

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

**Crown Plaza Old Town  
Alexandria, Virginia  
August 20, 2009**

**Board Approved November 5, 2009**

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Motion by Bill Cole; second by John Frampton. Motion carried (Page 4).
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6. **Move to approve the 2009 Review of the Fishery Management Plan for Atlantic croaker** (Page 6). Motion by Bill Cole; second by John Frampton. Motion carried (Page 6).
7. **Adjourn by Consent** (Page 9).

## ATTENDANCE

### Board Members

|  |                                |
|--|--------------------------------|
| Tom McCloy, NJ, proxy for D. Chanda (AA)         | Robert H. Boyles, Jr., SC (LA) |
| Bill Goldsborough, MD (GA)                       | Spud Woodward, GA (AA)         |
| Catherine Davenport, VA (GA)                     | John Duren, GA (GA)            |
| Ernie Bowden, VA, proxy for Del. Lewis (LA)      | Rep. Bob Lane, GA (LA)         |
| Louis Daniel, NC (AA)                            | Jessica McCawley, FL (AA)      |
| Mike Johnson, NC, proxy for Rep. Wainwright (LA) | Bob Sadler, NMFS               |
| Bill Cole, NC (GA)                               | Wilson Laney, USFWS            |
| John Frampton, SC (AA)                           | John Carmichael, SAFMC         |
| Malcolm Rhodes, SC (GA)                          | A.C. Carpenter, PRFC           |

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

### Ex-Officio Members

|   |  |
|---|--|
| Harry Rickabaugh, Technical Committee Chair<br>(Atlantic Croaker) | Bill Windley, Advisory Panel Chair<br>(South Atl. Species) |
|---|--|

### Staff

|              |                 |
|--------------|-----------------|
| Vince O'Shea | Nichola Meserve |
| Bob Beal     | Brad Spear      |

### Guests

## **CALL TO ORDER**

CHAIRMAN ROBERT H. BOYLES, JR.: Good morning, everyone. My name is Robert Boyles, Chair of the South Atlantic State/Federal Fisheries Management Board. I would like to call the meeting to order.

## **APPROVAL OF AGENDA**

CHAIRMAN ROBERT H. BOYLES, JR.: The first item on our agenda is to seek consent for the agenda. I know Dr. Daniel had asked for some discussion about a Lionfish Issue under other business.

Any other business that we'd like to add to the agenda? Seeing none, the agenda is adopted as amended.

## **APPROVAL OF PROCEEDINGS**

CHAIRMAN ROBERT H. BOYLES, JR.: The next item is to approve our proceedings from May 5, 2009. A motion by Mr. Cole to approved; seconded by Mr. Frampton. Any objection to the motion? The motion carries; the minutes are approved.

## **PUBLIC COMMENT**

Now is the time on the agenda where we take public comment for those items that are not on the agenda. I see no indication of any member of the public who wishes to address the board at this time. Seeing none, we will move right on and we will go to Nichola to talk about our Potential Omnibus Amendment.

## **PRESENTATION OF WHITE PAPER ON POTENTIAL OMNIBUS AMENDMENT**

MS. NICHOLA MESERVE: Good morning. Staff has developed a white paper on the potential omnibus amendment that was brought up at the last board meeting. You will remember that in October of last year an amendment was initiated for Spanish mackerel that was to deal with compliance measures, state/federal consistency and consistency with the commission standards in the ISFMP Charter.

In May the PID or Public Information Document was brought forward to the board. At that point in time the board noted that neither spot nor spotted sea trout had compliance measures and also had inconsistencies with the ASMFC standards, which were also going to be addressed for Spanish mackerel.

The idea was brought forward that you have an amendment for the three species; yet the logistics of this idea needed to be fleshed out a little bit better; hence, the white paper was requested. I will go through the three issues that are in the white paper; the first of which is the consistency with the Atlantic Coastal Fisheries Cooperative Management Act.

For each issue there is a statement of the problem and an objective presented. For this issue the problem is that the current FMPs for spot, spotted sea trout and Spanish mackerel were approved prior to the enactment of the ACFCMA; therefore, states are not obliged to promulgate any management or monitoring measures that are in the plans. The three FMPs are the only commission FMPs that have not been updated to include these provisions and an amendment would be necessary to do so.

