

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

**August 17, 2005  
Alexandria, VA**

**Approved November 1, 2005**

## **ATTENDANCE**

### **Board Members**

Damon Tatem, NC, Gov. Appte  
Louis Daniel, NC DMF  
Robert Boyles Jr., SC DNR  
John Frampton, SC DNR  
Spud Woodward, GA DNR, Chair

John Duren, GA Gov. Appte.  
Anne Lange, NOAA Fisheries  
Wilson Laney, USFWS  
Bob Mahood, SAFMC  
Gil McRae, FL FWC

### **Ad hoc State Representatives**

Roy Miller, DE Div Fish and Wildlife  
Ed Goldm, NJ Leg Appte.  
Proxy for Assemblyman Robert Smith  
Bruce Freeman, NJ Div of Fish and Wildlife  
Jack Travelstead, VMRC

Cathy Davenport, VA Gov. Appte.  
Jeff Tinsman, DE Div Fish and Wildlife  
AC Carpenter, PRFC

### **Ex-Officio Members**

William Windley Jr., Atlantic Croaker Advisory Panel Chair

### **Staff**

Vince O'Shea  
Nancy Wallace  
Elizabeth Griffin

Julie Nygard  
Bob Beal

### **Guests**

Dick Brame, CCA

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## SUMMARY OF MOTIONS

**Motion to send draft Amendment 1 out to public hearing with the changes suggested today by the Board.**

Motion made by Mr. Travelstead, second by Dr. Daniel. Motion Carries.

**Motion to approve the draft FY06 SEAMAP Budget.**

Motion by Dr. Daniel, second by Bob Mahood. Motion carries

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION**

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

**RADDISSON HOTEL OLD TOWN  
ALEXANDRIA, VIRGINIA**

**AUGUST 17, 2005**

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The South Atlantic State/Federal Fisheries Management Board of Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Radisson Hotel Old Town, Alexandria, Virginia, August 17, 2005, and was called to order at 7:30 o'clock a.m. by Chairman Spud Woodward.

**APPROVAL OF AGENDA**

CHAIRMAN SPUD WOODWARD: You notice we do not have Joe here this morning, so I'll go ahead and get this piece of business out of the way. We'll be recording this. Anytime you make a comment, you need to preface it by identifying yourself. Joe says that really helps the transcribers.

**APPROVAL OF PROCEEDINGS**

You have the agenda in front of you. If there are no changes to the agenda, we will consider that accepted by consensus. You've also got a copy of the proceedings of our May meeting. Likewise, if you don't have any changes or comments, we'll consider the proceedings accepted by consensus. So be it.

**PUBLIC COMMENT**

All right, public comment, do we have anyone here from the public who would like to comment on the activities of the South Atlantic Board? All right, with that, we'll move right straight into our Atlantic Croaker Technical Committee Report. I'll turn it over to Rob O'Reilly.

**ATLANTIC CROAKER TECHNICAL  
COMMITTEE REPORT**

MR. ROB O'REILLY: Okay, thank you. Nancy worked hard to try and arrange a meeting, and that didn't work out. We had some issues that were brought up to the board. In fact I guess, really, two

meetings ago issues were brought up concerning the data split.

The model made a split of the South Atlantic and Mid-Atlantic -- from the Mid-Atlantic, really, the South Carolina/North Carolina border. There were questions, two board meetings ago, as to whether or not Hatteras shouldn't really be the split mainly for -- at the time the comments were the status of the stock seemed to be that Hatteras south portion of North Carolina was more similar to the low abundance of what was termed South Carolina to the model.

The other question that came up two board meetings ago was the idea of could the biological reference points also have a component where an SPR would be reference for percent MST, whichever you prefer to call it.

Right now the biological reference points are based on Fmsy, and the idea was that's something a lot of the states, especially through the South Atlantic, that there's familiarity with the SPR. At the time, I talked to Louis Daniel, and, yes, that's done as part of the model output.

So those were two of the issues. The other issue was monitoring requirements. Now, I will report that despite Nancy's success in getting a conference call, I was not available for the conference call.

I did talk to Nancy and I also talked to Tina Moore about the situation, the data situation involving North Carolina. She gave me a lot information. Also, there was some information from Erik Williams from the National Marine Fisheries Service, that he also sent for the conference call.

But you have a handout, and I am just going to go over that in sort of a briefer form to let you know some of the conclusions at the conference call. I think one thing to note is that landings in North Carolina were not really split in the ocean portion until 2002.

My understanding is that as the conference call developed, there were also questions, which had also been raised prior to the assessment when we met, as to the north and south delineation as important as, say, inside waters and outside waters.

That issue also came up. As you can see, in the first paragraph there, that the inside waters split with the rest as well, and the comments from the conference call were that it would be very difficult to do that.

There was a situation where there's some gear changes over time. I think probably the advent of the trip ticket in 1994 in North Carolina shouldn't be a situation that would preclude going to some type of a split for biological reasons at a future date, because Virginia also has the same situation where we essentially had a trip ticket start in 1993.

So, despite these gear changes and reporting changes, those really aren't the most limiting factors. I think the limiting factors are really defining where the landings have occurred. Talking to Tina Moore, one of the problems about the landings is the point of landing is not always necessarily where the fish are landed. There's trucking and there are other activities.

The refinement on the inside waters, on the other issue, it's very difficult to get to that question to exactly how much the data can help to try and split the disaggregation finer and finer.

It's similar to the kind of problems you've heard about the MRFSS in that once you start to sub-divide the dataset into finer and finer data, you start to have problems with the precision of the data.

