

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
SOUTH ATLANTIC STATE-FEDERAL
FISHERIES MANAGEMENT BOARD

February 20, 2002
Swissotel Washington, The Watergate
Washington, DC

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ATLANTIC STATES MARINE FISHERIES COMMISSION

Swissotel Washington, The Watergate Washington, DC

SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD

February 20, 2002

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ATTENDANCE

Board Members

Susan Shipman, GA DNR

Bill Cole, USFWS

Dr. Louis Daniel, NC DMF, Chair

Damon Tatem, NC Gov. Appte.

Melvin Shepard, proxy for Rep. Redwine, NC Leg. Appte.

William Dukes, proxy for Sen. Drummond, SC Leg. Appte.

Gregg Waugh, SAFMC

Dr. Kenneth Haddad, FL FWC

Dr. John Merriner, NMFS

David Cupka, SC Gov. Appte.

Ad hoc State Representatives

Jack Travelstead, VA MRC

Jill Stevenson, proxy for Eric Schwaab, MD DNR

A.C. Carpenter, PRFC

John Connell, NJ Gov. Appte.

Ex-Officio Members

Spud Woodward, GA DNR, Chair Red Drum TC

Sherman Baynard, Chair, Red Drum AP

Other Commissioners

Bill Goldsborough, MD Gov. Appte.

Catherine Davenport, VA Gov. Appte.

Preston Pate, Jr., NC DMF

Red Drum Advisory Panel Members

Tom Fote, NJ

Staff

Dr. Joseph Desfosse, ASMFC

Dr. Lisa Kline

Megan Gamble

Geoff White

Laura M. Lee

Guests

Columbus Brown, USFWS

Dr. Wilson Laney, USFWS

James Fletcher, UNFA

Dick Brame, CCA

John Carmichael, NC DMF

There may have been others in attendance who did not sign the attendance sheet.

South Atlantic State-Federal Fisheries Management Board

February 20, 2002

SUMMARY OF MOTIONS

1. *Move to approve the agenda.*

Motion by Mr. Cole, second by Mr. Travelstead Motion carries with no objections.

2. *Move to put a period after the word "enhancement" and strike the rest of that sentence and take out that position statement; and then the board request the stock assessment group and the stock enhancement group to revisit this issue and come up with a position or a recommendation position statement that more accurately reflects everybody's concerns.*

Motion by Mr. Cupka, second by Mr. Cole Motion carries with no objection.

3. *Move that the state of New Jersey be allowed to establish a creel limit and size limit of one red drum per day per angler of 18-inch length or greater, in both the recreational and commercial fishery.*

Motion by Mr. Connell. The motion fails for lack of a second.

4. *Motion to insert "When reductions in harvest are necessary to meet the mortality goal in the plan, it shall be taken in a manner that is measurable and that proportional reduction shall be taken equally by each user group."*

Motion by Mr. Cole. Second by Mr. Shepard.

Amended to: "When additional reductions in harvest is necessary..."

The motion failed.

5. *Move to include the states from Florida to Virginia in the monitoring requirements of Section 5.1.1.2.*

Motion by Mr. Travelstead. Second by Ms. Shipman. Motion carries with no objection.

6. *Move to adopt January 1, 2003, as the effective date when the regulations change (implementation date).*

Motion by Mr. Carpenter, second by Mr. Cupka. Motion carries unanimously by voice vote.

7. *Move to approve Amendment 2 as amended with editorial license for staff to make those corrections that were discussed here today.*

Motion by Mr. Travelstead, second by Mr. Cole. Motion carries with no objection.

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

**SOUTH ATLANTIC STATE-FEDERAL
FISHERIES MANAGEMENT BOARD**

**Swissotel Washington, The Watergate
Washington, DC**

February 20, 2002

The South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission met in the Swissotel Washington, The Watergate, Washington, DC, February 20, 2002, and was called to order at 10:00 o'clock a.m. by Chairman Louis Daniel.

WELCOME/INTRODUCTIONS

CHAIRMAN LOUIS DANIEL: I'll call the meeting of the South Atlantic State-Federal Fisheries Management Board to order. The first item on our agenda is our introductions. What I would like to do, primarily for a voice recognition, is to go around the table and have everybody introduce themselves for the record. I will start with Sherman.

MR. SHERMAN BAYNARD: My name is Sherman Baynard and I am the AP Chair and represent Maryland.

MR. WILLIAM COLE: Bill Cole, Fish and Wildlife Service.

MR. COLUMBUS BROWN: Columbus Brown, U.S. Fish and Wildlife Service.

MS. SUSAN SHIPMAN: Susan Shipman, Georgia DNR.

MR. GREGG WAUGH: Gregg Waugh, proxy for Bob Mahood, South Atlantic Council.

MR. DAVID CUPKA: David Cupka, South Carolina DNR.

MR. BILL DUKES: Bill Dukes, proxy, South Carolina.

DR. JOHN MERRINER: John Merriner, National Marine Fisheries Service, Beaufort, proxy for the Science Center.

MR. PRESTON PATE: Preston Pate, North Carolina Marine Fisheries.

DR. WILSON LANEY: Wilson Laney, U.S. Fish and Wildlife Service.

MR. JOHN CONNELL: John Connell, Governor's

appointee, New Jersey.

MR. TOM FOTE: Tom Fote, Red Drum Advisor from New Jersey.

MR. DAMON TATEM: Damon Tatem, Governor's appointee, North Carolina.

MR. MELVIN SHEPARD: Melvin Shepard, North Carolina legislative proxy.

MR. JOHN CARMICHAEL: John Carmichael, North Carolina Division of Marine Fisheries.

MS. LAURA LEACH: Laura Leach, ASMFC.

MS. CATHERINE DAVENPORT: Cathy Davenport, Governor's appointee, Virginia.

MR. JACK TRAVELSTEAD: Jack Travelstead, Virginia.

MS. JILL STEVENSON: Jill Stevenson, Maryland DNR.

MR. SPUD WOODWARD: Spud Woodward, Georgia DNR.

DR. JOSEPH DESFOSSE: Joe Desfosse, Atlantic States Marine Fisheries Commission.

MR. GEOFFREY WHITE: Geoff White, Atlantic States Marine Fisheries Commission.

MS. MEGAN GAMBLE: Megan Gamble, ASMFC.

MR. A.C. CARPENTER: A.C. Carpenter, Potomac River Fisheries Commission.

MR. RICHEN BRAME: Dick Brame, CCA.

MR. WILLIAM GOLDSBOROUGH: Bill Goldsborough, Maryland Governor's appointee.

CHAIRMAN DANIEL: Thank you. I will ask you to make a conscious effort, when you speak, to identify yourself even though we've already done that because we are being taped, and it will facilitate Joe's job to give us good verbatim minutes.

APPROVAL OF AGENDA

An updated agenda has come around that was the result of our conference call that we had last week where we did move a few things around. We will have the minutes from our last meeting and this meeting at our next meeting, so we don't have minutes to approve. That can be taken off of the agenda. If no one sees any changes or modifications needed for the agenda, I would like to have a **motion to approve the agenda**.

MR. COLE: **So moved.**

CHAIRMAN DANIEL: **Moved by Bill Cole; second by Jack Travelstead. Without opposition, the motion is approved.**

PUBLIC COMMENT

That will lead us into Public Comment. At this time if

there is anyone, any members of the public that would like to address the board, this would be the time to do it. Seeing no takers, we'll move on to Geoff White. Joe.

DR. DESFOSSE: I would just like to ask a question. The people here from Maryland, Bill or Jill, are you officially representing the state?

MS. STEVENSON: I am, yes, for Eric.

DR. DESFOSSE: You're here for Eric, okay.

MS. SHIPMAN: Eric gave me her verbal proxy just a moment ago, if that's okay.

DR. DESFOSSE: That's okay. And New Jersey, John, and I didn't see anyone from Delaware.

CHAIRMAN DANIEL: All right, Geoff.

SEAMAP UPDATE

MR. WHITE: Thank you, Louis. I thank you for moving the SEAMAP Update up on the agenda. I need to run over to Lobster before lunch. All the materials were on the CD ROM.

The first page was really just a summary of what we accomplished in 2001 and a list of what meetings will occur in 2002. You guys can all read so I don't need to spend a lot of time on this. I did highlight today's meeting, kind of in the middle of the bullets, just to highlight the difference between what occurred in 2001 and what meetings we do have planned for 2002.

Pretty much, we had funding to continue all work group meetings this year from the Commission's standpoint. There are a couple of highlights with those meetings that are in the next section, which is the SEAMAP update, informational items for the South Atlantic Board. It ends up covering, I think, 12 pages. We really only need to be concerned with the first two. The rest are there for your background information. So we have four informational items we can clarify things, if necessary.

First, last August when the South Atlantic Committee of SEAMAP and the joint committees met, we ended up with maintaining the 1.4 million total SEAMAP funding level. For the South Atlantic, the allocation was \$365,387. The way that was divvied up was about \$60,000 for the Commission, \$34,000 was for bottom mapping activities, which last August had not been designated where they were headed yet. That has been clarified now, and it's going to come to the Commission to administer some meetings and maybe some contracts to develop the deep water protocols.

Then the South Carolina Trawl Survey, kind of the heart of the SEAMAP Sampling Program, that's the bulk of the money. From the bottom mapping line of \$34,000, the text there is wrong. I made a mistake. Ignore that text and look down at Item Number 3 when

we get there.

Three things that are happening with SEAMAP that we needed to call attention to the South Atlantic Board -- they're a little bit new and different. First of all, last year the crustacean work group, which is Item Number 2, requested to hold a symposium in combination with the Southeast Estuarine Research Society. That's going to go on February 28th through March 1st. They wanted to increase their workload a little bit and provide a little bit more direction in crustacean habitat and management issues and provide a little bit of a focus on that.

Larry Delancey is the chair of that work group and he has taken the lead on organizing this as well as getting together the information for the preceding document that we're going to build afterwards. It's a little bit of a new activity for them and something they're excited about doing. If this all goes well and according to plan, next year they would like to have a larger, more regional shrimp symposium with the crustacean society. That's going to be held in the Southeastern U.S. this year, so it would be more likely to fit within some budget items. Last year it was in Australia. So it would be pertinent and also find a wider audience. So that's the direction the crustacean work group is going to provide a little bit more benefit to science and management. I just wanted to call your attention to that.

The bottom mapping project, Item 3, had been prioritized to work on some deep water protocols. Their hard bottom mapping CD ROM has focused on the shoreline out to the 200 meter depth contour. The need has arisen for more bottom mapping information from 200 out to 2,000 meter depths. They don't have any protocols to get data that has already been collected into a standardized format, so that's really the primary task for that work group.

The \$35,000 of SEAMAP funds is going to come to the Commission to facilitate some meetings. There's a subcommittee that's being formed to gain some deep water expertise, some different sampling methodologies. There will be some meetings between now and also some contract work to test the protocols as they become developed this year. Just as a side note, parallel to this the Coastal Services Center had some 2001 year-end funds that they were able to transfer to the South Atlantic Council. It's about \$50,000. They're using that in an effort to help out basically the SEAMAP bottom mapping work, collecting and cataloging all deep water data sources; who the contact people are and what the data format is, how to obtain it. At the end I think we're going to take a little bit of an effort to say how much money would it take to actually

capture this data and bring it into a standard format. So, you need to know what's out there before you can start bringing it in. That's what that effort is really going to do. That's a little update on the bottom mapping one.

The final FYI is really on SEAMAP as a fisheries-independent data mart. The Gulf brought it up in August, the Gulf component of SEAMAP, about should they develop an ACCSP-type program to house all fisheries-independent data in a standardized format so people could go and get it in one place. There was a little confusion about whether SEAMAP was that program, or should be that program, or whether a different umbrella, shall we say, be created to do that. The management plan for SEAMAP does not clearly say whether we're a data umbrella program or whether we only manage our own data. So we're starting to have some discussions with the Gulf. The joint chairs are meeting actually in May to discuss the options as to whether SEAMAP wants to do that, and, if so, how would that proceed.

They don't have an answer right now but wanted to let the board know that we're looking into it. That's the primary info there. If there's some feedback from the board about direction, then that would be helpful.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: A question I have on this, is this being dovetailed into the discussion with ACCSP, Lisa, whether or not ACCSP is going to become a data mart, if you will, for fishery-independent surveys? It seems like this has got to be interfaced with that.

DR. LISA KLINE: We've also had similar discussions with NEAMAP. We had a board meeting last year, an operations committee meeting and they're looking at kind of a five-year plan. NEAMAP is actually built as the umbrella. Their goals and objectives are a little bit broader than SEAMAP, even though they were based on SEAMAP. So there are a lot of different discussions going on within the fishery independent programs as well as within ACCSP about who does what and how do you coordinate all these programs.

I have agreed to kind of volunteer to work with the SEAMAP group directly because I am also involved with the NEAMAP discussions and ACCSP, so we're trying to coordinate all of those discussions.

MS. SHIPMAN: Because I would hate to see us commit to one thing and that's going to be counter to maybe what the direction ACCSP is headed.