The objective would be to develop management programs in which states are obligated to promulgate management measures necessary for the conservation of the resource. If any species does not currently require conservation measures, updating the plans with the provisions in the Act would permit more timely adoption of conservation measures in the event that they become necessary.

An example where this was carried out previously would be Croaker Amendment 1. Biological reference points were developed and then that plan was updated in order to incorporate the BRDs but also the provisions in the Atlantic Coastal Fisheries Cooperative Management Act. The second issue would be consistency with the ISFMP Charter. The FMPs for three species were enacted prior to the adoption of the Charter and thus are not consistent with the standards and procedures for commission FMPs.

Each commission FMP should identify, for example, the measures that are compliance requirements, what de minimis criteria would be and what being de minimis exempts the state from and also procedures for conservation equivalency, if applicable. The objective, therefore, would be to develop management programs for the three species that are consistent with the Charter and its standards and procedures and that provide clear direction to the states for implementing the management program.

Some considerations with updating the three species would be what would the measures be that would be mandatory? Would the recommended measures from the original FMPs all become mandatory measures or

just some of them or would new measures be developed and implemented in the plans.

The white paper looks at what the recommended measures are in each of the current FMPs; and if those were transformed into required measures, what it would mean in terms of state requirements. The Spot FMP recommends BRDs in trawls and also regulations to protect age one spot such as using a minimum size limit or gear restrictions.

One issue here is that the board previously deemed the measures in the Spot FMP to be vague and possibly no longer effective in achieving the goals of the FMP and recommended that new measures be developed. For spotted sea trout the recommended measures include a 12-inch minimum size limit and comparable minimum mesh size limits for directed fisheries.

Again, an issue here is that the PRT has discussed a possible need for more conservative regulations than are in the FMP right now and a higher spawning potential ratio, but they have also discussed the necessity of interjurisdictional management for a species that is largely non-migratory.

In terms of Spanish mackerel there are recreational and commercial minimum size limits, commercial closures, commercial trips limits and recreational bag limits, gillnet minimum mesh size and commercial and charterboat permit recommendations in the FMP. One issue here is that there has been a concern expressed about requiring permits for this fishery.

Some other considerations in updating these plans would be the de minimis criteria. These would need to be developed for the species. The other FMPs generally have a 1 or 2 percent landings' limit, so the PDT would have to define these. Also, an overfishing definition should be in each updated FMP.

Currently there exists an overfishing definition for only Spanish mackerel. The Spotted Sea Trout Plan does have a 20 percent SPR objective. There are several state-specific assessments that could help in defining an overfishing definition; whereas, the spot there is no overfishing definition or no stock assessment completed.

Although the Spot PRT has been looking at a number of indices and commercial and recreational data and suggested that there may be adequate data for an assessment of the species, currently, however, there are not technical committees for any of these three

species. In terms of state/federal consistency, this is an issue only for Spanish mackerel.

The original FMP established a tracking mechanism which would lead to the plan being revised through recommendations of the plan review team to track the federal plan for Spanish mackerel and the Coastal Migratory Pelagic FMP. However, the mechanism is somewhat vague and has been largely unused and the FMP has not changed since it was originally developed in 1990.

The statement of the problem, therefore, is that the mechanism for tracking federal Spanish mackerel regulations and revising state requirements for consistency is vague and ineffective. The objective would be to develop a management program that can respond to changes in federal regulations in a timely and efficient manner and which clearly records resulting revisions to the state requirements.

Some considerations here are that the federal plan for Spanish mackerel is currently being amended. Amendment 18 is under development to address new requirements for annual catch limits and targets and accountability measures and also to address allocation and regulations that would limit the harvest to the catch limit. This amendment is expected to be completed in 2010 for implementation in 2011.

Also, in terms of a new tracking mechanism, the management program could either be designed to respond to changes in the federal regulations via an adaptive management process, so using addenda to respond to changes or a specification process where the board could vote when it is together through board action to change the plan. Thank you.

CHAIRMAN BOYLES: Nichola, thank you for that, a great overview, great white paper, good staff work for sure. Any questions for Nichola? Comments from the board? Bill.