That came to be one of the things that the committee talked about. In addition, if you want to flip over to the second page, there was some thought with the inside water split from the ocean areas in North Carolina, that perhaps that could be based on the fact that inside waters' distribution of sizes or more similar to what is now being called the South Atlantic Area, you know, south of the border of North Carolina and South Carolina.

However, some information came forward in the fact some of the sampling has shown larger fish. You have one note there of fish close to 420 millimeters in total length. So, I've since talked to Tina, you know, that the group did sort of a shift a little bit in their thinking as to the inside waters component a little more, and then we focused more on the delineation in North Carolina of the boundary for a north/south split.

And you have some comments there that the group eventually agreed that the split was based more on data collection methods, what we're using now, and less on biology. I hope you have that in your report; I have that in mine.

The biology suggested a more appropriate split involved separating North Carolina into north and south areas. Certainly, there's biological

consideration -- you know, it would be important to consider that split in the future.

You have also some information there that validates what I told you a second ago, that once you're trying to -- it's called parsing the landings in your report into finer spatial areas increases uncertainty.

The other thing the group talked about was that they also want to look at the monitoring requirements, and you have a listing on Page 2, towards the bottom, that is really just -- some of these are just statements that they wish for continuation, SEAMAP, three cruises of SEAMAP.

There's a reference to the Georgia data collection for recreational catches and VIMS survey which was -- you know, when the assessment went under review, that was one of the questions that came up that had to be addressed when it went through the assessment process, and so there's a wish for a continuation there.

That should be something that we'll relay back to VIMS. VIMS has, for the last several years, bounced around in terms of funding, you know, the stability of the funding. Despite it being a long-term survey, it is something that has been a little bit up in the air from time to time in recent years in Virginia.

The Northeast Fisheries Science Center Groundfish Survey, which is also one of the key components of the fishery independent part of the model, the tuning index, that survey is very critical.

The Delaware Survey; New Jersey has a survey both in the bay and the ocean, and, of course, the North Carolina Survey, which the young of the year goes back to 1972.

The additional research needs, I think you can just read over those on the bottom of Page 3. Item 4 is something that you may remember was one of the questions from the CEDAR Review Panel. John Foster did a really great job and spent a lot of time trying to his best to come up with some estimates of the shrimp bycatch.

The technical committee, after reviewing all that information at length, essentially decided that there really was no stability in the estimates, and, in fact, there was some good data here and there, but it was so sparse that there's really no good way to know about the bycatch other than knowing that at certain times it was expected in the time series from 1973 forward is very significant.

We should always keep that in mind when we think of the current status of the stock, the fishing mortality rate being very low. Compared to some of the fishing mortality rates you see for other species, you always want to keep in mind the shrimp bycatch.

Perhaps the other idea to keep in mind would be the bait component of the landings.

In that case just to, you know, bring back the memory about the bait, the CEDAR also had some concerns that North Carolina really had made a fairly good estimate, the best they could, about the bait component. Virginia was asked to do the same and did enough to get a first-order estimate, enough to put the CEDAR Panel at ease to a certain extent, but keep in mind that's also a very first-order estimate.

So, those type of things should be kept in mind. I think I said that about three times, so that's probably enough. The larval study along the coast, in Item Number 1, additional research key, perhaps Nancy would like to address that.

I have a brief understanding that that's something the Beaufort Lab does right off the bridge, makes the collection, and it was uncertain to me whether those collections are shipped outside the U.S., and the idea is that would be something further down the road.

Item 3, collect more age data, I think you're familiar with this from weakfish. The same situation applies here. You have North Carolina and South Carolina with a strong commercial fishery, but you do have other landings.

And, certainly, given the fact that it is a unit stock, but there is some information that there also could be distribution of sizes that differ north and south at certain times of the year, it's important to collect age data and definitely important for the states to collect length data.

I think that's what I have. Nancy, were you going to go over the graphic, or do you want me to bring that up?

MS. NANCY WALLACE: You can go over it.

MR. O'REILLEY: Okay. You should have a graph that was handed out. That's in response to the request about SPR. On one side of the graph -- it does have two sides -- you have a graph showing the fishing mortality rate concerns with the target, the F target, which is 0.75; with Fmsy, which is at 0.39 -- 0.29, pardon me.

You have Fmsy at 0.39, and you see that -- you know, if you look at the F threshold, you see that the Fmsy is equivalent to an SPR of 36 percent. The target is equivalent is an SPR 44 percent. You can see that the current F is equivalent to an F of SPR of 69 percent.

You know, certainly, again, keep in mind some of the deficiencies we have in assessing a better estimate of F, but, nonetheless, I think this is very unusual to see this type of an SPR associated with a species. Generally, some of the species, when you set the SPR, weakfish, for example, in the past, the SPR that was looked at was 20 percent on a threshold.

Red drum, I believe, is 40 percent. So, that gives you sort of a relative scale there. If you look at the current spawning stock biomass, the same situation, SPR at 69 percent, and you can see some plateau, a couple of plateaus there or modes in recent years.

About 1993 and 1998, you can see that the spawning stock biomass is somewhere about the 90,000 metric range level. Unless there are any questions, I think that's the technical committee report.

CHAIRMAN WOODWARD: Thank you, Rob. Are there any questions or comments?

MR. ROY MILLER: Roy Miller from Delaware. Rob, concerning the age-and-growth samples, that would be overlay, I take it?

MR. O'REILLEY: Well, I think part of the -- I was looking back at some of the information. I don't think it came up on the recent conference call. There was a request for maybe some type of an aging workshop as well.

I know that North Carolina and Virginia are working with otoliths. North Carolina probably also a companion scale sampling going on. No, okay, strictly otoliths. So, otoliths are -- at least from those labs at ODU and North Carolina have been doing a lot of the aging, I guess, at ODU since 1998, and North Carolina probably since early nineties.