MR. WHITE: I think that's why Lisa is involved with that and the Gulf. Their data management between the FIN program and the SEAMAP program are very similar. We're making sure that the discussions occur, SEAMAP and ACCSP and FIN. Any other questions

on the items we went over?

CHAIRMAN DANIEL: Was the biologist position filled for the Trawl Survey Program? I remember we decided that would be the way we would spend that money.

MR. WHITE: Yes, the biologist position was filled. They have an extra person on board now collecting age and growth and sexual maturity information and so on. They started on, I think, two species. I think they were starting on weakfish and spot, but I would have to double check. I think the program might have been in that list.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Just in the minutes, though, on Page 4 of the joint meeting, it says the biologist was cut from the trawl survey.

MR. WHITE: They were hired in 2001, and then the money was cut out of 2002, but they were hoping to get basically volunteers to fill that spot on a weekly basis during that period of time.

MS. SHIPMAN: So that means they don't have the biologist for '02?

MR. WHITE: They were working on collecting the information. They thought they could do it. I haven't talked to Jeanne Boylan, who is the head of the trawl survey, to see what she has lined up for this spring cruise, which will take place in another month and a half. I will make a note to check with her and get back to the board on that.

CHAIRMAN DANIEL: I thought that was a done deal and continued effort and not a one-shot deal.

MS. SHIPMAN: Yes, I did, too.

CHAIRMAN DANIEL: So, yes, if you could find out the status on that for us, Geoff, we'd appreciate it. Anything else on SEAMAP? Thank you.

RED DRUM AMENDMENT 2 PUBLIC COMMENT

The next item on our agenda is to review the public comment on the draft Red Drum Amendment 2. There are some summary comments from the various meetings that were held, back here on the table, as well as some written and faxed comments that we received, an anglers' survey that Spud has we can go through. There are available over here some CCA comments that were actually handed out at the annual meeting. With that, Joe will run us through those.

MS. SHIPMAN: Can we get those CCA comments? Are there extra copies?

CHAIRMAN DANIEL: There should be copies on the -- Dick, can you grab those CCA comments that I put up there on the table for those folks that don't have them?

MS. SHIPMAN: The memo worked, we're glad.

CHAIRMAN DANIEL: That's right.

DR. DESFOSSE: As Louis said, there were two documents prepared for summary of the Red Drum Amendment 2 hearings and the faxed and written comments. The public comment period ended on February 8th. We did not receive any more comments after the deadline.

Public Hearings

I will first summarize the hearings and then briefly review the written and faxed comments. There were eight hearings held in four states, Georgia, Virginia, South Carolina and North Carolina. Detailed meeting summaries were provided for the Georgia hearings, approximately 16 pages worth. Actually, staff appreciates the hard work. There was a lot of discussion about a variety of issues outside of the creel and size limits options. These included habitat and water quality issues, jurisdictional issues, red drum biology and migration patterns, trends and angler participation and fishing pressure on red drum, the fish hatchery stock enhancement, funding for research, gamefish status for red drum and salt water licenses. A lot of this was particular to Georgia itself. In regards to any of the proposed management measures, the majority seemed to favor maintaining the liberal creel limit for the state regulations.

Based on the comments offered at these three hearings, Georgia has moved forward with starting the process for implementing new regulations through their state legislature. Susan, off the top of my head I can't remember, was it 14 and 23?

MS. SHIPMAN: 14 and 23, and we wouldn't do anything with the creel. And, actually, all we're having to do is lower the maximum size from 27 down to 23. That bill has passed the house. It's in the senate right now. It's been through the senate committee and it's on the rules calendar. We're hoping to get it out this week, but that's questionable. We're confident it will go through the session. I just don't know what week we'll get it through the senate.

DR. DESFOSSE: Staff attended two of the hearings in Virginia and South Carolina. I will start with the Virginia hearing. There was less participation and attendance actually at both of these meetings than the Georgia hearings, probably due to in South Carolina they've already gone through their process. Virginia, I don't know, we might have had bad weather that night, which held it down. In Virginia, the only comment for the record was that the CCA supported the goal of 40 percent SPR and the January 1, 2003, implementation

date. The latter was in order to provide the states with maximum flexibility for crafting the regulations. Another suggestion at that meeting was to look at a coastwide two-fish limit with one fish over 27 inches. The members of the public asked if that had been looked at by the Technical Committee, and I responded I didn't think that was an option that was evaluated. The idea of a trophy tag system was also raised for when the stock has recovered sufficiently. People are still interested in landing the large adult red drum.

The South Carolina hearing was pretty well attended. We had twenty members of the public attend and a little bit more question and answer, especially when it came to what the other states were going to do since South Carolina had already enacted new regulations last year. There was interest in knowing what happens when the 40 percent SPR target is met and exceeded. I believe the response was there were two options. You could go through the alternative state management regime process where the states could petition the management board with alternative regulations; or the South Atlantic Board may take the issue up at that time when the stock has recovered.

The importance of protecting habitat was mentioned, especially in recognition of the uniqueness of the South Carolina Barrier Island system. The CCA rep, Mr. Whitaker, read a prepared statement which is included in the document with the written and faxed comments and not attached to the hearing summary as indicated. It basically supported all the proposed measures in the draft amendment.

There were three hearings held in North Carolina. This is a combined summary of all the hearings. Concern was raised over the Commission's plan imposing new regulations and the desire to continue managing under the state FMP because it provided flexibility. Comments seemed to be split on whether to be less restrictive on the bag limit and allow one large fish, while others favored maintaining the prohibition on large fish.

Also based on the summaries that were provided by Dr. Daniel, it seemed that the comments were split also concerning the payback provision, whether or not they go over the cap in North Carolina, whether it should be a payback. There was also significant discussion about maintaining the current trip limits and not being allowed to increase the trip limits if needed through state proclamation authority.

CHAIRMAN DANIEL: Are there any questions regarding the public hearing? David.

MR. CUPKA: Let me ask Dick a question, if I may. At the South Carolina hearing, Scott Whitaker did read out a paper on CCA's position. I was just curious

whether the one we just got on North Carolina, whether that was basically the same position. Did you all kind of coordinate that among the states and pretty much have the same comment?

MR. BRAME: Yes.

CHAIRMAN DANIEL: Anybody else? Jim.

MR. JIM FLETCHER: Louis, this does not accurately reflect the comments that you've got. I don't even know whether I was at this meeting. Then you've got comments that there was a killing of red drum in the fishery for large fish in the hook and release and when they were spawning. It's not reflected here. The Division also got comments that this plan is not allowing people on the coast that have a historical utilization of the large fish for food. Our point is that we can go and kill every fish we want to, believe me, catching and releasing, and feed sharks and that's fine. But a man that's 75 or 80 years old that wants a fish for Christmas for food like he's eaten for 30 or 40 years cannot legally do it. When management will allow a fish to be killed unnecessarily for fun and not for food, the people sitting around this table need to look at themselves.

But there is a problem the way this whole plan was put up if it's reviewed by somebody else. The stocks may not be in as bad a shape, or if you change the slot limits, the size limits, the stocks recovered.

But for the people to sit around this table and allow for fish to be killed and not utilized, every one of you need to look at yourselves. If you're going to allow that -- if that fish is in such trouble that it should not be caught, then there needs to be closed areas where they spawn and where they are caught to closed fishing.

CHAIRMAN DANIEL: Thank you, Jim. I would say that, no, you did not attend that meeting in Manteo. I would also like to point out that a lot of the North Carolina comments from the commercial fishermen are very nicely summarized in the letter from Pam Morris from Carteret County that are contained in the record.

So there are some very substantive and well thought out comments presented by Mrs. Morris, and I was going to let the board know that those comments did exist as soon as Joe gets to them. But they are included in the written and faxed comments received by the committee.

MR. FLETCHER: If I may follow up --

CHAIRMAN DANIEL: No, we're going to move on to the --

MR. FLETCHER: -- this is a disservice to the public when they attend one meeting for North Carolina and then you hold another one, and you don't report what came out of both meetings to a committee like this, it's a disservice.

CHAIRMAN DANIEL: Okay, thank you.

MS. SHIPMAN: I think the point is we're getting ready to hear those if we could allow the staff to go forward.

Written/Faxed Comments

DR. DESFOSSE: The next document is the written and faxed comments that were received. There were four letters and four e-mails. The first letter there is the letter from CCA that was submitted at the South Carolina hearing from Mr. Whitaker. I believe it's similar to the one that you just received from the North Carolina hearings. Basically, it's in support of everything that is in draft Amendment 2.

The second letter was from Mr. Eugene Balance, who is a member of the Red Drum Advisory Panel. He submitted this in lieu of attending the AP meeting. The advisors reviewed the letter and made reference to it in the AP Report to follow. He offered the comment to allow one fish from 18 to 31 inches, which would eliminate some discarding in the fishery. He asked why federal management is necessary for this fishery. North Carolina regulations may appear over-restrictive without allowing the fish to be harvested over 27 inches, while six other states allow at least one fish over 27 inches at this time.

The third letter is the one that was just referenced. The Carteret County Fishermen's Association is basically against any further regulations or federalization of the fishery management plan for red drum. It points out that it's unfair to North Carolina fishermen to allow the state to manage its own fishery. It offers to eliminate all sale of fish except those by licensed commercial fishermen. It states that the proposed regulations are designed to eliminate the North Carolina commercial fishery.

The next one was a letter that was submitted for the Virginia hearing from Dr. Jim Wright, Virginia IGFA representative. It proposes to ban all netting and reduce commercial limits and allow recreational anglers a minimal limit of one or two fish without limiting size.

There's a couple of e-mails that were received. The first one, Mr. Honesty, supports the management goal of 40 percent SPR, maximum size limit of 27 inches and the maintenance of current or more restrictive commercial fishery regulations. The next e-mail supports an equal percentage of reduction by all the sectors, both recreational and commercial. It's a long e-mail and 90 percent of it is in regards to striped bass, just the first paragraph is in relation to red drum.

MS. SHIPMAN: We can defer those comments to the Striped Bass Board.

DR. DESFOSSE: Those were passed on to the Striped Bass Coordinator. Mr. Kohle sent an e-mail in suggesting to place the burden of management on the commercial sector and allow the recreational anglers to enjoy the state of North Carolina resources the same as commercial fishermen.

The final e-mail was in reference to the specific creel and size limits proposed by Georgia. He favored the five fish at 14 to 22 inches.

CHAIRMAN DANIEL: Thank you. Are there any questions concerning the written comments? Has everybody had a chance to look over those, take those into consideration in our deliberations? I think the points that were made, particularly from the North Carolina hearing, were definitely a desire to maintain that allowance to harvest 27 inch-plus fish. That is an issue that was debated over a course of about a three year public hearing process when North Carolina developed its Red Drum Fishery Management Plan.

A tremendous amount of time was spent looking into that issue and trying to come up with means and methods to reduce the potential bycatch problem in the recreational fishery, number 1, and the commercial fishery, number 2, as well as some really good work that's coming out of a cooperative effort between North Carolina and North Carolina Sea Grant, which is where there have been some informational brochures and handouts provided at the docks where these guys are putting the boats in the water to go fishing for the big drum; on proper handling methods and need for proper catch and release as well as actually handing out the fishing rigs that have been shown to reduce the deep hooking which has been shown to be one of the principal problems with mortality.

So certainly, there's more work that needs to be done from North Carolina's perspective and I think for everybody's perspective on the recreational catch and release of these big fish. I think that's a work in progress.

With that, I think that handles the public comment that we've received thus far on Amendment 2 to the Red Drum Plan. If there's no further comment or question, we'll move on to the Technical Committee and Plan Development Team Report. Spud or Joe.

TECHNICAL COMMITTEE/PDT REPORT

DR. DESFOSSE: The Technical Committee and Plan Development Team and the advisors met about ten days ago in Jacksonville. They did a lot of work on the monitoring and research needs sections of the draft FMP. I am going to pass around an updated section for monitoring and the updated compliance section which

will be explained to you when we get there. This is the problem with having meetings right before the board meetings.

Monitoring Program

MR. WOODWARD: You have in your hands Section 3, which is the monitoring program specification elements plus a few other things. This was the first attempt to try to sort of put a box around the predicament that we have to deal with in red drum.

Everybody in this room is familiar with the challenges of red drum. It's an animal whose life history makes it problematic from a traditional management standpoint, and the fisheries that are prosecuted on this animal also make it difficult for us to collect the kinds of data we need to do some of the traditional age-based assessments and those that depend on fisheries-dependent data.

The Technical Committee reviewed this and we discussed that if you look in Section 3.1, 3.2, and 3.3, it's basically looking at three different facets of red drum assessment and profiling sort of what goes on and what kind of efforts you might need to put into place in order to collect data. We discussed this back and forth, and we were challenged to try to present to the board some sort of list of priorities and some estimates of costs associated with doing this. After discussing this back and forth, what we came to as a conclusion was that the types of data collection processes that we're talking about sort of attack multiple things at the same time.