MR. BILL COLE: Mr. Chairman, this is a comment. It is very clear that I think we need to move forward with this omnibus amendment and begin to upgrade these. One of the things that I think was very glaring to me, who hasn't been involved in this now for about three years, was yesterday's review at the Policy Board when we were talking about the annual performance of the various stocks that we deal with. The three species that we're talking about this morning were in the unknown category. Chairman Lapointe was very right; I think we all want to strive to move these from the right-hand column to the left-hand column. I think it is appropriate that we move

forward with an omnibus amendment. If you want that motion, I'll be glad to make it.

CHAIRMAN BOYLES: Would you, please. I'm looking, Bill, for a motion to direct staff to develop a public information document for the Omnibus Amendment. As chairman, that is what I'm looking for.

MR. COLE: Mr. Chairman, **I'll move that we direct staff to develop a Public Information Document for a full omnibus amendment for spot, spotted sea trout and Spanish mackerel.**

CHAIRMAN BOYLES: Thank you, Bill; is there a second? Seconded by John Frampton. Any discussion? Spud.

MR. SPUD WOODWARD: Nichola, could you sort of walk us through a timeline on what you see happening if we go forward with this course action on off into the future of actually are we going to set up some technical committees, do some stock assessment updates and how far reaching that will be. I've got this piece of paper, but I wanted some discussion on it, too.

MS. MESERVE: The last page of the white paper does include a potential timeline. Because of the fact that there aren't technical committees or PDTs for some of these species, it might be a little optimistic at this point. It does include initiation of the PID now and review by the board in November, followed by public hearings.

Then early next year, the first half of next year the draft amendment will be developed, followed by another set of hearings in the second half of 2010; then in the beginning of 2011 to have preparation of the final amendment for final adoption in May of 2011. This could be delayed at some points because of the need to develop programs for three species, so that would be the earliest date expected, 2011.

MR. WOODWARD: All right, thank you, and then we could look at probably the next two years or better updating stock status on at least spot and spotted sea trout, so this is taking us on out into 2013 or 2014 before we could probably have the final product of this process; is that a correct assessment? The reason I'm asking is that I'm just trying to think strategically on limited resources and how to juggle them around.

MS. MESERVE: I'm not sure it's necessary that we do have the stock assessments for spotted sea trout

and spot done prior to the completion of the amendment, but this would allow for adaptive management to occur from the amendment once assessments were completed for those species down the road. I think the date for implementation would still be 2011 and then assessments might follow that out to 2013, as you suggested.

DR. LOUIS DANIEL: My thought was is this would just get us ACFCMA compliant and that was this was doing; that we wouldn't be forced into – we may not want an assessment on spot; we may never need one. I think all of us from at least Virginia to Florida now have speckled trout assessments that have been peer reviewed and implemented. North Carolina was the last to get that done, so we've done that. I think it is a good idea. I think it has been presented well and support the motion.

MR. WOODWARD: I'm not trying to make this more difficult than it has to be, but we listened to some criticism yesterday of having plans in place and not doing anything. I don't want us to get set up for a situation where we come into compliance with the Coastal Act and then we just kind of go back to status quo and not really do anything. I think we've just got to be sensitive to somebody may look at that as being the outcome of this process.

CHAIRMAN BOYLES: Good comment, Spud. Wilson.

DR. WILSON LANEY: Well, Louis made part of the point I was going to make, which is that most of the states already have spotted sea trout assessments in place. That is another one of those species where the life history work that has been done sort of shows that they're estuarine dependent so you almost have to do the assessments on a watershed basis to a degree. A lot of that work has already been done.

I was of the perception Louis was that what you're mostly doing here is just getting these plans in compliance with the ACFCMA, and I think most of the regulations that would be required are already in place or very, very close to what you would need, anyway, so in some respects it is just a formality, I think.

MR. WOODWARD: But the existing plan for spot does call for a minimum size, and we talked about it yesterday. I think we're the only state that has the dubious honor of having an eight-inch minimum size limit on spots. I mean there are just things that people need to think through. When we pull a trigger

on something like this, let's make sure the gun is pointed in the right direction.

CHAIRMAN BOYLES: I got you. I think we're all sensitive to resource limitations; no questions about it. Any other discussion on the motion? Is there any objection to the motion? Bill, do you want to read the motion into the record?

