OR SPANISH MACKEREL COMMERCIAL PERMIT FISHING FOR ATLANTIC MIGRATORY GROUPS OF KING AND SPANISH MACKEREL

APPROVED BY COMMITTEE

The Committee discussed the IPT's recommendations for Actions 2 & 3 and the alternatives and on behalf of the Committee I **move to accept the IPT wording for Action 2 and new Action 4:**

MOTION#15: Accept the IPT wording for Action 2 and new Action 4:

APPROVED BY COMMITTEE

Action 2. Amend the Snapper Grouper, Dolphin and Wahoo, Coastal Migratory Pelagic Resources, and Golden Crab Fishery Management Plans to modify data reporting for commercial vessels

Alternative 1. (No Action) Retain existing data reporting systems for the commercial sector. Snapper grouper logbooks for snapper grouper, coastal migratory pelagic, and dolphin/wahoo are required to be submitted 7 days after the end of each trip. Golden crab logbooks must be submitted not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month for snapper grouper, coastal migratory pelagic, dolphin/wahoo, or golden crab, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. The owner or operator of a vessel for which a commercial permit for South Atlantic snapper grouper has been issued, who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.

Alternative 2. Require NMFS to develop a system for commercial permit holders to submit their logbook entries electronically via an electronic version of the logbook made available via computer or internet. Fishermen are encouraged to submit their logbook reports electronically but would be allowed to submit paper logbooks. Commercial landings and catch/effort data are to be submitted in accordance with ACCSP standards. Require that the three logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip.

Alternative 3. Require "No fishing forms" must be submitted at the same frequency [submitted monthly], via the same process, and for all species as is currently specified for snapper grouper species. A fisherman would only be authorized to sell commercially-harvested species if the fisherman's previous reports have been submitted by the fisherman and received by NMFS in a timely manner. Any delinquent reports would need to be submitted by the fisherman and

received by NMFS before a fisherman could sell commercially harvested species from a federally-permitted U.S. vessel.

Action 4. Require all commercial snapper grouper fishing vessels to be equipped with VMS.
Alternative 1. No Action.

Alternative 2. Require all commercial snapper grouper fishing vessels to be equipped with VMS. The purchase, installation, and maintenance of VMS equipment must conform to the protocol established by NMFS in the *Federal Register*. The purchase of VMS equipment will be reimbursed by the National Office of Law Enforcement VMS reimbursement account if funding is available. Installation, maintenance, and communication costs will be paid for or arranged by the permit holder.

The Committee deferred consideration of final approval of the data items in CE-BA 3 until the December 2012 meeting. Council staff will address the items identified during the Committee meeting.

Timing and Task Draft Motion

The following draft motion has been developed based on actions taken by the Committee:

DRAFT MOTION #16: APPROVE THE FOLLOWING TASKS AND TIMING:

1. Provide Council actions on the Joint Dealer Amendment to NMFS and GMFMC Staff and work to revise the document based on the SAFMC actions.
2. Coordinate the review/deeming by GMFMC & SAFMC Chairs - October
3. Submit the Amendment for formal review – October
4. Participate in a Live demonstration of the Data Management System for Council staff – by September 30
5. Make the necessary revisions to the CEBA-3 and bring back to the Council in December for final action
6. Others??

Mr. Chairman, this concludes my report.