Extending from Virginia all the way down into the east coast of Florida, we've got a tremendous difference in the kind of habitats where these animals are at, where the juveniles are at versus the subadult, so there's no one uniform sampling protocol that could be put into place and be productive. You will see in the language of the draft here of Section 3 that basically what we want to do is give each state the opportunity to come back to the Technical Committee and tell us what's the best way to collect these requisite data.

The highest priority data right now -- and this was the consensus among the Technical Committee -- is that we need to have an independent measure of the environments of subadult red drum. Because with now additional disparity between the states and harvest regulations, the utility of the fisheries-dependent data is going to be even greatly reduced from what it has been in the past. Unless we have a fisheries-independent survey that we can use to estimate the relative abundance of animals present in the estuaries, we're not going to be able to use that fisheries-dependent data in a meaningful

way.

Some states already have these data collection processes in place. I know the state of North Carolina has it now, South Carolina has had it. Georgia doesn't really have it and Florida has it. It's important that those processes be protected in this fiscal environment we're in as much as is possible; and that where possible, they be enhanced to give greater special coverage. We certainly need to have these collected on an ongoing basis over time. One of the things we found out is we can't just go out and do sporadic sampling of an animal with a life history like we have for red drum and expect to get anything that's meaningful.

Another thing that we've not really been collecting on a consistent basis across the regions is a juvenile abundance index. Of course, that's a controversial thing in terms of what is the real value of a JAI in terms of a species like red drum. One of the problems we've got is the way we've been assessing the status of red drum, we don't have any real-time measures of recruitment failure. We sort of do everything in a retrospective manner. We wait four or five years to do a VPA, look back at what has happened, and we're not collecting the JAI information to be able to track what has gone on over time and give us some sort of real-time indication of what's happening with recruitment.

We know it's highly variable in terms of being able to establish any sort of stock recruit relationship over time. We're going to be challenged to do that, but we need to be moving in that direction to at least collect the basic data on it. I know in the case of South Carolina, that they had information on recruitment in terms of age-one fish that gave them a much different picture of what the status of red drum in South Carolina was as opposed to the regional stock assessment.

So in terms of priority, there needs to be in place in each state some mechanism to collect fisheries independent data in order to tune what fisheries dependent data is going to be made available to us. The MRFSS is going to continue to collect fisheries dependent data, albeit biased in terms of size. So, we've got to have this mechanism in place in these states to tune that fisheries-dependent data to also collect the information on juveniles.

The other problem that we wrestled with is right now we have no estimate of spawning stock biomass anywhere in the region. We don't have any idea what the spawning stock biomass is of red drum. So recognizing that it's unrealistic to think that we can go out and collect that kind of data because we're simply not going to have the resources, either human or fiscal, to do that, so in lieu of being able to do that, we believe that each state should periodically go out and sample

the spawning stock biomass that's in their waters to at least characterize the relative abundance of age classes and year classes as sort of a de facto measure of what the status of the spawning biomass is.

We did this in Georgia in the late 80's and saw a disturbing lack of young adult red drum in the spawning stock biomass which corroborated everything that we had been saying about for survival to adulthood. We feel that each state needs to do that on a three to five year basis, at least periodically look at what the status of that spawning stock biomass is.

Maybe as we go through the process of developing the data collection mechanisms to do that, we might be able to wrestle with some of these other issues like tagging enough adult red drum to maybe come up with some sort of estimate of biomass, that sort of thing. Plus we get the added benefit of further refining our knowledge of stock identity by tagging large numbers of adult fish. So in terms of cost, we believe that for states to be able to put into place the data collection processes that they need to collect these fisheries-independent data, we're looking at probably \$250,000 to \$300,000 a year, is what it would take.

MS. SHIPMAN: Per state?

MR. WOODWARD: Per state, that's about what most states are spending. In the past states have been able to use various sources of funding. We've been able to get some MARFIN money for just specific things. But as all of you know, MARFIN is not designed to support monitoring programs, but merely research towards that type of end.

So it's important that each state move towards putting in uninterrupted data collection processes. It's not cheap, but in the situation with red drum, if we don't collect fisheries-independent data, we're going to be really challenged to come up with anything meaningful on the assessment status of the stock.

DR. DESFOSSE: I was just going to add one thing. The language that's in here right now does not require the states to implement anything. It outlines a process by which the Technical Committee would work with states to develop their monitoring programs. Then if the board wanted to implement it, it would go through an addendum process to implement the monitoring program.

MR. WOODWARD: We do have a list of specific deliverables from the data collection processes that I will be advancing to the board in a more formal manner in terms of what will be defined as specific elements of the monitoring program. For example, the juvenile abundance index for age zero red drum, that's an example of one of the things we're looking to get.

CHAIRMAN DANIEL: Jack.

MR. TRAVELSTEAD: Your recommendations for monitoring, there's language in here that each state would do these things. Are you talking about throughout the range of the species, or are you talking about principal South Atlantic States?

MR. WOODWARD: Well, I think, in wrestling with the language of my correspondence to Lou, I used the word "significant". I think what constitutes a significant fishery is certainly up for debate, but at a minimum, the states with significant red drum fisheries, however we chose to define that should be collecting this data.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Yes, this isn't, to me, unlike what we went through with eel, trying to decide who was going to be required to do what and when. I mean, it was a difficult thing especially to put fiscal requirements on yourself. I think the addendum is the right way to go.

The question I would have of you, Spud, is prioritizing. If you've got to pick from the menu, realizing you have limited resources, do you go after the JAI first? Do you go after the spawning stock? Do you go after the long term -- recognizing you need them all, but also recognizing we're not going to have the resources in the foreseeable fiscal climate probably to do all of them.

MR. WOODWARD: One thing that I want to point out is that on the good side of the equation is that some of the data collection process that we're talking about putting into place will also provide information on other species of great interest to the state. For example, the entanglement gear surveys that are most appropriate for the South Atlantic Bight not only provide data on the abundance of subadult red drum but also spotted seatrout, croaker, spot, a host of other species, so you're getting a lot of bang for your buck when you put one of these processes in place.

But the key is putting it in place and putting it in place on a spacial scale that's meaningful and also on a temporal scale that's going to be meaningful over time. That's the challenge we've faced forever in this business is doing that and protecting those data collection processes.

CHAIRMAN DANIEL: Anything else? John.

MR. CARMICHAEL: Susan asked for JAI or spawning stock. I think for this stock, having worked on assessments, you've got to really have some spawning stock measures because most stocks, if you have the JAI, then you can start from there and grow your fish out and catch them during their life history.

But for this one, that's a big unknown when they're doing that catch. So probably the spawning stock

would be the most immediate use. It might be hard to scale it up to absolute population terms, but at least we would begin to have a relative measure.

CHAIRMAN DANIEL: Tom.

MR. FOTE: Yes, at the advisory AP, one of the questions that I asked is if we catch fish in [New] Jersey, which stock are they from and where are they from? It's a question we can't answer. We don't know if it's the northern range, or we don't know if it's the southern range when they come up on the Gulf states. The only way we're going to do that is do a tagging study of some of these fish as the fish are caught, which so far in the last three years haven't had any landings in New Jersey, or Delaware, or Maryland.

Until some of those fish are caught with tags on them, how are we going to find out what stock they're in? I mean, we're not sure, Spud. I think we asked the question we asked, and we're not even sure where the fish come from when they basically are caught in New Jersey, which we know fish are caught.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: So what do we do with this now? Does this get folded in to the document we're getting ready to go through?

DR. DESFOSSE: Yes, there's a couple of other sections that I want to review under the monitoring program, but that was the big issue section.

Section 3.4 is basically just a review of monitoring programs that are data collection programs that are in place right now, some standard ACCSP language. I did notice in one of the other commission FMPs recently that under Section 3.4.2, biological information has updated ACCSP language that we'll add into this document.

Under Section 3.5 is a whole new section on stock enhancement. I believe that you had a chance to review this at the December meeting.

Stock Enhancement

MR. WOODWARD: If I might comment on that, if you would allow me, Dr. Ted Smith and Wally Jenkins were the ones that actually composed this section of the amendment, and I certainly want to extend my appreciation to them. They are members of the Stock Enhancement Subcommittee of the Technical Committee. We are sort of branching out the Technical Committee now to deal with some of these specific issues, and we now have a Stock Assessment Subcommittee. We also have a Stock Enhancement Subcommittee. The addition of this to the amendment was strictly to let people know that we are considering the issue of stock enhancement in the context of red

drum.

You can see that the language in here is very matter of fact, and it doesn't argue the point one way or the other. It just merely lays out the body of knowledge as it exists right now and it's summarized.

DR. DESFOSSE: Also, in the recommendation section, the Technical Committee and Plan Development Team suggested a reference to the position statement on the use of aquaculture to supplement the wild population be attached as an appendix to the document. That language is highlighted.

CHAIRMAN DANIEL: Jim.

MR. FLETCHER: I haven't seen anywhere that the Monitoring Committee is looking at monitoring the contaminants in the fishery that's by age and size structure. One of the problems that we're going to face when we lead into these larger, older fish is contamination. You need to start to monitoring it now. There needs to be a chemical monitor for the fish.

CHAIRMAN DANIEL: Anything else?

Tagging Studies

DR. DESFOSSE: Okay, Section 3.7, language on Tagging Studies Program. This is language that was developed through the Commission's Interstate Tagging Committee. It's standard language that we're putting into all the Commission FMPs. The Technical Committee reviewed and suggested the bold italicized language in the second paragraph to recommend types of tags to be used on red drum and also a qualifying statement that internal anchor tags should only be used by individuals or organizations who have been properly trained in their application.

Habitat Monitoring

Section 3.8, small section on Habitat Monitoring, new language suggested by the Technical Committee and Plan Development Team, "Due to the close association between red drum and oyster reef habitats, state programs for mapping oyster grounds could be beneficial in providing habitat for red drum. Similar relationship between red drum and seagrass exists in Florida, and these areas should be evaluated as to their importance to red drum as nursery and feeding grounds".

This lays the groundwork for a proposed monitoring requirement for the management board to review in the compliance section, Section 5.1.2. If you want to turn to that section right now and see that proposed language, what is being proposed here is

certain states -- right now it's Florida through Virginia with question marks for the board to determine, "shall document and roughly characterize all areas currently closed to fishing which may provide de facto reserves for larval and juvenile red drum. Such characterization shall include an estimate of the acreage of each of the closed areas, bottom habitat type, such as mud, shell, gravel or any other descriptive information that is available. States shall provide this information within 2 years of the implementation of this amendment."

So using one of the proposed implementation dates of January 1, 2003, the information would be due January 1, 2005.

CHAIRMAN DANIEL: Any questions?

DR. DESFOSSE: There was discussion at the Technical Committee and Plan Development Team meeting that most of the information already exists, and it would not be difficult for the states to provide.

CHAIRMAN DANIEL: A.C.

MR. CARPENTER: Back on the tagging, I noticed that the investigators may wish to consider collaborating. Could that be stronger and encourage them to collaborate so that we've got some single source of data coming back, or some single source where you could go find out where all the tagged fish are.

It names the Southeast Science Center in Miami and the Woods Hole and Annapolis office. It seems to me that it's strongly encouraging that this is more appropriate and we may wish to consider.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Something like "should collaborate"? That way, it's not an affirmative obligation but it's a strong recommendation.

DR. DESFOSSE: I was going to turn to Wilson and ask him if he had any discussion.

DR. LANEY: Well, I will just ask A.C., does the last sentence in that paragraph do it for you? I mean, we said "the Interstate Tagging Committee strongly encourages programs which are implemented with connection to an agency or scientific interest", blah, blah, blah.

MR. CARPENTER: If you just made that sentence the first one.

DR. LANEY: Yes, that's fine, just switch them, that works for me. At the moment, as far as I am aware, there is a phased centralized database somewhere that is accepting data for red drum. So when we wrote this language up last year sometime when we met, we were just really starting to discuss this whole concept of, again, centralized repositories for tag release and return data. So as far as I know there is nothing for red drum.

We can explore various and sundry possibilities. Most of you are aware that the Service's Annapolis

office does maintain data for striped bass and Atlantic sturgeon. So, theoretically, I guess you could add more species to that mix. I know that John may want to speak to the Southeast Fisheries Science Center, primarily billfish tagging database, I think, isn't it?

MR. MERRINER: That was part of the original exception, but there are multiple species involved in here as aid-to-tagging purposes.

DR. LANEY: So the possibility certainly exists that if a coastwide red drum tagging program is initiated, that we could find a home for the data somewhere and maintain it in a centralized location.

CHAIRMAN DANIEL: Ken and then David.

DR. KENNETH HADDAD: On the monitoring requirements, I am trying to grasp the intent of the first sentence. Is this mainly aimed at bycatch issues?

DR. DESFOSSE: Under 5.1.2, the first sentence? I think it was identifying those areas that are closed to the fishermen right now, such as military bases, any other areas that may be closed for other reasons that are acting as reserves or could be acting as reserves for red drum, as opposed to looking at implementing new marine protected areas as a reserve for red drum.