MR. COLE: Yes, I will; move to develop a Public Information Document for an Omnibus Amendment for spot, speckled sea trout and Spanish mackerel.

CHAIRMAN BOYLES: Would you accept spotted sea trout?

MR. COLE: Yes, I will, spotted sea trout is what I was trying to say.

CHAIRMAN BOYLES: Any objection to that motion? **Seeing none, that motion carries.** Nichola, thank you. I think we're going to move on now to the Atlantic Croaker Stock Assessment with Harry.

### **ATLANTIC CROAKER STOCK ASSESSMENT**

MR. HARRY RICKABAUGH: The week of July 20<sup>th</sup> the Croaker Technical Committee and Stock Assessment Subcommittee met to hold a data workshop. Part of the data workshop was to approve the terms of reference to be presented to you today. I'm going to read over the terms of reference; and then if you have any questions about the terms of reference or the data itself, I'll be happy to answer them.

Term of Reference Number 1 is to evaluate precision and accuracy of fishery-dependent and fishery-independent data used in the assessment, including the following but not limited to:

- A. Discuss the effects of data strengths and weaknesses on model inputs and outputs;
  - B. Report standard errors of inputs and use them to inform the model if possible;
  - C. Justify weighting or elimination of available data sources.
2. Evaluate models used to estimate population parameters and biological references:
- A. Did the model have difficulty finding a stable solution? Were sensitivity analyses for starting parameter values, priors, et cetera,

and other model diagnostics performed?

- B. Have the model strengths and limitations been clearly and thoroughly explained?
  - C. If using a new model, has it been tested using simulated data?
  - D. Has the model theory and framework been demonstrated and documented in the stock assessment literature.
3. State and evaluate assumptions made for all models and explain the likely effects of assumption violations on synthesis of input data and model outputs. Examples of assumptions may include but not limited to:
- A. Calculation of M.
  - B. Choice to use or estimate constant time-varying or age-varying M and catchability.
  - C. No error in the catch-at-age or catch-at length matrix.
  - D. Choice of a plus group.
  - E. Population is at equilibrium.
  - F. Constant ecosystem conditions.
  - G. Choice of a stock/recruitment function.
  - H. Choice of proxies for MSY-based reference points.
  - I. Determination of stock structure.
4. Evaluate uncertainty of model estimates and biological or empirical reference points.
5. Perform retrospective analyses, assess magnitude and direction of retrospective patterns detected and discuss implications of any observed retrospective pattern for uncertainty in population parameters, reference points and/or management measures.
6. Recommend stock status as related to reference points
- A. Biomass threshold and target.
  - B. F threshold and target.
7. Compare trends in population parameters and reference points with current and proposed modeling approaches. If outcomes differ, discuss the potential causes of observed discrepancies.
8. If a minority report has been filed, explain majority reasoning against adopting approach suggested in that report. The minority report should explain reasoning against adopting approach suggested by the majority.



9. Develop detailed short- and long-term prioritized lists of recommendations for future research, data collection and assessment methodology. Highlight improvements to be made by the next benchmark assessment.

CHAIRMAN BOYLES: Harry, thank you for that great work with the technical committee. Any questions for Harry, comments or discussion? Seeing none, we do need to approve these terms of reference. I'm looking for a motion. Spud.

MR. WOODWARD: **I'll move that we approve the terms of reference as presented by Mr. Rickabaugh.**

CHAIRMAN BOYLES: All right, a motion by Mr. Woodward; seconded by Mr. Cole. Any discussion? Seeing none, is there any objection to the motion? **Seeing none, the motion is adopted unanimously.** All right, next we will go right into Fishery Management Plan Reviews.

## **FISHERY MANAGEMENT PLAN REVIEWS**

MS. MESERVE: Today I will present the Atlantic Croaker FMP Review. On the Briefing CD there were both the compliance reports for Atlantic Croaker and Red Drum. However, the Red Drum FMP Review isn't quite complete at this time, so red drum, spot, spotted trout and Spanish mackerel I'll have their FMPs reviews prepared for the November board meeting.

However, I would like to note for red drum just a brief update on the stock assessment which is underway. Our assessment workshop for red drum was held in early June. The assessment workshop report is available on the SEDAR Website. Next week the review workshop is going to be held in Atlanta. Robert O'Boyle is the chair of the panel, and three additional reviewers from the Center for Independent Experts were selected for this review by SEDAR.