MR. MILLER: If I could follow up, Mr. Chairman. If Delaware were to supply otoliths, is there someone who would be willing to read them for us if we were to collect them, or would we have to do the reading ourselves?

MR. O'REILLEY: Well, there certainly was a system for weakfish. Charlie Winners received a lot of samples and, you know, did them from the

other states. I don't know, that's something Nancy would have to check into. It certainly is something that we would hope would occur, because the need is for the sampling.

MR. MILLER: I'm just thinking we could get you a lot more croaker otoliths than weakfish.

CHAIRMAN WOODWARD: Louis, did you want to respond to the question?

DR. LOUIS DANIEL: Yes, and then I have a question and comment as well. We'd be glad to age those fish if you could send them to me. We've got a lab set up. They're about as easy as it gets to age. It's just a matter of processing them.

CHAIRMAN WOODWARD: Wilson Laney.

DR. WILSON LANEY: Yes, Wilson Laney, Fish and Wildlife Service. Rob, the question I had was about the estimates for the bait harvest. Is that the bait shrimp?

MR. O'REILLEY: No, that's actually the directed fishery or even bycatch that ends up as landed product. Virginia and North Carolina, mostly with the pound net, the inside fishery, the pound net and the haul seine, those are the two gears that are most often associated with bait.

Now, of course, the information from the technical committee, once they came up with estimates, were that that component certainly has declined significantly, especially in the last ten years. However, it's hoped that some better estimates can be derived.

DR. LANEY: So this is bycatch, just like they had for the crab fishery and things like that?

MR. O'REILLEY: Some of it goes to crabs. Some of it has gone to other uses as well.

CHAIRMAN WOODWARD: Any other questions for Rob or comments about the technical committee report? Louis Daniel.

DR. DANIEL: On the data collection and monitoring requirements, Rob, I would add that the North Carolina age-sampling program, that there are — I don't know how many were aged, but probably five or six hundred range a year, so I would like to see that added to the North Carolina Survey.

MR. O'REILLEY: You may want to do more, in other words, or just to reference that --

DR. DANIEL: Reference that is being done, you know, like you indicated above for Maryland aged by South Carolina. I don't know how much longer Charlie is going to be doing those types of things, but for some these cyanides that are pretty easy, I think we can try to take up some of that slack to help out.

The NMFS Juvenile Index Study at Beaufort, I was at a meeting a couple of months ago where the NOS side of the house at Beaufort has basically said, "This is it", and that it's going to go away without funding.

From what I understand, it's probably on its last legs. That's the ridge net study, and I'm wondering if that's the same study that's referenced in this?

MS. WALLACE: It is that study. One of the reasons it is referenced is because that study may be going away. We feel that is a very important study not just for croaker but for other species like menhaden.

They actually would like to expand it to different activities all along the coast, and make kind of a larval study up and down the coast, in the sense that it's a very inexpensive way to get the data. So, one reason that we did put it in is to highlight the importance of that survey and try to keep it going.

DR. DANIEL: One of the questions I had during the meeting was has it directly been used for anything. As far as I knew, nobody even knew that it existed. Can we use that in the assessments?

MR. O'REILLEY: I'm sorry, would you repeat that?

DR. DANIEL: If we used that information in the assessment for croaker?

MR. O'REILLEY: Not from my understanding.

MS. WALLACE: We will need to get more data.

DR. DANIEL: I mean, that program does provide a lot of information that I don't think we're using. It provides a time period on American eel, and I don't think anybody is aware of that existence.

So, the eel folks could get quite a bit of information and would certainly support keeping it going. So, if

there's anything we can do as a board to promote it, I think it has a lot of utility for many of the species that we deal with in the South Atlantic Board.

The other comment, I guess, or question I wanted to ask, Rob, is this split and the north and south issues. I think there's definitely a biological reason to do it. I'm concerned about getting into the internal waters and having splits, you know, that are based on some arbitrary line or some point-to-point line.

Historically, we've looked at this in the ocean fisheries and just said North and South Hatteras, tilefish, black sea bass. Any of the north-south split, we've looked at it as simply north and south of Hatteras split.

Speaking from North Carolina's perspective, if we can't come up with something that simple, then it's going to be an enforcement nightmare if you to split the Sounds. So, I'd be interested in seeing, if they're going to pursue this -- I know there's a lot of concern south of Hatteras on croaker, and how to deal with that, I'm not really sure.

But, without a split, it's going to mask -- what little is caught down south I think is being masked by the catches north of Hatteras.

MR. O'REILLEY: I guess what I understood from previous meetings with the technical committee was the interest on the inside was probably driven by the surveys and the results from the surveys and how the model behaved based on information since we started out looking at inside areas and having a separation.

But, I don't get the feeling that the technical committee has an interest, really, in pursuing inside as much as they recognize that they probably should be and want to work towards the Hatteras split, but I think that was my understanding.

I would like to follow up on the age information just a little bit, since you brought it up. Of course, Virginia has had a length collection program since 1989 and also aging a substantial amount of croaker, so they should be put on the list.

I think that's a good idea because those who aren't familiar with what is likely taking place -- but, more importantly, it should be recalled that just mentioning an aging workshop seems to be in vogue anytime you mention any problems like this.

The thing with croaker, though, it was a technical committee concern that there may be some

differences out there, even with Beaufort, on how the croaker aged and where you would find or determine that first annulus.

That's something that alone probably calls for some type of an aging workshop. Then, on the other hand, your information about the ease of breeding of the otoliths would be something that other states getting involved with such a workshop could then have the expertise rather quickly, it sounds like to me, to do some of the aging as well should either North Carolina and South Carolina availability change.