DR. HADDAD: I guess my point is there may be a lot of reserves for larval and juvenile red drum that aren't actually totally closed to harvest. If there's no netting and no trawling, for example, you would expect for juvenile and larval fish, it's pretty well reserved. So some clarification on how that thinking is.

MR. WOODWARD: Most all of our primary nursery areas are open to hook-and-line fishing, but they're closed to bottom trawling, bottom-disturbing gear, that type of thing that would impact juveniles and larval red drum.

CHAIRMAN DANIEL: David.

MR. CUPKA: I have a question I guess for Spud. I will have to go back to the section on stock enhancement. Can you tell me how many people are on this Stock Enhancement Subcommittee, and who they are?

MR. WOODWARD: It's Ted, Wally, Mercer [Mike Murphy] and myself right now.

MR. CUPKA: In reading this position statement, I find it hard to believe that's something that Ted and Wally --

MR. WOODWARD: Actually, that position statement in the appendix was drafted by the Atlantic Coast Red Drum Assessment Group in 2000. It was not drafted by the Stock Enhancement Subcommittee.

MR. CUPKA: Doesn't it say in the document earlier --

MR. WOODWARD: Yes, that's incorrect. That was drafted by the assessment group operating under

the Council.

MR. CUPKA: That needs to be clarified, but I guess what gives me more concern is the whole flavor of the statement, because I can tell you we've done some stock enhancement in South Carolina and we're getting ready to do a lot more. That was one of the main selling points in our legislature this year, when we just increased our salt water license fees, was to take some of that money and use it for stock enhancement activities.

I guess the whole, like I say, the flavor of this statement kind of concerns me a little bit. I just couldn't imagine particularly Ted and Wally having to agree to something like this. It needs to actually reflect that it's not a statement from the Stock Enhancement Subcommittee, but rather the assessment group. It already seems like there has been some contention there between those two groups anyway as to whether you should or shouldn't, or it's good or it's bad.

I know the concern of the assessment group is that stocking is going to have an impact on some of the things they're trying to do in terms of assessing the wild stock and all. But, I don't know, it just concerns me a little bit to have something like that in there, because I can see it happening irregardless.

MR. WOODWARD: Well, it certainly needs to be clarified as the point of origin of that position statement. It was the assessment group.

MR. COLE (Vice-chair): Are there any more questions on these documents? Yes, A.C.

Law Enforcement Reporting Period

MR. CARPENTER: Under the monitoring section, the law enforcement reporting date period is April to March. I am assuming that the compliance report dates are for January to December.

Is there a particular reason that we have different reporting years for law enforcement versus the regular report, or has anybody looked at the schedule of years for law enforcement reports? Are they all April 1 and March 31 for the law enforcement reports or are we creating a new spot that's got a new date and a plan that wasn't there before?

DR. DESFOSSE: Most likely the latter. The thought was to have the compliance reports due in the spring prior to the starting of the fishing season. So April 1 -- actually, it says May 1 -- it should be April 1 for the compliance report date.

MR. CARPENTER: Okay. But for the law enforcement they're reporting once a year, which was not a calendar year.

DR. DESFOSSE: But it would coincide with the

compliance report date, April 1.

MR. CARPENTER: My point is that if your entire report for a species covers the same period of activity, you may find it easier in the long run to compare this year's data with last year's data with next year's data as you're getting in from the states.

But if you have half of the report on a calendar-year basis and another part of the report on a first-quarter basis, something else in here for another species thrown in some other place, we've got enough dates that I can't keep track of which reports are due when and for what year.

We found out yesterday in the Sturgeon Plan that you're doing a two-year reporting period. Come on, let's get some consistency in these reports.

DR. DESFOSSE: I think about two years ago we were trying to get away from having all the compliance reports due at the same time because that was a burden, so we started spreading things out. Now what I am hearing is that you would rather have them all at the same time.

MR. CARPENTER: But should the annual compliance report also be on the April 1 to March 31 year? Should it be on the fishing year, or is it on the calendar year?

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: A.C., I think it almost has to be on the calendar year because these reports are going to be so dependent on MRFSS wave data, and we've got to have enough turn around on those data and, what, they're lagged at least a wave for the previous wave. So I think April 1, we would be able maybe to get through the wave six which would end in December. But I would divert to Lisa or Joe, or somebody that's familiar with MRFSS because that's going to be the bulk of the landings we're going to be reporting.

But I agree with you, the law enforcement needs to be on the same calendar, and that just needs to be a part of the compliance report. It needs to all be one report.

CHAIRMAN DANIEL: David.

MR. CUPKA: I want to go back to stocking. This thing is continuing to bother me. I think we need to do one of two things. We either need to get a position statement that reflects the position of the Stock Enhancement Subcommittee, or we need to put a period in that sentence after "enhancement", correct the rest of that sentence and take that position statement out.

MS. SHIPMAN: Where are you, David?

MR. CUPKA: I am on Page 6, Section 3.5.5; the highlighted wording there on the bottom. My preference would be either to put a period after "enhancement; the Red Drum Stock Enhancement", period, and take out what to do to the position

statement, or take out that position statement.

Let's get a position statement that reflects the position of the Stock Enhancement Subcommittee. Let's not put in this position statement from the stock assessment under the stock enhancement. Because I can tell you it's going to lead to some problems, I think, in our situation. Do you need a motion to do that, Mr. Chairman?

CHAIRMAN DANIEL: That would probably be best.

MR. CUPKA: Well, let me ask Spud first. The Stock Enhancement Subcommittee, do you think they would be able to put together a statement on stock enhancement, or would it be better at this point to amend this statement and later on develop a statement, if that's what the subcommittee wishes to do?

MR. WOODWARD: I think this whole situation is sort of representative of the predicament that we're in in terms of the contentious nature of this whole issue. I would say that the Stock Enhancement Subcommittee could certainly have a different language to their position statement that would be a little less severe, maybe. We're sort of in the infancy of that whole subcommittee function, but we can certainly do that.

MR. CUPKA: I guess my question is would we have time for them to do that, to put that position statement in this document and look at it, or would it be better, since we're so close to approving this document, to just put a period in there and come back later on and see if we can get a statement out of them?

MR. WOODWARD: We could probably have a position statement, a very short one, I am sure, from our group, the Stock Enhancement Subcommittee. If that's the desire of the board, we can certainly do that.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: It seems like there are two issues here and they've got to be reconciled. You're got concerns of the assessment group, which are very valid. You've got issues of the Stock Assessment Group that are valid, and I think the two have got to get together and come to some sort of consensus approach.

Maybe what we should do is put the period after "enhancement" and say something to the effect of "The board has requested a position statement on the responsible use of aquaculture to supplement wild populations", or something like that, and then task the two groups to get together and see what they can come up with.

MR. CUPKA: My only concern with that is I think this has already happened once, and the stock enhancement group were outnumbered on this group and got outvoted, I believe.

MR. WOODWARD: Well, actually, when we

drafted this position statement that's in this appendix, there was no Stock Enhancement Subcommittee. It didn't really exist.

MR. CUPKA: But the people that were on there that represent the stock enhancement interests are by far in the minority. Those are some people that eventually got put on the Stock Enhancement Subcommittee, like Ted and Wally. I know Ted contacted me when it first came up, and he was very concerned about it.

MR. WOODWARD: Well, I am not sure how easy it is going to be to reconcile this problem that's in -- you know, any time we do anything that further confounds our ability to assess the wild population, it's going to be a problem. As I was speaking earlier, I mean, we barely have the data collection process that's in place now in some states; and then when we add this into the mix, it just means we have to go another step farther to be able to discern, you know, is this a hatchery river fish, or is this a wild fish?

So it's going to be a tough thing to come to an absolute consensus amongst the scientists on this issue. I am not sure we ever will. We certainly need to fairly represent both sides of the issue, I will agree with that, which is the purpose of having the Stock Enhancement Subcommittee, so it wouldn't be glossed over by one side of the argument. Myself, I am in the middle of it, and now I am trying to -- the realistic way of looking at stock enhancement is if it works and it has merit, the benefits outweigh the cost, it's another tool in the toolbox, put it in there and go with it.

MR. CUPKA: I just know that our director, John, has made a commitment to two members of the legislature that we were going to be doing this. So I hate to see anything in there that is going to create problems for us along those lines. It's coming to South Carolina, and I don't necessarily agree whether it's the best thing or the right thing, but I can tell you what's going to happen, so that's my concern on the thing.

MR. WOODWARD: We'll do whatever the pleasure of the board is. I will task the subcommittee --

MR. CUPKA: Maybe **my motion would be that we put a period after the word "enhancement" and strike the rest of that sentence and take out that position statement; and then the board request the stock assessment group and the stock enhancement group to revisit this issue and come up with a position or a recommendation position statement that more accurately reflects everybody's concerns.** I would so move that.

CHAIRMAN DANIEL: Is there a second to that? **Second by Bill Cole.** First, I had John Merriner, then I have got Gregg, and we're going to have to move this along or we're not going to get through everything even

with an extra 45 minutes or so.

DR. MERRINER: Brief comment not explicitly to the motion, but it is to make reference to the Management and Science Committee. If I recall correctly -- Lisa may have it more readily in her memory than I -- there was an Aquaculture Committee. There was a paper on aquaculture that was addressing it for the committee as a whole. It was addressing aquaculture both as a commercial entity and being able to identify a cultured product from wild stock product.

I think they also addressed the issue of stock enhancement with culture for any species that was coming under management. So part of my question relative to the motion would be whether or not there's even a need to explicitly mention the application of the tool rather than make reference to aquaculture as an aquaculture white paper guidelines or something like that.

It's what we call "white paper guidelines", or something like that, that the Commission has already in its toolbox. It specified some of the aspects, pros, cons and things to think about when you try to undertake a stocking program for enhancement or a grow-out operation so that you have them straightened out in the product stream for your marketing.

MR. CUPKA: Well, certainly, if those two groups get together, they ought to be aware of that paper and use that in their deliberation.

MR. WOODWARD: As a matter of fact, I will comment on that. The other task that the Stock Enhancement Subcommittee has is to develop the guidelines and protocols for use of red drum so that if a state elects to develop a stock enhancement program, that they will be using certain guidelines for brood stock management and that sort of thing, and those are directly going to come right out of the same language that is in that document and has been used.

CHAIRMAN DANIEL: Gregg.

MR. WAUGH: Just a question about the motion. Is that work of those two groups going to be dealt with in the next addendum, or would the intent be to have that folded into this one?

MR. CUPKA: That's what I was trying to get at earlier. I asked Spud of the timeliness of it, whether it could be incorporated in this or would it have to be in the next one. I don't know that.

CHAIRMAN DANIEL: Well that gets back to a question that Joe and I were talking about this morning, and that is are we going to put the final approval on this document today and are we going to give staff editorial license; or are we going to wait and put final approval on this at our next meeting?

I know what I prefer, but I don't know what the

board wants to do. If we do wait, then we'll have that in front of us at the next meeting. If not, what we need to do is have that position statement, or whatever we call it, faxed out to us for review so that we all have a chance to look at it and perhaps we can approve it through a technical or a conference call or something like that, to have it incorporate into the document that's been approved. I am not sure which tact we want to take there. Susan.

MS. SHIPMAN: My only thought, I mean, we've been trying to get this amendment done for two years and I would really hate to slow this thing up to work this out. I would rather handle it in an addendum. I would rather adopt the nuts and bolts of this amendment today so that we can come back and put the very final touches on it in May, take it to the commission for adoption in May. That's my preference.

MR. CUPKA: I agree with Susan. We do need to move it along, but, again, this is an important issue, but I don't want to hold it up for that. It may not be resolved in time, anyway, and it's going to be an issue that continues, I think, and be discussed and cussed and everything else.

CHAIRMAN DANIEL: All right, we have a motion on the floor to take the bolded language in Section 3.5.5, Page 6 of the Monitoring Program Specifications and Elements, to put a period after "red drum stock enhancement", and strike "which produce the position statement on the use of aquaculture" and so forth, and direct the assessment and enhancement groups to get together and construct a position statement. Is there any further discussion on that motion?

MR. CUPKA: And the other part was to strike the position statement, also.

CHAIRMAN DANIEL: Right, and strike the position statement. Is there any --

MR. SHEPARD: This thing that's in here has an appendix, and it disappears also?

CHAIRMAN DANIEL: It's gone, yes sir.

MR. CUPKA: Hopefully, to be replaced.

CHAIRMAN DANIEL: Is there any further discussion on the motion? **Is there any objection to the motion? Seeing none, the motion is approved.** Thank you.

DR. DESFOSSE: There's one last thing to update the board on. The Technical Committee and the Plan Develop Team reviewed the research needs, Section 6 of the document. I do not have copies of that here. It has been updated and prioritized. I will send that out to the management board so that they can review that, as well.

CHAIRMAN DANIEL: All right, that will move

us on to the Advisory Panel Report. I will turn it over to our Advisory Panel Chair, Sherman Baynard.