Moving on to Atlantic croaker, the program for Atlantic croaker is provided in Amendment 1, which was implemented in 2006. The PRT found that all the states have fulfilled the requirements of Amendment 1. Of note, however, there are no specific requirements in the plan other than to provide the annual compliance report, and no amendments or addenda are under development for Atlantic croaker.

The status of the stock was provided through the 2004 stock assessment, which included data through 2002. The stock is divided into two regions, the Mid-Atlantic and the South Atlantic, for assessment purposes in this assessment. For the Mid-Atlantic Region the stock was not overfished or experiencing overfishing. The status of the South Atlantic Region was unknown, however.

This assessment was peer reviewed through SEDAR. Currently the technical committee, as Harry said, is working on the next assessment. This will also be a benchmark assessment. The assessment workshop is going to be held in November and the review workshop will be in March of next year through SEDAR 20. We do expect to have a peer-reviewed stock assessment report for the board in May of next year.

Because this is an assessment year, the trigger exercises that look to trigger an assessment prior to what is originally scheduled were not done this year. In terms of landings, the total Atlantic croaker harvest in the management unit in 2008 is estimated at 25 million pounds. This represents a 40 percent decline since the peak around 41 million pounds in 2001.

The total harvest here is shown by the black line; commercial in the blue bars; and recreational in the red bars. The commercial and recreational fisheries harvested 79 percent and 21 percent respectively of the 2008 total. If you break the recreational and commercial landings down by their management regions, you can see in this slide that the decline in total harvest can be attributed to a decline in the commercial and recreational landings in the Mid-Atlantic Region. The top solid line is the Mid-Atlantic commercial landings. The next line down is the Mid-Atlantic recreational landings, both of which have declined since around 2003 or 2005 in the case of recreational.

Whereas, in the South Atlantic Region the recreational landings have gone up in the last couple of years slightly and the commercial landings have been quite stable and very low. Note that the Mid-Atlantic landings are presented in millions of pounds ranging up to around 30 million pounds; whereas, the South Atlantic landings are much smaller and closer to 1 million pounds in the case of recreational. In 2008 the Mid-Atlantic Region was responsible for 98 percent of the total landings. In terms of the recreational harvest and releases, both have increased over the time series. Releases number close to the number of harvested. Here you can see a slight

decline in the recreational harvest, the solid blue line, since around 2000.

Several de minimis requests were included in the compliance reports this year. The plan implemented a three-year average of 1 percent of the total landings as a de minimis level. De minimis status can be requested for either the commercial or recreational fishery. Delaware requested de minimis for its commercial fishery; South Carolina for both fisheries; Georgia for both fisheries; and Florida for the commercial fishery.

All of these states do qualify for de minimis based on their landings in the previous three years. The PRT notes that de minimis status at this point in time does not exempt states from any requirements. In terms of recommendations these are very similar to what was presented last year; encourage the use of circle hooks to minimize recreational discard mortality; after the ongoing assessment, evaluate the need for a minimum size limit in the fisheries; and for the board to consider the de minimis requests from Delaware, South Carolina, Georgia and Florida. Any questions?

CHAIRMAN BOYLES: Questions for Nichola? We've got a recommendation from the plan review team to consider the de minimis requests. Is there a motion to that effect? Mr. Cole.

MR. COLE: **Move to approve the de minimis requests for Delaware, South Carolina, Georgia and Florida.**

CHAIRMAN BOYLES: All right, motion by Mr. Cole; seconded by Dr. Rhodes. Any discussion? Any opposition to the motion? **Seeing none, the motion carries.** Mr. Cole.

MR. COLE: Do we need a motion to approve – okay, **I'll move to approve the 2009 Review of the Fishery Management Plan for Atlantic croaker.**

CHAIRMAN BOYLES: All right, motion by Mr. Cole; seconded by Mr. Frampton. Any discussion? Any objection to the motion? **See none that motion carries.** Okay, Melissa is going to come and talk to us about SEAMAP Update.