So, down the road I think the aging workshop is more than just one of those polite requests probably of a need that, you know, we should move forward.

CHAIRMAN WOODWARD: Let me speak to that just for a second, just as a reminder that Georgia, in collaboration with the NMFS Southeast Fisheries Science Center and Florida, produced a CD-ROM guide to age determination of a whole suite of fish species, and croaker was one of them.

So, there's tools out there where at least people can get their hands on that's got visual images of otolith sections and they can use that as a reference. I think it gets back to one of the fundamental problems that we're having today is that aging expertise is institutionalized; and when we have walked out the door, there is very little plan made replacing it.

One person could walk out the door of an institution, and all of a sudden here comes a cost on how to do age determination, and that's just a situation we don't need to have. Years ago I spoke for us addressing the development of regional age determination centers so that we have some continuity in age determination over time to ensure there's high quality.

You know, we all know anybody who has ever done it, that age determination is about as much art as it is science. In spite of our best efforts to try to make it nice and clean cut, it's still very much art.

There's no substitute for people working with somebody and that knowledge being assimilated through experience. So, it's getting back to that same thing -- I'm going to keep pounding on that as long as I'm involved in ACCSP and the commission, that we have got to do that.

If we ever get to the point of reaching our sampling target for otoliths, we're going to bog down the system, and we're already close to bogging it down now. We would definitely bog it down if we got all

the samples we needed. Bill, did you have a question?

MR. WILLIAM WINDLEY: Yes, I was just going to make sure when you're talking about the size of the northern and the southern possibilities, that is age is not just --

MR. O'REILLEY: Well, I was speaking more of even a spatial and temporal difference. For example, it's not uncommon in Virginia that at certain times you will find smaller size fish in the coastal areas than the bay and vice versa.

So, if you're sampling, you do want to take into account at a minimum the spatial and temporal difference; and you can imagine going up the coast, that's occurring as well. Some of the work that Charlie Winner did on weakfish show that pretty clearly the question you're asking about at age, it is a cyanide so you would expect that's also occurring with the differences geographically at age, because that certainly was the case with weakfish.

One of the biggest problems that we were alerted to in Virginia about croaker, and it really didn't raise an issue throughout the assessment too much, but if you look at a fish of ten inches, you might be encompassing four size groups or four age groups, I should say. So, you know, the best information, of course, is to get as much of that variability accounted for as possible.

CHAIRMAN WOODWARD: Any other questions for Rob? If not, thank you very much, Rob, for that report. Vince, I do believe you had a question.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. I don't know if this is the right place in your agenda to talk about it. If I could get eye contact with Dr. Daniel down at the other end, and Joe Grist here from the commission as well, I'm kind of intrigued about this sort of low budget approach to getting that bridge survey.

I'll speak tightly. I am sensitive to the issue that Maine puts a lot of resources up into the northern area, and that's just the way it's been. I just kind of would like to remind this board that I think to come forward with a solid request to do things requiring money -- that if this thing proved out, or if you guys are convinced this is a good thing, I would encourage you to put that request in. I would like to see some things going down to the southern states.

UNIDENTIFIED SPEAKER: Has it got weakfish and larvae in it?

UNIDENTIFIED SPEAKER: It's got everything.

UNIDENTIFIED SPEAKER: Who is doing it now, Fish and Wildlife Service?

DR. DANIEL: It was running out of NOS, and they've actually got the infrastructure. They may send the samples to Poland. That's the big one right now.

EXECUTIVE DIRECTOR O'SHEA: So the issue is do we sort of express to those guys how important it is to do it or is the commission engaged to subsidize their money. It doesn't cost us anything to engage and ask them to keep doing it.

So, one thing you guys might just think about, if you've got a rationale of why this is a good thing, bring that up before the Policy Board and recommend the commission go on record asking for them to keep doing it.

You know, the first question I asked of Joe was -- you know, I heard the part that people haven't been using it because they don't know about. The next obligation we've got is to start using this thing and prove out that it's going to help us.

And once we kind of validate that, I think it adds to the arguments of why we it ought to be continued, if that makes sense.

And the other thing I would love to do is to find out that -- you know, this is low budget. You know, there's an issue somewhere in our papers in front of us this morning that says if we expand it to other states, that would be an intriguing thing, too.

But, I think before that happens, we have to say that what we're doing in Beaufort has proven valuable information. Thank you, Mr. Chairman.

CHAIRMAN WOODWARD: Wilson, do you have a comment.

DR. LANEY: Yes, a couple comments. One was, Louis, you said that there's a 30-year time series of eel data there as well? That's real interesting to know about, because my understanding was the only long-time series we had on glass eels was Ken Able's stuff at Rutgers.

So, it's nice to know there's a second one further south, and I think that will definitely be of interest to

the Services in conducting the American Eel Status Review.

The second comment, Vince, was relative to your point about the low cost of this sampling technique. Joe Hightower had a graduate student, who finished her masters at NC State, and did a comprehensive survey of the Neuse River Basin where we removed \_\_\_\_\_ Dam just to assess the use of the newly opened habitat for spawning by anadromous species.

She did all of her sampling exclusively from Bridge Crossing(??) using similar techniques. So, it is a very usually applicable technique. It doesn't cost very much. I'm somewhat dismayed that we're apparently having to send the samples to Poland for analysis. I just think we would have that expertise in the U.S. somewhere.

DR. DANIEL: I mean, they work cheap.

CHAIRMAN WOODWARD: Anne Lange.

MS. ANNE LANGE: Well, relative to Poland, just for people's information, the Northeast Science Center has had an agreement with Poland based on war reparations or something like that, helping their economy back for 30 years or more.