ADVISORY PANEL REPORT

MR. BAYNARD: Thank you, Mr. Chairman. I will make this as brief as possible so that we can move on to other business. I do want to indicate the AP's support of the Technical Committee meeting with the AP, either a representative or the AP and the Technical Committee together. It offered us a real opportunity to be able to understand many of the issues better and gave the Technical Committee an opportunity to get comment back to them from the actual fishermen. So it's a valuable tool in whatever form it takes.

In your written statement summary, you indicated a list of items in which we exchanged ideas and discussed. Then the Advisory Panel went into the draft document in that the Advisory Panel does support the objectives of the amendment.

There was commentary sent in by Eugene Balance from North Carolina, and I have copied part of that in Item 1. In addition to that, I had received two other comments that were not included in the document. Both are from recreational components of the Advisory Panel; one from David Dietzler. He raised the concern for catch-and-release mortality on large red drum in North Carolina which had been discussed at the AP and technical meeting. Another was from Carl Cooper from South Carolina who also raised the issue of mortality from catch and release. Each were different. The North Carolina concern was over large red drum in a fishery that's taking place in various river systems in North Carolina.

Carl Cooper was concerned about the catch-and-release mortality on red drum in large schools during the winter time that are isolated and have repeated activity on them. He described his belief that it would be similar to taking an individual off the street and putting them in a boxing match and doing it every three days continually for a long period of time. He feels it has a detrimental impact of probably chronic mortality.

The AP, under Item 2, didn't have a preference for time schedule. Whatever the board thought was appropriate was our belief would be fine. We did discuss the need for the assessment process, how important it was to the management. Because of that, we have taken it upon ourselves to have each member of the AP from Virginia to Florida send a letter to each ASMFC Commissioner from their state asking that those Commissioners support an effort within their state to gather data. That has been done. I don't know

whether the letters have gone out. Once I sent them to each individual advisor from those states, it's up to them whether they get them sent out. I did everything in my power to make it as simple as possible. All they have to do is sign it and lick it.

The AP recommends the board consider de minimis status for New Jersey, Delaware, Maryland and the Potomac River [Fisheries Commission]. It's based on the requirement that each state's yearly landings of red drum be 1 percent or less of the northern region's yearly total landings, and that each state be required to provide documentation of yearly landings of red drum. The AP also recommended that those states with de minimis status be allowed to establish a creel and size limit of one red drum per day per angler of 18 inches or greater. I'm sure that Tom may comment when this is over, but as the commentary underneath in italics shows, there were issues that some states don't have red drum available to them of 27 inches or less, and that the current recommendation that all size limits be 27 inches or less would take them out of a fishery.

We also recommended to the board that they request the Technical Committee conduct a separate bag and size limit analysis of the northern region to evaluate the effects of fishing mortality reductions by North Carolina. We had extensive discussions among ourselves and with the Technical Committee members, and we want to make sure that the board notes that the evaluation was based on the current 2002 commercial trip limits for the bycatch of red drum.

And "bycatch" was an important word which includes a seven-fish daily limit within the approved slot. It was the belief of the AP that the difference between the tables allowing recreational creel and size and seasons was apparent to the recreational fishing public and a concern. It was hoped that we could get the two regions to closer regulations where the northern region may not be penalized for mortality that is not occurring. The North Carolina commercial fishery is a large component of the mortality in the northern region. Current regulations may actually reduce some mortality from a level that was used in development of that table. It was based on the full cap of 250,000 pounds or more landings. North Carolina believes that will be much lower.

There was one other item that's not listed. The AP supported non-mandatory management measures for all states from New York to Maine. So that's the end of my report. Thank you. Are there questions?

CHAIRMAN DANIEL: Questions? Jack.

MR. TRAVELSTEAD: Sherman, let's go back to Number 4 where you talked about the de minimis states. You're recommending a one-fish creel limit for those

states, 18 inches or greater, including one that can be greater than 27?

MR. BAYNARD: Including one that can be greater than 27.

MR. TRAVELSTEAD: How can you possibly justify that when a state like Virginia, which is right next to the Potomac River, would not be de minimis; and yet under this management plan, we couldn't have any fish over 27, and we'll probably only be allowed to have two between 18 and 27.

MR. BAYNARD: That would be for the board to decide. That's why you're management.

MR. TRAVELSTEAD: You understand my point, then?

MR. BAYNARD: Yes, I do understand your point. That point was briefly discussed, but still the feeling was that the implication of those states that would have little impact on the condition of the stock should be given relief.

MR. TRAVELSTEAD: I guess my point would be if you're saying it's all right for these de minimis states to have some minimal quantity of fish over 27, then why couldn't all of the states share in that minimal quantity?

MR. BAYNARD: I think this raises an issue that is a valid argument for not allowing this. Whether that argument can carry within the management regime, I don't know. Bill.

MR. GOLDSBOROUGH: I think I can read something into the AP recommendation on this just from familiarity with the discussions. They're noting that as you get to the northern limit of the range of this fish, all you have is big fish. You don't see any of the smaller fish. The rare occasion when a big year class comes through, the range of the smaller fish might move up a little bit, but there would be no fishery if there was a 27-inch maximum.

So as you go further south and you get to a point where you have a fishery within that slot, I am sure that wherever you draw a line like that, you're going to have issues back and forth right at the line. That's just the nature of the beast.

MR. BAYNARD: I want to take Susan and Tom.

MS. SHIPMAN: My question is sort of following up actually on both of those points. Did you all discuss how that recommendation impacts the ability to achieve Objective Number 4, which is to restore the age and size structure of the Atlantic coast red drum population?

Did you all discuss it in that context? Also, I think you said you all supported a recommendation to the states actually north of New Jersey to not allow over 27 inches. How do you all rectify that?

MR. BAYNARD: That was an issue, because it would seem inconsistent to then ask the states. But the

belief for the northern states in non-mandatory was that they did not have a fishery themselves that existed, and that effort was simply to impact a potential development of a sales point for fish of larger size.

MS. SHIPMAN: But they could get the fish from the states just to the south of them that we're going to allow that one fish over 27. I just see some inconsistencies here.

MR. BAYNARD: Yes. Was there another portion to that question?

MS. SHIPMAN: No, there was just those two. I am struggling with this.

MR. BAYNARD: Tom.

MR. FOTE: I guess since I brought up the motion at the AP, maybe I should explain what was going on. Basically, we look at Maryland and Delaware, Potomac River and New Jersey, there is no MRFSS data. We didn't have any catches in the last couple of years on red drum at all and no landings, if you're looking at the table that's in the book. I know there were catches last year, a couple of catches. We're trying to dig up the data because they were weighed in the tackle stores.

My concern is if we make the size limit up and above a slot limit, what's going to happen because of the rarity of the catch is that the fishermen are not going to know what's going on. He is going to bring a fish into a tackle store to basically get it recorded. "I've got this red drum." He says, "That's nice, but by the way, you're over the slot; get it out of the store," and we're never going to pick up any of the landings".

Well, my suggestion is whether you make it 50 fish or 100 fish, we're not going to impact the resource at all. If you go to the Secretary of Commerce saying, you will be out of compliance and you're basically going to affect the resource. You're basically putting a size on them, you're basically putting a moratorium on the fishery because the only fish that we've seen in New Jersey in the last -- that I have seen in the last 15 years have been above the 27 inch.

We're not only going to kill fish, but what I am looking to do is to get data. What Bruce and I had talked about is that we make slips available to the tackle stores, basically, set up a plan that we at least do some voluntary monitoring on what's being caught, especially in Beach Haven and Barnegat. They had historical fish for this fishery. We actually had commercial landings going back years ago. We don't see anything right now.

MS. SHIPMAN: What were the size of those fish?

MR. FOTE: There were some big ones and -- big fish. Joe, do you remember the size of them? There's a statement in the --

DR. DESFOSSE: I want to say 25 inches and above. It was under the 27 inch -- they were fish

coming out of Barnegat Inlet. I had conversations with Bruce, and they seem to be four- or five- year- old fish leaving Barnegat Bay.

MR. FOTE: We're not even sure where the stock is, whether it comes from New Jersey, whether it comes from another area, whether they're spawning in Delaware Bay or the Barnegat. We forget that in 1900 we basically used dynamite to kill black drum and red drum in Barnegat Bay because they were basically eating oysters. I mean, that was fisheries management back then and we never -- I mean that was back in the 1900s. It's not that we didn't want the fishery. What I want to do is be able to record the data in those states where the fishery expands.

If you put a system in place to do that, if we don't work together, we're not going to know if people are just going to bring landings in and say -- I mean, law enforcement, it's just really difficult. And you to go to my Governor and try to sell this where there's other states catching 85,000 pounds commercially, basically having problems, but they're actually catching fish, and here we've got to basically shut New Jersey completely out of the fishery, the same thing with Delaware, the same thing with Maryland, when we're having no effect on the fishery. That's what my concern was.

So that was the concern here, and, again, penalizing the people that aren't causing the problem. I am trying to get the information necessary to record the landings because basically you put a slot limit, the law is going to be broken. People are just not going to realize it, and I am not going to get any data for New Jersey. That was our concern.

MR. CONNELL: We might as well beat this one all the way through. I was going to save my comments for later, but since it's the topic on the floor, the executive summary of the draft that you have indicates that in Amendment 1, it was expected that additional harvest restrictions would be required, quote, in some areas to meet the ultimate goal of the original FMP.

Obviously, New Jersey is a small player; we're the smallest player. The catch has absolutely no impact on your stock status. It's not going to have any impact on restoration. If you impose strict regulations on such small players, at this time you're going to eliminate the fishery and, therefore, eliminating for that very small group of fishermen a unique fishing experience, since there is only a very occasional red drum caught in New Jersey.

We don't even have a commercial fishery, anymore. I think this is the right direction to go, and I think, to answer one of Jack's concerns, the way it can be easily handled is the way we handle the situation in scup. Under similar circumstances, it was agreed that states

south of New Jersey should not have to impose additional restrictions. Delaware, which is side by side with New Jersey, falls into that category. We've handled it quite well. It's working. We feel there was no reason to impose upon states that have absolutely no impact on restoration of the fishery additional indications. Therefore, I support this and certainly intend at a later time in the meeting to make a motion.

MR. BAYNARD: Louis.

CHAIRMAN DANIEL: I was just going to make a quick statement in that this board discussed the trophy tag option. I believe that catching the large red drum, particularly catching a large red drum in the surf is a unique experience for anybody, whether they're from Florida or Rhode Island. I don't think just because they're from north of Virginia, that makes it any more of a unique experience other than the fact that it's a rarity. It's really a rare event for a lot of people. I don't see it as being penalizing anyone.

Our goal here is to restore the age and size structure of the population and the geographic range. But most of the commenters have said that there used to be a fishery up there, but there's not any more. That might tell you something.

The principal issue in my mind is on the trophy fishery, North Carolina and northward, is that as you move further north, you encounter the largest, oldest individual of any particular species. So what would be harvested in the extreme northern extent of the range would be the largest and oldest fish. That's where those fish have the opportunity to expand the range, and we have the opportunity to see more larger, older fish. So if we want to take out the largest, oldest fish in the population, particularly in the northern group, which I believe that most folks agree that those fish probably do come from the northern group and they're not coming from some circuitous route from the southern group, that that's the way to protect them, is to not allow the harvest or possessions of anything over 27.

Now, if we wanted to go back and start discussing the trophy tag system where we will allow North Carolina folks opportunity to trophy fish, Florida folks opportunities to trophy fish, New Jersey folks, but we've had this discussion, and I think we agree that this board wanted to send the message that these larger, older fish were important to this stock, and that we are going to protect them. That was the decision we made early on.

MR. BAYNARD: Tom.

MR. FOTE: Maybe in New Jersey, since we don't see any smaller fish, the idea would be never to catch your slot limit fish and basically protect them until they grow to a certain size so we can see them in the northern range. What we're asking for is not two fish;

we're after five fish. Right now, we have five fish at 18 to 27 inches, and we have one above. Now, it's going to be interesting to change the regulations, whether we get them in place or not this year.

What we're saying, we could have gone to one fish, commercial, recreational, one-fish bag, and some of the states have the same commercial/recreational bag limit, just so we have an opportunity to collect data. We've done this in numerous other plans, the scup plan, blackfish. It seems the line gets drawn in New Jersey all the time, and it's all we're asking is for one.

Now, the only reason that New York and further north basically didn't ask to be included in this de minimis status is because nobody from their states even came to the meeting because it's something out of the Florida fishery. So there are no advisors, as you noticed, because they're all at the lobster meeting. They're not sitting here right now. So it's a concern why fishermen in New Jersey, say, "Well, I wanted to bring back an historical catch of big fish, and look at big fish. I mean, you want to go through those lines. That's the way you can look at it.

MR. BAYNARD: Bill.

MR. COLE: I guess it's a question to Spud. Spud, Tables 19 and 20, do they account or is there any way that the current assessment can be accounted for the concept of one fish over 18, or do these require total recalculations? Well, first, would it require new calculations?

MR. WOODWARD: Yes.