## SEAMAP UPDATE

MS. MELISSA PAINE: I just wanted to give a brief update on SEAMAP and what the funding situation is for Fiscal Year 2009 as well as 2010. In your Briefing Book you received a document that outlines what the funding allocation was to the South Atlantic

for Fiscal Year 2009. Also in that same document is a breakdown of all of the different research programs where that funding was allocated to.

I just wanted to bring your attention to in 2009 the South Atlantic actually received more than they originally expected to receive last year when the allocation was decided. It was actually an increase to all of SEAMAP and accordingly South Atlantic received a bit more money.

They used that extra amount of funds for increased personnel time and survey costs, as well as obligating funds for adding sampling stations to the MARMAP Complement Survey and also providing support for the Southeast Regional Taxonomic Center, which assists with gut content analysis, life history studies and processing of larval fish sampling. This Fiscal Year '09 funding was just distributed in July.

The SEAMAP held its annual meeting the first week in August where they discussed ongoing projects as well as proposed budget allocations for Fiscal Year 2010. The congressional mark for SEAMAP is the same level as that final Fiscal Year 2009 figure. The South Atlantic proposed pretty much the same allocations as they had for the previous year.

One difference was to reallocate some money from some updates that weren't needed just yet towards further supporting SRTC, the Taxonomic Center. FY 10 funds will also be used to support ongoing projects such as the Adult Red Drum Longline Surveys out of North Carolina, South Carolina and Georgia.

The long-running coastal survey will also be able to add ten additional sampling stations and continue their resumption of age-and-growth sampling as well as gonad and stomach sampling of sciaenids. There is also ongoing coordination with MARMAP on their survey that targets six species in the Snapper Grouper Complex. The SEAMAP component will support surveys to complement the nearshore component of MARMAP's Offshore Survey.

The South Atlantic has been working on developing the South Atlantic Date Base Structure this year, and they will begin housing data from all of their various projects, including the Coastal Survey, the MARMAP Complement, Adult Red Drum Longline Surveys, the Pamlico Sound Survey and the Cooperative Winter Tagging Cruise eventually.

Once that data scheme is finalized and data is uploaded to the system, then the group will next start focusing on developing GIS products and queries for

the website interface and web development. That's all I have. Thanks.

CHAIRMAN BOYLES: Melissa, thank you for that. Any questions for Melissa on the SEAMAP Update Bill.

MR. COLE: As I understand we're through the current 2009. What do the tentative budgets look like from your perspective, what you know right now for 2010-2011.

MS. PAINE: We've only gotten some estimates for 2010, and that is at the same level as it was for the final of 2009.

CHAIRMAN BOYLES: Any other questions? All right, Melissa, I appreciate it. Other business, Dr. Daniel.

### OTHER BUSINESS

DR. DANIEL: All right, don't laugh; it is just an idea that I want to throw out on the table because I don't really know how to deal with this lionfish issue. The issue is that at least in the South Atlantic our offshore areas are becoming increasingly populated with lionfish, an invasive that is not only causing problems for divers and the like but also they're voracious predators on many of the juvenile snapper grouper species that we're interested in.

We have a NOS Lab in Beaufort and Dr. James Morris, who is a local guy, did his dissertation work on lionfish and has begun working on a campaign with Sea Grant to develop a market for this product. It is an extraordinarily tasty fish. It is a very, very good high-quality product. It is sort of being marketed as an exotic. It has met with rave reviews from all the places where it has been tested. It is going to be featured at the North Carolina Seafood Festival in October.

Well, James developed a white paper to present to the National Marine Service, and the concern came back, well, if you develop a market for these things and they become economically viable, we've got to manage them under Magnuson, which means msy and assessments and things like that on them. We might find ourselves in a situation where we've got to protect the damned things.

James came to me and I thought about it and earlier in the week somebody said, "Well, if you did an ASMFC Plan, you could just have a plan and the only regulation would be no release." Then with the plan

we'd have management out to 200 miles and we wouldn't have to worry about it. I'm telling you these things are going to be a problem.

I bring it up because this is the board that would address it if we wanted to address it. We do have some documented takes inside waters in the estuary, which really starts to worry me. Anyway, I bring it up as an issue. I know it is pertinent to all of us in the South Atlantic. I don't about Virginia, if they're seeing them yet, or anybody north of us is seeing them or not. That is my pitch.