They do support samples, and there are a variety of other, again, less expensive things. It's just cheaper to have them do it, and it helps their economy. It's a long-standing, 30-plus years arrangement. That's why Poland.

CHAIRMAN WOODWARD: Joe Grist.

MR. JOE GRIST: Just a comment. During the assessment of the \_\_\_\_\_ information, it is my understanding they actually are going to be using this information next week at the Eel Assessment Workshop up in Rhode Island. I will double check that before the Policy Board, but it's my understanding that information will be used for the assessment next week.

MS. LANGE: For eel?

MR. GRIST: For eel, yes.

CHAIRMAN WOODWARD: Bob Mahood.

MR. ROBERT MAHOOD: Joe, does that mean we have access to the data; I mean, we have the data bases from that study or --

MR. GRIST: That is my understanding, but I will check into that and have an answer before tomorrow.

MR. MAHOOD: If we don't, we certainly need to task somebody to get it.

DR. DANIEL: \_\_\_\_\_ Gable is the one who called me. You know, he's doing the New Jersey work, and he's been real interested in continuing the Beaufort work. They tried to get funding to expand it into some other inlets in North Carolina.

I don't know if they were successful, but I'm not certain about that. Don't quote me on the time series, but I think it's 30 years they've been doing it. I thought it would be good to use that to not have to do eel sampling, if they have an eel survey from North Carolina.

CHAIRMAN WOODWARD: Wilson.

DR. LANEY: Ken was down at Beaufort on sabbatical this summer, the last nine months or so, and I know he's real interested in all that stuff. He's also talking about collaborating with the winter tagging cruises so he could work offshore.

CHAIRMAN WOODWARD: Well, it sounds like something that we definitely ought to go on record as supporting, for sure. Robert Boyles.

MR. ROBERT H. BOYLES: Mr. Chairman, Robert Boyles from South Carolina. If you'll forgive my ignorance, but is this something that Beaufort -- is that something managed by NCOS, Louis, or is it something that's done by NOS headquarters? I mean, where are these decisions being made; do you have any idea on that?

DR. DANIEL: Dr. Hair ran the program; and when he left, it kind of went in the wind.

MR. BOYLES: The reason I asked is I thought Beaufort was tied administratively to the Charleston Lab?

DR. DANIEL: Well, from what I understand -- I mean, if it ain't habitat, it ain't run down there with the new administration and the new leadership at the Beaufort Lab.

Now, that may not be true, but I understood that is just not one of their priorities; and if they can't come up some funding outside of NOS, then it's going to

go away. They're the ones that made that call, as far as I know.

CHAIRMAN WOODWARD: Okay, Wilson, I'm going to let you make one last comment on this, and we'll move on with our agenda.

DR. LANEY: You know, the shift of those personnel at Beaufort from NFMS to NOS has had an impact on our ability to collaborate with the Beaufort folks also on the South Atlantic Council Ecopath modeling effort down there.

Quite a few of those folks were involved in the initial generation of the 1998 EFH Amendment and Habitat Plan, and we had hoped -- those of us on the writing team had hoped that they would be pretty heavily involved in the ongoing present effort to redo the EFH Amendment.

Bob, I know there was some discussion between Roger Pugliese and the lab, and I don't know what the current status is.

MR. MAHOOD: Yes, we've made some headway there, and they are going to free up some of their folks' time to participate on that. We certainly would be better off if it was still a NMFS Lab instead of the NOS Lab.

CHAIRMAN WOODWARD: Good discussion but we need to move on with Item Number 6, and that is to review the Draft Atlantic Croaker Amendment 1 for Public Comment. With that, I'll turn it over to Nancy so she can lead us through that.

#### **REVIEW THE DRAFT ATLANTIC CROAKER AMENDMENT 1 FOR PUBLIC COMMENT**

MS. WALLACE: Thank you, Mr. Chairman. Just to refresh everyone's memory, back in about January of this year, we went out for public comment with a public information document for Atlantic croaker for Amendment 1.

Then the plan development team went back and looked at Draft Amendment 1 and brought you a version in May. You did give me some amendments to it, and I went back and worked on it, and now we have the final draft for public comment before you for approval, hopefully, today.

After the Public Comment Draft is made available within the next week or so, if you approve it for public comment, it will go out after 30 days for

public hearings, so you let me know if you want public hearings.

Then, hopefully, at we will go over the public hearing summaries at the November meeting and move on to final approval of Amendment 1. So starting the presentation, just to go through some background of what is included in the amendment, the introduction and background information has come a long ways since you last saw this document. It will be completed and you will have a chance to look through it.

We will start off with the statement of the problem. 1987 was the original FMP for Atlantic croaker, and this will be the first revision to that 1987 plan. One of the reasons for the revision is we have a 2003 and 2004 stock assessment and have to run some reference points.

One of the things we talk about in the introduction and the background is the economic and social benefit. Several things are included in the economic and social benefits. Basically, setting up a management regime for Atlantic croaker will ensure long-term sustainability and will provide long-term economic opportunity.

So, moving to the next slide, moving to the description of the resource in the introduction, it goes through a little bit of the Atlantic croaker life history.

Then we move into the stock assessment summary. And, just as a reminder, everything that was talked about before and everything that's included in the stock status in this document is the Mid-Atlantic only; the Mid-Atlantic Region meaning north of the North Carolina/South Carolina border up to New Jersey.

We still don't have the stock status for the South Atlantic portion. The 2002 estimates, which are the last estimates in the stock assessment, show that fishing mortality is at 0.11, which is well below the target, and estimates of spawning stock biomass were 80,328 metric tons, which were well above the target.