REVIEW OF DRAFT AMENDMENT 2

CHAIRMAN DANIEL: All right, we need to move into the amendment. Thank you, Sherman, I appreciate that. Unless someone has an objection, what I would like to do is I would like to work from the actual document, but essentially go through the Executive Summary and go through each of the sections. If we could have some folks with motions or substitute motions or whatever ready to go, what I would like to do is start on Roman Numeral Page III.

MS. SHIPMAN: Louis, could I make a suggestion?

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: Why don't we just move the document and only take motions if we want to change something that's in here, rather than reaffirming everything we've already done?

CHAIRMAN DANIEL: That's fine. Then what I will do is I will just briefly go through the sections that I think could have comment. If anyone else has a section that they would like to discuss, they can bring that up.

But essentially, we've got the statement of the problem and the goals and objectives and the management unit, the overfishing definition, which I believe we've all -- Gregg.

MR. WAUGH: Just one question for clarification under the goals. The current approach uses the escapement rate as a proxy for SSBR. The intent here is to use the escapement rate as a proxy for this 40 percent SPR, so you will be aiming for a 40 percent escapement rate?

CHAIRMAN DANIEL: Correct. We've gone through and discussed the monitoring programs, specifications and elements of the new section that were provided by Dr. Desfosse. That's also discussed later on, so I think we'll take those up on the implementation schedule. David.

MR. CUPKA: Okay, you're going to come back to the implementation schedule?

Recreational Fisheries Measures

CHAIRMAN DANIEL: Yes sir. All right, that leads us right into the management program elements. First, we'll take the Recreational Fishery Management Measures. If anyone would like to change the existing bag and size limits and maximum slot size limit provisions, speak now. Jack.

MR. TRAVELSTEAD: I just have a question.

CHAIRMAN DANIEL: Yes sir.

MR. TRAVELSTEAD: There was a fair amount of public comment on this trophy fish issue. Perhaps Spud could respond to this. Is there any scenario possible where harvest of fish over 27 inches could be allowed, and we would still, along the coast, meet the 40 percent target?

MR. WOODWARD: I would say that you give them the levels of a specific fishing mortality that were used and calculate the bag and size limit analyses, at least for the southern region it would be very difficult to allow any harvest of fish over 27 inches and still have 40 percent escapement.

With the nature of the fishery, you gain a lot more by protecting those fish that are three and four years old that are right on the verge of recruitment to the spawning stock biomass than you do the small fish. Even if you try to compensate in the slot, I am not sure -- I mean, you would end up with extremely restricted slot size limits to the point of maybe only having like a two- or three-inch slot to allow that one fish over 27 inches. Without a whole another level of analyses, it would be hard to say, but that's what I would think would be the case.

CHAIRMAN DANIEL: John Carmicheal.

MR. CARMICHEAL: I think, Jack, essentially, if you're going to achieve more than 40 percent to the population as a whole, and you're going to allow some harvest of those older fish, you're going to have to achieve more than 40 percent on those fish up to that size.

You might have to achieve 45 or 50 percent. Who knows what the answer really is because we don't have enough information, but, logically, you can see if you're going to take off some of that at the top, you've got to let more get to that level, so you might have to increase your lower target.

MR. WOODWARD: We have to be extremely judicious about how many fish over 27 inches you allow. I mean, you would have to model all sorts of scenarios because it can very easily, if it went a little too far, more than -- what John is referring, to the extra SPR, or extra escapement.

CHAIRMAN DANIEL: Any other discussions on the recreational management measures, Section 4.1?

MR. CONNELL: Joe, just a clarification. Will we be discussing de minimis later?

CHAIRMAN DANIEL: Yes.

MR. CONNELL: Then I am going to make the motion -- and I can't speak for another state -- but I am going to make a **motion that the state of New Jersey be allowed to establish a creel limit and size limit of one red drum per day per angler of 18-inch length or greater**, just one fish.

CHAIRMAN DANIEL: Is there a second to that motion?

MR. CONNELL: **In both the recreational and commercial fishery.**

CHAIRMAN DANIEL: Is there a second to the motion? **Seeing none, the motion dies for lack of a second.** Susan.

MS. SHIPMAN: I was going to say it would seem to me we need to have the numbers cranked out to make sure we can meet that 40 percent by doing that, were that to be the case.

CHAIRMAN DANIEL: I think we also have to go back -- and I understand the New Jersey perspective on this issue. We discussed the North Carolina Plan and our desire to have a trophy tag system. We all agreed that we would look at that once we were no longer overfishing.

We would come back hopefully in Amendment 3, develop some type of trophy tag system to where we could do what the Technical Committee has recommended, which is get some kind of handle on SSB and the age structure of the population. It may be some type of a coastwide trophy tag system that would -- or at least for the northern group, or for the southern

group, have some mechanism to go out there and look at the age structure of that population to see if, indeed, it is restoring as we are hoping.

I don't think that's something we need to do every year simply because we're talking about a fish that lives to be 60 years old. We should be able to get a snapshot every four or five years to give us some kind of handle on that. That was the discussion that we had.

MR. CONNELL: We'll look forward to further consideration.

CHAIRMAN DANIEL: Yes sir. Bill Cole and then Tom Fote.

MR. COLE: For clarification, Mr. Chairman, would not Section 4.5, Alternative State Management Regimes, ultimately allow a state such as New Jersey, if it had the data, to be able to bring forward an argument that could be considered that would amount to the same provision?

CHAIRMAN DANIEL: Yes.

CHAIRMAN DANIEL: Tom.

MR. FOTE: If we don't catch any fish, if we don't have any recorded landings and we do have 40 percent savings on the reduction -- I mean, this is going to be very hard -- what I will go back and recommend to my state is that we do not implement these regulations; that we go out of compliance on this, because it just really is totally ridiculous.

I will basically get the support. Then we will go to the Secretary of Commerce and say, "Do a non-compliance". I don't usually make this type of trip. This one is just so egregious where you put out lines all over the place for other fisheries and you accommodate -- when we look at de minimis status -- I remember when we did our weakfish, we let Florida stay at an 11-inch size on weakfish because it was mixed up in their other spotted, speckled trout fishery, and we thought it was -- and that catch was worth 100,000 fish.

We're talking about states that have no catches. I mean, I hate to be threatening, but this is just how it looks to the north. You're just taking no consideration, whatsoever, for our fishery.

CHAIRMAN DANIEL: Susan.

MS. SHIPMAN: I think we're taking it into consideration, Tom. I appreciate what you're saying, I do. This is a very overfished stock. It's a very long-lived fish. It's very different from weakfish. I mean, you're talking a fish here that lives 40-50 years old. And when the Council developed the fishery management plan, we had considerable discussion and documentation brought forward that historically there was a fishery in the mid-Atlantic and it did consist of smaller fish.

I think we're trying to achieve Objective 4 here, and

I think with time you all will be able to take some of those larger fish. But I think we've got to recover a severely overfished stock of a fish with a life history that's different from some of the other fisheries we've dealt with. I see it as a little bit different.

CHAIRMAN DANIEL: Thank you, Susan. Any other comments or questions on Section 4.1? Joe.

DR. DESFOSSE: Just in reference to Table 19, I have contacted Doug Vaughan to let him know that we would be asking him to rerun the numbers and work with Lee Paramore to make those adjustments based on the new North Carolina regulations. That information will be sent out to the states as soon as possible.

MS. SHIPMAN: While we're asking him that, can he do a run for fish over 27 inches?

CHAIRMAN DANIEL: That has been confounding forever, using those big fish and a lot of that stuff --

MS. SHIPMAN: It may not be analytically possible, but in deference to New Jersey' interests here, let's do ask that.

CHAIRMAN DANIEL: Anything else under Recreational Management Measures? If not, we'll move through to Commercial Fishery Management Measures.

Commercial Fisheries Measures

In there it would avoid the establishment of any new commercial fisheries for red drum, and all states would be required to maintain their current level of restrictions, no relaxations. The states could be more restrictive, but they could not be less restrictive. It has a size limit section which would prohibit the harvest and possession and sale of fish over 27 inches and require states to maintain their current commercial trip or possession limits. Those are the principal commercial fishery management measures. Pres.

MR. PATE: Thank you, Louis. I think there are some points of ambiguity in the text on Page 91; further elaboration on these management measures that need to be clarified before the plan is approved.

In Section 4.2 there's a reference to the management measures that are listed in Table 1 as being those which will be the baseline for future management measures for commercial fisheries. Those are not correct for North Carolina and need to be brought up to date.

As compared to the language that's in Section 4.2.2 where the statement that we have been working in the last three years on the self-imposed trip limit ranging from 100 pounds to five fish; in the very next sentence it says, "The current trip limit in North Carolina is 7 fish on a daily basis", and that isn't consistent. Within that

paragraph, it's not consistent with the information that is in Table 1. I also have some concern about the way that the provisions of Section 4.2.2 limit the flexibility that we have in adjusting trip limits.

One of the big arguments that we had, or one of the big points of discussion that we had in development of our state plan was over the 250,000 pound cap placed on our commercial fishery. For those of you that are not familiar with that provision, that was seen as the historical high of commercial landings in North Carolina and thought to be the historical fishery that needed to be maintained under our state-adopted plan. We had to go through several iterations of the regulations of the management measures to get comfortable with the program that keeps us below that cap. We made adjustments over a three-year period, and this last year we actually achieved our goal and kept the landings down to 145,000, approximately, which I think is a reasonable reflection of what the bycatch fishery in North Carolina truly is under current population levels and probably even under expanded population levels, considering the way things are happening in our state and other fisheries.

But one of the big, big points of interest to the commercial fishermen was the opportunity for the Director to have some flexibility in moving that trip limit up and down as long as it stayed under the 250,000 pound cap. The provision in 4.2.2 takes away flexibility on one side of that equation in that we can't go up. We can go down and be more restrictive than the plan requires, and I feel like that's going to cause our fishermen concern.

Quite honestly, it causes me concern from the standpoint of my responsibilities and the way that the commercial fishery is being treated viz-a-viz the recreational fishermen. Under this plan, there's a great amount of flexibility for states to develop alternate proposals, as long as you're reaching the goal, it's proven that you're reaching the goal of 40 percent of the SPR.

There is a lot of similarity with some of the inequities in some of the other plans where we seem to be putting very restrictive measures on the commercial fishery and more relaxed measures on the recreational fishery. I don't see that that's necessary under this plan because we've capped our commercial landings. There's a provision in this plan that if a state exceeds the cap or quota, as it's referred to in a couple of sentences, that there's a pay-back provision in the next year.

So it's that inequitable treatment of the management flexibility that is of concern to me in addition to the ambiguities and the incorrectness of some of these

statements.

CHAIRMAN DANIEL: John.

DR. MERRINER: An easy out, maybe, is that states without a commercial cap or quota shall maintain their current trip limits because that's their primary measure; where the state with the cap, that's their primary measure so they should be allowed to adjust trip limits as necessary to stay within that?

CHAIRMAN DANIEL: Pres and then Susan.

MR. PATE: I didn't finish my thought completely. I really can't, today, think of any circumstances under which I would be compelled to raise the trip limit.

As I said, we worked very hard in trying to develop a program that is going to keep us below the cap, to keep commercial landings at what we feel like is the honest bycatch fishery that we have to recognize.

The seven fish per trip is what has got us there within our current size limit. So I guess I am approaching it not so much from the desire to immediately run back home and raise the trip limit, but more from the standpoint of equitable treatment of the fishery and maintenance of the flexibility in managing this species that we have under our very hard-fought state plan.

CHAIRMAN DANIEL: I had Susan.

MS. SHIPMAN: Just a couple of thoughts on that. Pres, I appreciate your anguish over losing the flexibility. I would just tell you I think our Board of Natural Resources and our legislature feels the same way. With some of the impositions that are coming down in this plan, basically we've stripped their ability to operate within flexibility within our statute. I mean, they can do it, but we're going to be out of compliance if we do. So I think we're all probably in a similar situation. I appreciate what you're saying. I think just some of the rigors of this plan have sort of placed us all in that kind of box.

The 250,000 pounds, my recollection -- and Gregg and David and anybody that was sitting around the South Atlantic table years ago when we developed this -- at the time I don't think any of us recognized how long it was going to take us to rebuild this stock. I mean, I certainly didn't. That was in 1989 and 1990. I surely thought we would be farther along than we are right now. I think there would have been some reservations even at looking at a catch level that high, back then, had we known what we know now today.

The 145,000 pounds, which is where your trip limit puts it now, I mean, in a sense we're trying to build the spawning stock reserve. We're trying to build that biomass. You have had some overruns in past years. So in a sense you are paying back in building that spawning stock from some of those overruns is kind of

a way I see it. I appreciate what you're saying, but I think we ought to not allow any relaxing, really, of any of the regulations we've got right now, commercial or recreational.

CHAIRMAN DANIEL: Sherman.

MR. BAYNARD: In our fifth recommendation to the board, the AP Committee specifically asked that the evaluation be based on the 2002 commercial trip limit for bycatch of red drum. We wanted that documented within the draft because of concern raised that while your intentions are well founded for meeting your goal staying at or below the cap, it's a political reality that manager's decisions can be influenced and managers themselves can be changed.