MR. A.C. CARPENTER: Louis, I understand your situation completely. We have got the exact same thing with snakeheads. They are a product; they can be used; and we're running into an awful lot of opposition trying to do something with them simply because they're afraid that they're going to move them someplace else. We haven't got a solution yet either.

MR. FRAMPTON: Maybe Louis could do an assessment in North Carolina and we could use it as a template in the other states.

MR. WOODWARD: I'll try to bring a little seriousness back to this discussion. They are a real issue. I was able to go diving with the Gray's Reef National Marine Sanctuary staff in June, and in two days we actually captured 56 of these things in four dives. They're pretty densely populated on some our offshore reef habitat, which we now know is the core distribution of red snapper left in the South Atlantic.

It is a real issue and I think that it does call for a little bit of out-of-the-box thinking about how we might deal with this. They are actually quite tasty and the Gray's Reef Sanctuary Advisory Council was presented lionfish prepared in everything from saveechi to tempura, and it was all very tasty. It may be something worth thinking about.

DR. DANIEL: It is an interesting fishery, though, and they don't tend to take hook and line, which is one of the problems. What James has tried to do is try to figure out how could we fish these things. They looked at traps, but the bycatch of snapper grouper gets everybody all excited, so they've said we can't use traps. Really the only way you can catch these things is spearfishing.

One of the dive shops had a rodeo for them, and in two days they killed 1,400 off of North Carolina. It is a real problem. We're going to continue to promote it. I'm committed to working with Sea

Grant and James to try to do everything I can to facilitate this fishery and try to get rid of them. I just don't want to have a problem down the road and end up having to try to develop an msy for them.

DR. LANEY: Louis, have you considered approaching this through Aquatic Nuisance Species Panels? Have we gotten this one listed as a injurious species yet? I know there is a formal process for listing species as an aquatic nuisance species, and I was wondering if there would be any advantage to using that mechanism to get it listed. I don't know how much, if any, federal funding that triggers.

I know there is some funding for ANS control because we're doing Asian Swamp Eels in South Florida, trying to control those through electrofishing. Another question for you is whether or not – I know when James was involved in some of those initial surveys, they had a whole bunch of sites that they went out and sampled and they found them in a whole lot more sites than they expected.

I was wondering if there was a possibility for coming up with some sort of plan of attack here if they were concentrated in certain areas. It seems like the efforts at Gray's Reef were very productive. George Sedberry reported on those at the last council meeting. It sounds like off North Carolina that was a productive strategy as well.

You know, if you wait around for a fishery to develop for them, admittedly once the market develops and so forth and so on that could be a very effective way for knocking the population down, but in the short run I'm wondering if some sort of targeted strategy might be more effective. I know you could probably get volunteer dive groups to get out there and participate in rodeos with proper training so they don't get injured by these things. Those are just a couple of thoughts, so you may want to comment on those or not.

DR. DANIEL: I'm just flying blind here. I just bring it up. We had time and I felt like it was an appropriate discussion with the interest of the South Atlantic Board and snapper grouper. I'm sure James knows the answers to all those questions. I think if we wanted to try to do something, develop a potential issue paper or do something, I'm sure James would jump at the opportunity to do a lot of that legwork.

I don't want to task staff with doing anymore. They've got enough to do, but it just seems like to me that there is something – I just hate to sit back and do nothing when I know it is having a pretty devastating

effect. There were some concerns about the toxins, and they're rendered inactive after 30 minutes after they die, and so there is not a health concern here with the flesh.

MR. JOHN DUREN: Unlike my skilled lionfish hunter colleague, I've made six dives and haven't found one yet, but I'm still looking. I think Wilson is on the right track. If we could get these things listed as a nuisance species; and if there were any money available you can put a bounty on them or something to encourage divers to go out and look for them. It would be a way to start bringing under control.

CHAIRMAN BOYLES: Thanks, John. Louis, I appreciate your sensitivity to the staff workload, and I know it is something that we've got enough on our plate. I'm just wondering maybe, Bob, if there is a potential solution just for us to explore what might be done.

MR. ROBERT E. BEAL: Mr. Chairman, I know I'm flying blind, as Louis said, as well. I mean, there is probably a pretty quite white paper or something that we can pull together on the relationships between Magnuson-Stevens, the Aquatic Nuisance Species Act and some of the other issues associated with introduced non-native species that may apply in this situation and bring something back at the annual meeting. We can work with Louis' folks that have probably done some of the legwork here. We can regroup on this one at the annual meeting.