This just shows you the graph is pretty much similar to the handout which you saw, and this was the average fishing mortality since 1973. This shows the spawning stock biomass in metric tons and the age zero Atlantic croaker.

This is a description of the fishery in the document. As you can see, the commercial fishery for Atlantic croaker, the landings have been over a million

pounds in Virginia, North Carolina, New Jersey and Maryland.

From 1996 to 2003, commercial landings have exceeded 20 million pounds annually. We included in this section an economic evaluation of the croaker fishery.

The recreational fishery, from 1997 to 2003, recreational landings have ranged from 9.1 million fish to 13.2 million fish. We see this increase in recreational landings mostly at the northern range of the fishery, New Jersey, Delaware, Maryland and Virginia.

This is a graph that was included in the document of recreational fisheries, and you can see the Mid-Atlantic is the blue line, and you can see how much that has increased over the last few years. The decline is the South Atlantic. It has pretty much leveled off in the last decade or so. This is the stock status of Atlantic croaker.

We then move into the habitat considerations in the document. When I'm done with my presentation, I'm going to let Julie Nygard, our habitat coordinator, touch a little bit more on the habitat section of the document. We've included the descriptions of the spawning habitat, the egg and larval habitat, juvenile and adult habitat and habitat areas of particular concern.

The next thing is the impact to the fishery management plan, and what we would have is the biological impact, which has the biological reference points, including the target threshold; and the economic and social impact to the FMP.

Hopefully, the management of the program is intended to reduce the variation in catches by lowering the possibility of prolonged periods of low harvest of croaker that could be attributed to overfishing. Hopefully, the plan will help in the long-term feasibility in an economic and social value.

Next is goals and objectives. The goal of Amendment 1, and which the board has okayed, is to utilize interstate management to perpetuate the self-sustainable Atlantic croaker resource throughout its range and generate the greatest economic and social benefits from its commercial and recreational harvest and utilization over time.

Moving into the objectives, the first objective is to manage the fishing mortality rates to provide adequate spawning potential to sustain long-term abundance of the populations.

The second objective is to manage the stock to maintain the spawning stock biomass above the target biomass levels and restrict fishing mortality below the threshold.

The third is to develop a management program for restoring and maintaining essential croaker habitat. The fourth is to develop research priorities that will further refine the management program to maximize the biological, social and economic benefits derived from the population.

The management areas: The management area of Atlantic croaker would be entire Atlantic coast distribution of the resource from Florida through New Jersey. This is the first issue, Issue 1.

Option 1 is any management regulations implemented would occur on a coast-wide basis in the management unit. Option 2 is the regional management, which would include the croaker stock being managed separately up to the North Carolina and South Carolina borders, which is what the technical committee has recommended. Option 3 is what this board brought forth at the last meeting that wanted to split the croaker management unit at Cape Hatteras.

As you heard from Rob O'Reilly this morning, the technical committee still supports regional management split at North Carolina/South Carolina. After I finish my presentation today, what I would like the board to have a discussion on is to still include the split at Cape Hatteras as an option in the plan, even though the technical committee has recommended against it and you don't really have a need at this point to be able to do that. I would like you to touch on that again at the end of the presentation.

Next, moving to the definition of overfished and overfishing. From the last stock assessment that the technical committee had shows the F threshold was Fmsy, which was 0.39; and F target was 0.75 and Fmsy of 0.29. Biomass target, which is SSBmsy, was 28,932 metric tons, and the threshold was 0.7 at SSBmsy, which is 20,252 metric tons.

It was pretty well illustrated that the F targets and thresholds were very conservative, showing the SPR. Right now, what we handed out earlier was a draft of the spawning potential ratio. That is not included in the amendment right now, but we were given directions from the board, and we include that and get that in the draft before it goes out for public comment, so the public can see that those are

conservative. Rob reminded me once again that this is only for the Mid-Atlantic region, from North Carolina/South Carolina and north.

The next graph just shows the targets and thresholds with the F being well below the F targets and thresholds. The next slide shows the targets and thresholds with the spawning stock biomass values.

So, for Issue 1 of this section is to choose a fishing mortality rate. Option 1 would be status quo, which would be no fishing mortality target or threshold. Option 2 would be to use the technical committee recommended F target and thresholds.

Issue 2 is to choose a spawning stock biomass target. Option 1 is, again, status quo, which would mean no SSB target or threshold. Option 2 would use the technical committee's recommended SSB target and threshold.

The next issue is the monitoring program. As Rob just went through, the technical committee has recommended that no monitoring requirement should be implemented at this time. Therefore, there should be no compliance criteria that includes monitoring requirements.

However, they have recommended that current young of the year and adult studies should continue and be evaluated for inclusion in the next stock assessment. So, even though they're not putting the compliance criteria, they strongly recommend that these surveys continue.

For the catch-and-landings information, we have included in the document -- we followed all of the ACCSP standards, so as those come on line, that will be compliance criteria to follow those. We also have the intercept monitoring, and right now we have a section that says we should monitor nutrient loading, long-term water quality, hypoxia events, incidence of red tides, harmful dinoflagellates and *Pfisteria* and wetlands protection.

Moving into the management program, this section you haven't had had a chance to look at, but we have included all of the indirect measures that we have for other fisheries that have had an impact on Atlantic croaker.

I am not going to go through them all right now. Most of them were submitted by the representatives in the technical committee. For instance, there's an analysis of what weakfish management their state has and how that affects the Atlantic croaker. So, even though we haven't had, say, croaker requirements all

these years, there have been bycatch reduction devices included, and those things have helped with the croaker stock.