We were looking for something to define on what baseline we were setting this recommendation. The other point, there's a large contingency, a large group of recreational anglers in the northern region that feel they're being constrained by the actions of North Carolina's commercial fishery outside of their own state waters that they've got no control of.

While you have made great strides in attempting to achieve control of the cap and even reducing below the cap, that recreational component feels there's inequity between the northern region and the southern region based on that fishery. They would expect and hope that there would be an equal reduction in effort to achieve the 40 percent goal. They don't feel that's occurring with this cap at an all-time high landing level being allowed.

CHAIRMAN DANIEL: Dick.

MR. BRAME: What Sherman said is something I wanted to bring up, and, in fact, we brought up putting in as one of the objectives of management, is when there are reductions necessary, that they be equitable between the user groups. That hasn't been said and we support that, and we support the conservation of the species. I am personally astounded at what North Carolina has been able to accomplish in its fishery, and don't view that as any sort of punitive thing, as it has been brought up several times, and it's not.

We just think there ought to be equitable reductions amongst the user groups because, as Sherman said, to the average guy fishing in 1989 or '90, it was five fish at 14 inches or greater. Then it went five fish over 18, then you could keep one over 27, and then you could not keep one over 27. Now, it's one fish 18 to 27, and it's still a 250,000 pound catch. That's to the average person.

I understand all the subtleties, I understand the bycatch fishery, and I will, again, say, I am astounded at how good the North Carolina plan is, given the political reality within which they operate.

I would like to see, though, that put in as an objective, where in the future where there are reductions, that they be equitably or proportionally -- you may want to debate that -- between each user group. But I would support what Pres is saying. In North Carolina they do need a little more flexibility, given the type of fishery that they prosecute. I would never -- here, again, I am also torn.

Pres may become the Chief Executive Officer of the Harley Testing Association and go westward. Then the next guy that comes in decides he wants to have a 400-fish trip limit. So I do think there are things that there needs to be bounds on, but North Carolina is in a fairly unique situation. For all intents and purposes, when we're talking about the commercial fishery, we're talking about North Carolina.

CHAIRMAN DANIEL: You're correct there. And just for some clarification purposes, not for debate purposes, North Carolina has essentially rendered, from the way I read the plan -- and I know a lot of it -- our intent and purpose was to make this a bycatch fishery and essentially render the cap meaningless. We're not going to do any -- there's not going to be any benefit ever to closing the fishery down in North Carolina because it is a bycatch fishery. All a closure would do is simply result in discard mortality.

So North Carolina has been successful and has been throwing the darts for three years trying to figure out exactly how to tweak these commercial regulations in order to reduce the commercial harvest. As Pres said, there's no intent and purpose to raise that cap. But again, that was a major selling point in the FMP for North Carolina.

As was pointed out, this definitely does take away some of that flexibility for the fishermen of North Carolina. But as was mentioned earlier in the New Jersey situation, I think the adaptive management section of this plan would permit any state with a commercial fishery to come back to the board with that flexibility to increase that trip limit if they could show, indeed, that they were maintaining reduction in harvest and they weren't doing it.

So I do believe, perhaps, in a way, the adaptive management does allow that flexibility to be retained in a limited fashion, not as significant as it is right now, as I understand the adaptive approach. But, we've got the size limit issue in the commercial fisheries management measures. We've got the trip and possession limits issue, and we've got the landings cap payback of overages.

Those are the three commercial fishery management measures that we have on the table. If any of those are going to be modified or changed, I need to

have a motion to that effect. Bill Cole.

MR. COLE: I am not going to make a motion to change any of it, but I think this part needs to be addressed. They've made a recommendation to us with some language for inclusion in the plan, and I guess right here is as good a place as any to put it, and that would be how future reductions would occur.

What I am going to **move is for adoption of a 4.2.4, I believe, Joe, and insert it right after the commercial landings payback. And the language would be, "When reductions in harvest are necessary to meet the mortality goal in the plan, they shall be taken in a manner that is measurable and that proportional reductions will be taken equally by each user group."** I will make that motion.

CHAIRMAN DANIEL: Motion by Bill Cole.

MS. SHIPMAN: I have a question to his motion.

MR. SHEPARD: **I will second it for discussion.**

CHAIRMAN DANIEL: Seconded by Melvin Shepard.

MS. SHIPMAN: "Will be taken by each user group in each state", or are you talking the whole -- I mean, how are you determining that proportional reduction?

CHAIRMAN DANIEL: I thought it was between commercial and recreational fishermen --

MR. COLE: I thought it was between the two groups.

MS. SHIPMAN: Right, but within in each state, or are you saying in the subpopulations as a whole, because that can make a big difference.

CHAIRMAN DANIEL: We hadn't thought that far. We were primarily thinking about North Carolina, which is 90 something percent of the harvest.

MR. COLE: Proportional reduction -- Susan, help me out -- the way I look at it is, is that, okay, in the future -- we've got 40 now. Let's assume we had to go to 51. Then we would take 51 all through -- that would be the new target proportionally for the rec and the commercial sector by each area.

MS. SHIPMAN: Yes, and each sector takes 11 more percent?

MR. COLE: Right.

MS. SHIPMAN: Yes, of whatever reduction fishing mortality can get you there. But my question is -- and, admittedly, with North Carolina, this probably is a de facto North Carolina-specific motion. I just think we need some clarity there if down the road this restores, we develop, we relax things, and then all of a sudden we need to clamp back down. Say, somebody else has come in and established a commercial fishery because they have a -- say, Florida does. Florida has got a healthy stock. I don't think that will happen, but --

MR. BRAME: Well, our intent is that just in the future we're -- as an example -- I don't mean to take much more time -- but I think the board would be much more comfortable now with giving a relaxed proclamation authority to Pres if they had reduced the cap by some equitable amount. So what you're shooting for as for a high is say 200,000 pounds, or 225. We would feel much more comfortable with giving him flexibility under that restrictive guideline, which is what we were thinking about.

I mean, what they've done, they have reduced the harvest of these fish. Everybody will admit that. But I can't imagine going to a Summer Flounder Board saying, "We did all these things and we're not taking this under summer flounder anymore". It just wouldn't fly.

CHAIRMAN DANIEL: A motion on the floor to insert language that would require -- actually, Bill, why don't you read that again?

MR. COLE: **"When reductions in harvest are necessary to meet the mortality goal in the plan, it shall be taken in a manner that is measurable and that proportional reduction shall be taken equally by each user group."**

CHAIRMAN DANIEL: Ken.

DR. HADDAD: I have got to go back to the earlier question. Is this a state level -- I am having trouble trying to dictate to the states the specifics of how they're going to reach their targets and goals. This statement seems to take us one step further in that dictation rather than relaxing it.

CHAIRMAN DANIEL: The way I am interpreting the motion would be that would be a requirement now, as well. So for the southern group, for the southern assessment group -- and John is here to help us here if I misstate something on this end. We essentially have no commercial fishery in South Carolina, Georgia and Florida. I mean, there's a bag limit sale of fish in Georgia, but that's very limited, and it really doesn't show up. The only substantive commercial harvests are in North Carolina and then a very little bit in Virginia, and that's episodic.

So what you're essentially looking at is the fact and the problem that has been addressed by the advisory panel that one of the reasons why there's a disparity between the allowable bag and size limits in between the southern group and the northern group is because the commercial harvest assumptions are retained in the northern subunit.

That's not the only reason they're different, though. If you look at the data and bag size analysis paper by Vaughan and Carmicheal you will see that one of the big differences and one of the reasons for the disparity

is because the southern folks catch more than one fish more regularly than the northern folks do.

So it's a disproportionate reduction. If you only go to one fish in North Carolina, the reduction is not near as great, simply because of the way the recreational fishery operates; whereas, in the southern part, when you go to one fish, it would be a much greater reduction because a lot more people are catching two and three and four and five and even over that, fish. So there is definitely a small change that is -- part of that change is due to the fact there's a commercial fishery in North Carolina, and that's impacting the restrictions that are being required in Virginia and Maryland and New Jersey and Delaware and everywhere within the management unit.

But the way I understand the motion would be that with the way we've currently got everything locked down and the way that we're looking at it presently would not be appropriate any longer. We would have to go in and determine exactly how we need to reduce the recreational fishery and exactly how we need to reduce the commercial fishery to have equal reductions, if your motion is approved.

I want to make sure everybody is aware of that because that means we need to go back in now, and we need to determine what reductions we need in the two sectors in the northern group. I don't really see it in the southern group, but in the northern group you're going to have to go in and figure out what that reduction needs to be. The way I see it is now, if that motion is approved, if the motion is approved and is incorporated into the amendment, and that amendment is approved, then that means that is a new provision of Amendment 2 and we're going to have to come up with a new way of--

MR. BRAME: We intended that to go in the objective portion of Amendment 2 to apply from when Amendment 2 is adopted, on.

MR. COLE: Mr. Chairman, can I clarify the language

CHAIRMAN DANIEL: Yes, please.

MR. COLE: It's been suggested and I will take it as a friendly motion **“that when additional reductions in harvest is necessary”**, that would put it into the future and not encumber the existing effort.

CHAIRMAN DANIEL: Is that okay with the seconder? Okay, A.C.

MR. CARPENTER: I would like to speak against the motion because in my experience ASMFC is not very good at allocations between user groups. I think it's an internal state decision as to how that reduction should occur. If North Carolina chooses to reduce its commercial fishery for the benefit of the recreational fishery, or vice versa, that's their decision. To have it

mandated in a plan that they have to be equally treated on a coastwide basis, I think, is inappropriate. It's a state-level decision that needs to be made.

CHAIRMAN DANIEL: Thank you, A.C. Tom.

MR. FOTE: I could appreciate if we had basically 40 percent reduction, if we had taken the 40 percent also on the commercial side over the years on the cap. We're still seeing no fish in 12 years of the plan, 13 years of the plan in New Jersey. I mean, we look at the Marine Recreational Service, there is no fish. We look at commercial landings and there's no fish. And we were very easily putting us out of the fishery by basically raising -- I don't even know what our commercial regulations are. I don't know if we've got to change any. It's always a moot point. We don't catch any fish. We are taking it up to change our recreational. If you get a 40 percent reduction, if we did go into compliance, we would basically still leave it at five fish.

The slot limit, we would have to prove 40 percent reductions, because we have no catch, anyway. We didn't want a five-fish bag limit, but that's what we would be putting on us if we were to come in compliance.

So it's really crazy. I mean, North Carolina basically directs what we catch in New Jersey, with Maryland and Delaware and the Potomac River and Virginia. So it's very hard for a state that's shut out of a fishery not to use the fishery. There's sympathy down there, but you don't seem to have any sympathy for up north.

CHAIRMAN DANIEL: Jack.

MR. TRAVELSTEAD: I agree with A.C.'s comments. I thought they were right on target. Also, it seems to me with this motion, we're trying to write the next amendment.

I don't think this really adds anything to what we're trying to accomplish here with the current -- it's not going to do anything. It's talking about the future, and it seems to be something that we should discuss when we're at that point and when we've determined that additional reductions are necessary. Then we'll have all of that information in front of us and at that point can decide how the reductions need to be made.

CHAIRMAN DANIEL: Is there any other discussion on the motion? Susan.

MS. SHIPMAN: Just quickly. The way I see this is more trying to maintain what was the traditional apportionment of the fishery, which is similar to what we've done in bluefish and some other plans. I mean, I appreciate what both of you are saying, but at the same time I see us as trying to maintain the traditional structure of the fishery, recognizing that, by and large, throughout the entire east coast, it has been, certainly in

the last couple of decades, a large recreational fishery.

CHAIRMAN DANIEL: Any other discussion on the motion? Okay, seeing none, the motion by Bill Cole -- I believe I have it correct -- Bill, if you would read it again for us, seconded by Melvin Shepard.

MR. COLE: I will read it for the record: **"When additional reductions in harvest are necessary to meet the mortality goal in the plan, they shall be taken in a manner that is measurable and that proportional reductions will be taken equally by each user group."**

CHAIRMAN DANIEL: That's the motion. Well, do we need to caucus on that? Okay, take two minutes. (Whereupon, a caucus was held.)

[**staff note:** Gap occurred in tape; the motion failed. Additional edits to the draft were captured in staff notes and are reflected in the new draft of Amendment 2]

CHAIRMAN DANIEL: (Tape starts here) -- turn it to that which is stated in the 4.1 Section, the 4.2.3. All right, the next one is a one near and dear to the South Atlantic's heart, the recommendations to the Secretary --

MS. SHIPMAN: Don't leave 4.6.2 yet.

CHAIRMAN DANIEL: Okay, Susan.

MS. SHIPMAN: Thank you. Can we add in -- and this might help Pres out -- under Number 5, subparagraph 5 under 4.6.2, "catch controls including bag and size and trip limits"? That way we can provide some more flexibility there as this stock recovers.

MR. COLE: I'll second that.