DR. DANIEL: Let me take that responsibility. I'll take that responsibility and I'll talk with James to see what he thinks of the idea. I think it is a good idea; it is a good alternative. We'll let him put together a wish list of what the commission could do in order to facilitate what it is he is trying to do with NOS. I'll have that for you at the annual meeting, either for the Policy Board or this board if we're meeting at the annual meeting. I'll take care of it.

MR. JOHN CARMICHAEL: I think to that we should add perhaps requesting the Regional Office to come and give us some perspective straight to the board as to what the federal interests perhaps would be if a fishery develops and whether or not they truly would pursue msy in something like this.

I think building on what Wilson said about the Aquatic Nuisance Species, maybe have someone from that group come and sort of tell the board what their perspective would be and then get the groundwork laid for all these different potential options before we figure out which way to go.

CHAIRMAN BOYLES: I'm going to look to Wilson and Bob Sadler back there to see if we could get maybe an acknowledgement that they could work with their folks.

DR. LANEY: I was going to go ahead and commit. I just talked to Dr. Geiger and we don't think that lionfish is on an ANS List. I think it would probably be productive to have it on the ANS List, and I don't think it would take a whole lot of documentation to get it on there. Exactly what the process is I don't know off the top of my head, but I'll commit to working with Louis and with staff to flush out that process and what steps we would have to take to get it on the list and then also what the benefits would be of having it on the list as well.

MR. FRAMPTON: Yes, Wilson, I'm not sure what a species on that list actually represents. I know if you look at the Migratory Bird Treaty, for example, the exotics that are introduced are not covered. I would be curious as to what type of law we would have that would prevent us from having to take that responsibility at some time to develop a fishery management plan if we didn't want to do that.

DR. LANEY: I don't know what the implications are, John. Things get entangled pretty quickly here. I'll give you a quick example. The South Atlantic Council, at their last meeting or actually two meetings ago, it was brought to our attention that there is an introduced invasive species of coral, the Orange Cup Coral, I think it is, Bob.

Anyway, it is I think a Southeast Asian Species that has gotten introduced to the Florida Keys. It is an undesirable thing to have for those of us who are natural resource managers. It is a desirable thing apparently to have for the aquarium industry. The proposal was brought to the council, hey, you know, let us harvest this thing.

You would think, well, it is an invasive species; why do we have to put anything in place to harvest it? Well, it is because we already had a coral plan in place in the South Atlantic Council, and it prohibits the collection of stony corals and orange cup coral. Even if it is an invasive species, it is a stony coral.

We got entangled in the Magnuson Act to have to put something in place to allow the removal of an invasive species. I don't know; I'm no expert on the ANS process and what designation means and everything, but it sort of seems almost as though the acts are working at odds here where on the one hand

we can say, well, we're going to designate something an aquatic nuisance species, so, you know, it's fair game.

It's like under the Migratory Bird Treaty Act, things like English starlings are not addressed. Because they're an introduced species, you can go out there and blast away at them with impunity. So you would think that same thing would apply on the aquatic side, but I don't know. You know, I'm going to have to defer to the National Marine Fisheries Services and Magnuson here with regard to the implications of if you develop a fishery for an invasive species you've got to have a management plan for it. I don't know so we're just going to have to explore it and get back to you all at the annual meeting.

MR. BOB SADLER: Yes, I will work with the Regional Office staff and try to get at least some written input back by the annual meeting as to the implications of an FMP and all these other issues that the board has raised.

DR. LANEY: Let me just ask real quickly, too, I know there is a Regional Aquatic Nuisance Species Panel so it may be beneficial to work through those panels as well. I know some of the states have state panels set up already; so if there is already an existing state panel, it might be beneficial for us to just work through the state representatives on those ANS Panels as well as the regional panels, too. They may be able to help, so I'll work with all you guys in putting something together.

## ADJOURNMENT

CHAIRMAN BOYLES: Okay, thanks. Louis, it looks you have got a bevy of help coming your way; the cavalry is coming. Any other business to come before the South Atlantic Board at this time? Seeing none we will stand adjourned.