So, we have the recreational fisheries management measures, which is the next issue. Option 1 is status quo, which would be no coast-wide ASMFC management measures restricting the recreational harvest of croaker.

The next option, we had talked about at the last meeting, and we actually removed this from the document, so Option 2 is not in the document right now, but I wanted to bring it up again. The plan development team is concerned with it, so we're raising this again.

So that Option 2 is not in the document, but if the board would like to discuss that later and put it back in, we can do that. That's a concern of the plan development team. And Option 3 would be to implement appropriate bag and size limits for Atlantic croaker.

The commercial fisheries management measures are the exact same options as the recreational; status quo, no regulations; Option 2, no current regulations without plan approval from the South Atlantic Board. Again, it's not included in the amendment right now. And Option 3 is to establish coast-wide standards.

One reason that we have amendment, even though there aren't any deductions at this point, we can get it up to speed with the Atlantic Coastal Act, and part of that is to include adaptive management, so if the croaker stocks were to severely decline, go below the targeted thresholds, we have these tools at our disposal to quickly act.

So what's been included in the measures subject to change are the fishing year and/or seasons; area closures; overfishing definition; rebuilding targets and schedules; catch controls, including bag and size limits; effort controls; reporting requirements; gear limitations; bycatch; observer requirements; management areas; recommendations to the Secretaries; research or monitoring requirements; maintenance of stock structure; stock enhancement protocols; and any other management measures included in Amendment 1.

The next section is compliance, and this section doesn't have a lot in it right now. The plan development team and the technical committee have not really recommended any compliance criteria. This could come through adaptive management at the time it is necessary, but for this board's discussion, if

you wanted to include any other monitoring compliance criteria, this would be the time to do it, or improve the current regulations with no relaxation. The board can discuss that.

The next are the management and research needs. These were included from the stock assessment and the last FMP review. The next section is the protected species section, which Elizabeth Griffin worked on in coordination with the National Marine Fisheries Service. That section has come a long ways since you've last seen the document. We're still getting the compliance criteria, but it's useful information.

So that is it for the Croaker Amendment, the draft for public comment. There's a couple of issues that the board should discuss. We will talk about the habitat sections now.

CHAIRMAN WOODWARD: You're welcome to go ahead and have Julie do that.

MS. JULIE NYGARD: Thank you. Julie Nygard, habitat coordinator for ASMFC. The habitat committee reviewed the croaker habitat section and felt that it was really inadequate and did not include all of the current information.

They would like to have it reviewed again. It needs to be updated. There's a lot of information that was not included, and the recommendations were too generic, and they're trying to get things very specific for croaker.

CHAIRMAN WOODWARD: And I believe, Wilson, you are on the habitat committee?

DR. LANEY: I am.

CHAIRMAN WOODWARD: So I guess if there are any questions about the specifics, you may address them to Wilson. Jack Travelstead.

MR. JACK TRAVELSTEAD: Jack Travelstead, Virginia. How long would it take to fix it?

CHAIRMAN WOODWARD: Wilson, I'll let you reply to that.

DR. LANEY: Julie can feel free to chime in here, but what we discussed yesterday, Jack, is some of us are going to try and do a literature review and generate some lists of possible references that should be reviewed and added to the section.

I think we have determined that we're going to solicit volunteers to try and rewrite the material that was produced. I think the general consensus from the habitat committee was it just wasn't not up to ASMFC standards at all. As far as timing goes, Julie can comment on that.

MS. NYGARD: Time wise, in the event that we could find actual volunteers, the ASMFC staff could work on it, and the technical support for a good review to make sure that in fact everything is included, and that would be from the habitat committee as well as from the technical committee.

CHAIRMAN WOODWARD: I believe it's our goal to have that done and in position so that it's not an obstacle to us having final approval and getting it to public comment. My understanding is it's not going to delay us from meeting our established deadline for public comment. Jack.

MR. TRAVELSTEAD: It's not an issue, I take it, that the information that is currently in the plan is incorrect or in error? It just needs to be added to; is that the situation?

DR. LANEY: That is correct. My understanding — and again I'm deferring to Julie on this — is that much of the information in the six pages that was provided came from an existing species profile that was done by the Service and Corps of Engineers, what, fifteen years or so ago, I guess.

Many of us on the habitat committee were aware of current or much more recent Atlantic croaker work with regard to, you know, all sorts of particular useful habitat information that we felt should be added to the text. As far as I know, Jack, it wasn't a question of being incorrect.

It was just a question of it being insufficient to describe Atlantic croaker habitat requirements, so it doesn't really provide as much of a basis for the commission, should they choose to do so, to designate habitat areas of particular concern and also compare current habitat conditions in estuaries with croaker it requires.

CHAIRMAN WOODWARD: Julie, go ahead.

MS. NYGARD: I just wanted to add to that my understanding from a person that worked for ICCAT — which my understanding was that the Habitat Section would be edited or rewritten to some degree. It is not incorrect to say it's not correct.

(Unable to transcribe some of Ms. Nygard's remarks because she is too far away from one of the microphones.)

CHAIRMAN WOODWARD: Nancy, you had a comment.

MS. WALLACE: We could go out to public comment with what is included in the document now and working on \_\_\_\_\_ amendment or habitat section, but we would be going out for public comment with what is in there right now.

CHAIRMAN WOODWARD: Bob.

MR. MAHOOD: I would suspect that if you look at the habitat section for red drum, you're going find a lot of information on croaker. I mean, the primary nursery area is in North Carolina; and a lot of other things, the names are going to be the same for croaker as they are for red drum.

CHAIRMAN WOODWARD: Roy Miller.