MS. SHIPMAN: Should we also add in de minimis criteria under that? Is that in here? I don't see it, but that would give us the latitude to change those.

CHAIRMAN DANIEL: So we would add under 4.6.2, under 5 we would add trip limits to the catch controls and then have a number 16 that would say de minimis criteria. Any other changes to the adaptive management section? Seeing none, then we'll move on to the recommendations to the Secretary. Bill Cole.

Recommendations to the Secretary

MR. COLE: Susan, David, help me out here. The last sentence of this, "The Secretary of Commerce continue the prohibition of harvesting" -- I think we are currently writing those at the Council, "of possession". I recognize that this is an old plan and the provisions may, in fact, deal with the concept of harvesting rather than possession. Are we benefitted at this moment by being silent here and letting it go as it is, or would we be better off correcting it "for possession"?

It's very difficult to establish for the Coast Guard or

for the federal officers to establish that someone is harvesting versus possession.

MS. SHIPMAN: It should say both, "harvest and/or possession."

MR. COLE: Louis, we would suggest then that we're adding the word "and possession" after "harvest".

MS. SHIPMAN: "And/or."

MR. COLE: "And/or".

CHAIRMAN DANIEL: "And/or possession". In recommendations to the Secretary, Section 4.9 on -- and the intent there being to dovetail, I guess, giving up of the South Atlantic Council's Red Drum Plan in deference to recommendations to the Secretary through this ASMFC plan. Anything else on Section 4.9, recommendations to the Secretary?

Seeing none, we'll move into Section 5, Compliance. We've got Section 5.1, which is the Mandatory Compliance Elements. Gregg Waugh.

COMPLIANCE

MR. WAUGH: Under 5.1.1, just an editorial addition, there where it says "Sections 4.1, and 4.2", it should also be "4.3". Then it will track the information that's in the body of the FMP.

CHAIRMAN DANIEL: Mandatory Compliance Elements; this is something that has been revised and we handed out earlier. It's a two-page double-sided handout. It starts on Page 103, Compliance. Yes, that correction that Gregg made is already in that section.

MR. COLE: It says, "States may begin to implement Amendment 2 after approval by the Commission"; I think we really mean the states "will implement" Amendment 2 after final approval by the Commission.

If we don't change that language, it's going to be very difficult to put somebody out of compliance because here we're saying they may do it or they may not.

MS. SHIPMAN: If I may, this is the language I have e-mailed Joe back and forth on. It's basically saying I can't be in our legislature right now trying to get our thing changed because you haven't passed off on our plan yet even though we're using the tables.

South Carolina has used the tables, we've used the tables because of a timing issue. I can't wait until May, when this plan is approved, to go to our legislature. I will never make the compliance date, so I have got to be out in front of the plan.

MR. COLE: Can you accept language that states "will implement at the earliest opportunity"; opportunity being interpreted, if you would, when your legislature helps you out?

MR. TRAVELSTEAD: Can't we just eliminate that first sentence?

MS. SHIPMAN: Yes, I mean, to me, each state must implement Amendment 2 after final approval of the Commission.

CHAIRMAN DANIEL: Well, we've got to also have in Section 5.1.2 the -- that's the compliance schedule, which is a little stronger in terms of having somebody to delay implementation longer than necessary. I guess that's part of this Section 5 as well, and we skipped over that in the beginning, why it's scheduled. Currently, we're set up to require that we submit our programs to implement Amendment 2 on July 1st, and then we've got two possible dates for implementation, November 1, 2002 or January 1, 2003, and then an issue on compliance reports again.

So we're going to overlook -- there is one decision there that we need to make in terms of the actual implementation date. Susan.

MS. SHIPMAN: Well, I **move we strike that first sentence under 5.1.1.1** if you need a motion.

CHAIRMAN DANIEL: Okay, by consensus? The first sentence in 5.1.1.1 is gone.

MS. SHIPMAN: States "May begin to"; that's gone.

CHAIRMAN DANIEL: Okay, that's gone. Anything else? Joe, did you have something? Is everybody on 5.1.1.1, and everyone has looked at Numbers 1, 2 and 3, essentially, the requirements of the plan. Everybody is cool with that? Okay.

The next section is the Monitoring Requirements, 5.1.1.2. Again, you need to be following with the handout from Joe. "States should document and roughly characterize all the areas currently closed to fishing", et cetera, et cetera. The next section is --

MR. WAUGH: You've got to decide which states.

CHAIRMAN DANIEL: Okay, is there a **recommendation for Florida to Virginia? So moved by Jack** Travelstead.

MS. SHIPMAN: **Second.**

CHAIRMAN DANIEL: Second by Susan Shipman. Any discussion on the motion? **Any objection? Seeing none, that motion is approved** and the states would be Florida through Virginia for the monitoring requirements.

UNIDENTIFIED SPEAKER: Louis, should it say "larval" in there. I mean, isn't everything reserved for larval fish?

CHAIRMAN DANIEL: Well, not necessarily. Well, if it's an issue like trawling in primary nursery areas, you can catch larval red drum in them. That's a possibility, yes. I don't know if that's going to quantify the impact, but certainly one of the things would be to

map the primary nursery areas that are protected from that type of disturbance.

It really depends on your definition of larval red drum, where they transfer from larval to juvenile, too, which -- A.C.

MR. CARPENTER: The italics the language which was just added, how does that fit with the PDT and Technical Committee role developing appropriate protocol? There's continuation of that section at the top of the next page.

It almost reads as the italics language says, "You shall do this", and then it says, "but we're going to come up with other kinds of ways to figure out how to do other things"; is that how I am reading that?

CHAIRMAN DANIEL: Joe.

DR. DESFOSSE: To clarify that second paragraph, perhaps, at the end of the first sentence, it should say "refer the reader back to Section 3.1, 3.2, and 3.3, with specific monitoring programs."

CHAIRMAN DANIEL: All right, Jack.

MR. TRAVELSTEAD: Just in the interest of clarity, does or does not Florida through Virginia include the Potomac River Fisheries?

MR. CARPENTER: No, that's Maryland.

MS. SHIPMAN: I think Eric said yesterday he's A.C.'s proxy in the Potomac, is what I heard.

MR. CARPENTER: Nor the District of Columbia.

CHAIRMAN DANIEL: Are we ready to move on to research requirements? There are none, but those will be developed. The law enforcement requirements, we did change to a calendar year, and we did make them consistent with the state reporting states.

Reporting Period

MR. TRAVELSTEAD: So how should that read?

DR. DESFOSSE: For Law Enforcement Requirements, it should read "from January 1, 2003, to December 31, 2003." That would be the first reporting period; January 1, 2003, through December 31, 2003.

CHAIRMAN DANIEL: Yes, calendar year 2003. Is everybody clear on that?

MS. SHIPMAN: I just have a question, Louis. If we implement it, though, prior to January 1, 2003, when are we going to get the first report on enforcing the compliance?

MR. CARPENTER: May of '04, which would be the first year of implementations of the new plan.

CHAIRMAN DANIEL: After the first year.

MS. SHIPMAN: Why wouldn't we get it January 1, 2003?

MR. CARPENTER: No, you would get it -- May 1 of 2004 is when you would get your first Law

Enforcement Report.

MS. SHIPMAN: To cover the period:

MR. CARPENTER: The previous calendar year, the same as your other reports would cover your previous calendar years.

MS. SHIPMAN: Well, I would suggest that first report needs to cover from the date of compliance through the first calendar year. Because, if it goes in November 1, I think we want a report on what they did in November and December of '02.

MR. COLE: That's coming up.

MS. SHIPMAN: Right.

CHAIRMAN DANIEL: The habitat stuff we've handled? Is everybody satisfied with the habitat requirements, 5.1.5? If so, then we'll go into the Compliance Schedule, 5.1.2.

Compliance Schedule

The schedule would require all states to submit their program to implement Amendment II by July 1, 2002, with implementation on either November 1st or January 1st -- November 1, 2002 or January 1, 2003. Any discussion on the decision? A.C.

MR. CARPENTER: I would strongly urge that we **adopt January 1, 2003, as the effective date when the regulations changes.** That works for us.

MR. CUPKA: Is that a motion?

MR. CARPENTER: I will make that in the form of a motion.

MR. CUPKA: **I will second.**

CHAIRMAN DANIEL: A motion by A.C., second by David Cupka to have the implementation date for Amendment 2 be January 1, 2003. Is there any discussion on the motion? Seeing none, is there any objection to the motion? **Seeing no objection, the motion is approved.**

Compliance Report Content, we've got a May 1 requirement for those reports on compliance being into the Commission. They're working on a new format for standardizing compliance reports, so that would be the format that we would use to apply to do our compliance reports. A.C.

MR. CARPENTER: Back to that previous section where it says, "Reports on compliance must be submitted to the Commission by each jurisdiction annually no later than May 1st beginning in 2003".

So 2003 you're going to be reporting on your 2002 calendar year activities, which once [wasn't] covered by the plan. Does that really need to be '04 so that you get your first full year in.

MR. CUPKA: I should think it ought to be '04.

MS. SHIPMAN: I think it ought to be '04.

CHAIRMAN DANIEL: Change that to '04 by consensus?

MS. SHIPMAN: Yes.

CHAIRMAN DANIEL: Change to '04. So the first report would be required May 1, 2004, for this plan. Section 5.2, Procedures for Determining Compliance; standard language.

MS. SHIPMAN: Mr. Chairman, the only thing we may want to do there is just give editorial license to track the language of the charter.

As you know the Commission is evaluating what role, if any, the Policy Board is going to continue to play inasmuch as in many cases the boards themselves -- or the Policy Board is the Commission, and we may actually do away with the Policy Board so that we have the Commission taking all these actions.

I think if we can understand that the intent is to track whatever procedural or protocol is set up in the charter, that would be the best way to go there.

Recommended (Non-mandatory) Management Measures

CHAIRMAN DANIEL: We've got the recommended management measures to the folks outside the management unit, specifically requesting that those states implement the provision to prohibit all harvest, possession or sale of the adult fish, red drum up to 27 inches total length. That would be the principal recommendation.

And then Section 5.4, Analysis of Enforceability; and the very last section would be on Protected Species. We've done Management and Research Needs. The very last thing will be Protected Species.

DR. DESFOSSE: And there's no requirements in Section 7. There have not been any changes since the December 3rd meeting.

CHAIRMAN DANIEL: That takes us to the Glossary.

MS. SHIPMAN: A quick question before we leave Protected Species. My understanding in North Carolina, are you all requiring the tending of those gillnets?

PROTECTED SPECIES

CHAIRMAN DANIEL: The way our rules are set up now is in our recreational/commercial gear licenses, which is a 100 yard piece of gillnet, all small mesh gill nets, anything less than five inches has to be attended 24 hours a day, seven days a week. The large mesh webbing has to be attended during the daytime, sunrise to sunset. They can be left unattended during the night time.

With the commercial fishery, there is no attendance requirement on the large mesh webbing. There is a May through October requirement to attend the small mesh webbing 24 hours a day in the commercial fishery. And I can't -- May 1 or May 15th; I cannot remember to save my life.

MS. SHIPMAN: I think it would strengthen this plan to have a reflection of what those requirements are, and that they are in there to minimize -- yes, because really this is just kind of some descriptive language. It doesn't really relate it to the red drum fishery, and I think it needs to have that in here.

CHAIRMAN DANIEL: Without objection. John.

DR. MERRINER: If I may, one quick question on the Protected Species aspects, again, we have "recently been reevaluations of endangered species status" -- that's reflected in the material here, or was this boilerplate from the earlier version?

DR. DESFOSSE: It's boilerplate from an earlier version. I wasn't aware of new updates. Do you know what year it was?

MR. MERRINER: I thought it was last year or something, there was a lot of work done on turtles, turtle assessment. I will double check.

CHAIRMAN DANIEL: Gregg Waugh.

MR. WAUGH: Our protected resource scientist, Margaret, has just completed a draft that looks at the potential for interactions in our dolphin/wahoo plan. We could provide that wording. It essentially updates what the current status is for all the marine mammals and turtles, so we can provide that and you can see how you want to use it.

DR. DESFOSSE: I would appreciate it; that would help a lot.

CHAIRMAN DANIEL: Anything else on the plan?

MR. TRAVELSTEAD: **Do you need a motion to adopt it?**

CHAIRMAN DANIEL: I do.

MR. TRAVELSTEAD: **So moved.**

MR. COLE: **Second.**

CHAIRMAN DANIEL: **A motion by Jack Travelstead; second by Bill Cole to approve Amendment 2 as amended with editorial license that Joe makes those corrections that we discussed here today.** Without discussion, we'll caucus. (Whereupon, a caucus was held.)

CHAIRMAN DANIEL: Everybody ready? All in favor, signify by saying aye; all opposed; abstentions; null votes. **The motion carries.** (Whereupon, a motion was made and seconded from the floor to adjourn.)

CHAIRMAN DANIEL: We are adjourned.

(Whereupon, the meeting adjourned at 1:00 o'clock pm, February 20, 2002.)