MR. ROY MILLER: Thank you. If you would indulge me for just a second in a couple of questions that may have been covered earlier, I would appreciate it. In the habitat section, will their be power plant affects included because that's a huge issue in our area?

MS. NYGARD: They were mentioned in our \_\_\_\_\_ recommendations, but \_\_\_\_\_.

MR. MILLER: -- nuclear plant alone, I assure you, will have a major impingement and entrainment component to croaker. The other question I have maybe would directed to Rob.

Rob, I'm curious about why there was such a large decline in fishing mortality from the late seventies to early eighties and to the present? Do you have any idea why that occurred or what's responsible for that large decline in fishing mortality?

MR. O'REILLEY: Not readily, but I think what I saw was in 1985 the mortality rate was pretty high in one of the documents I was looking at. You know, about 0.9 I think was the value. You know, this is a response of --

MR. MILLER: We might be looking at different graphs. I was looking at Figure 1 from the public comment draft, and it shows F's of 0.10, beginning around '85 and higher levels, up to 0.5 in

the late seventies. I just wondered what happened in that fishery to lower that fishery mortality rate prior to our management.

MR. O'REILLY: Well, the abundance would have to be looked at. That's all I can tell you. I mean, this is a product of the catchability and the abundance.

Certainly, from '96 to the present, you can track the abundance through the landings, and apparently the abundance was enough to sustain 10 million down through the commercial and 10 or 11 million pounds for recreational. Prior to that time, I'd have to look it up.

MR. MILLER: The only thing I can of right now, we had some \_\_\_\_\_ from '77 to '78 and we think we lost most of our juvenile croaker in the Delaware Bay area \_\_\_\_\_, and maybe the biomass had to build up again, and the fisheries that previously had pursued croaker went on to other species during that time. It's the only thing I can think of.

MR. O'REILLEY: That was talked about during one of the meetings leading up to the SEDAR, and it was talked about in the Chesapeake Bay as well, and it was one of the reasons, why when you look at survey that was done, the spring survey was chosen for that meeting. But the winter kill was talked about, yes, but never linked such as your linking it to maybe a cause for why it happened.

CHAIRMAN WOODWARD: Okay, we've got a couple of things we need to resolve so Nancy can have final guidance on the public comment draft. One is the no relaxation of the current regulations option. She needs direction on that. Louis Daniel.

DR. DANIEL: We talked about the fact that there aren't any regulations directly related to croaker, but there are regulations that have been implemented through other plans that have had probably some impact on croaker.

The three that really come to my mind are the mesh sizes in Amendment 3 for weakfish, flynet closure south of Hatteras, and the bycatch reduction devices in the shrimp trawls in the South Atlantic.

I don't see shrimp trawls in the South Atlantic coming out, but if we were to change the regulations from another plan, then that would mean the Weakfish Board would have to get approval from the South Atlantic Board in order to make changes. That's what I'm understanding this provision to say.

MS. WALLACE: Louis, what this is actually referring to is the direct croaker management measures that \_\_\_\_\_ for implementing. Maryland already had \_\_\_\_\_. Georgia has a bag and size limit. That wasn't there until \_\_\_\_\_ and that's what \_\_\_\_\_.

DR. DANIEL: Thank you. I didn't want us to come into a train wreck.

CHAIRMAN WOODWARD: A.C.

MR. A.C. CARPENTER: There are two options in the plan as it's written. One is status quo and the other is to adopt some kind of a rule. I think those two are quite sufficient to handle whatever comes along.

And if states do, for whatever reason, change or modify their existing regulations before this becomes effective, I don't see where we need to hold their feet to wherever they are right now.

CHAIRMAN WOODWARD: Jack Travelstead.

MR. TRAVELSTEAD: I would agree with A.C. I think if we move forward with a provision now on a species like croaker that's not in trouble, and require certain states to stay where they are, we're starting out with an uneven playing field.

I just don't see that it's necessary at this point. I mean, with the stock as healthy as it is, if PRFC wants to change its size limit or bag limit, whatever they have, I think they ought to have the ability to do that. I mean, Virginia has absolutely no rules that are specific to croaker. I don't know if it's good or bad, but I don't want to set up a uneven playing field this early.

CHAIRMAN WOODWARD: Any other comments? Bruce Freeman.

MR. BRUCE FREEMAN: This issue has been plaguing us from the very beginning of the Striped Bass Plan, the issue of regulations that are more stringent than others. Once you institute a plan, it really penalizes other states that have gone out ahead of the rest of pack.

It does create a problem, and it gets to the point where states would be at a disadvantage if in fact they're the first ones out taking meaningful action on their own. There should be thought given to how you want to deal with those states.

CHAIRMAN WOODWARD: I believe the sense of this board is to leave the two options that are in the written draft as they are. All right, that's taken care of.

The second thing is the compliance criteria. Right now there are none. The technical committee did not feel strongly that they needed these.

I think if we make sure that each state receives credit for what it has done and articulated in the written document, then we need to see those continued. Is that strong enough for the board?

Okay, the other thing, the split, there's three options. We have got coastwide, regional and the Hatteras split. You all know what technical committee has recommended. You have heard what Louis has said about the Hatteras split being consistent with some of the other actions taken on the federal and interstate state level. Louis, is there anything else you'd like to say about that?

DR. DANIEL: I don't think that the technical committee feels comfortable recommending the split right now, and I think what we've got is the best we can deal with at this particular point in time. I would suggest we just leave it as their recommendation.

CHAIRMAN WOODWARD: We drop Option 3, which is the Hatteras split, from the document?

DR. DANIEL: I don't think the technical committee feels comfortable doing that at this point.

MR. O'REILLEY: But I do think that the technical committee does wish to look at it in the next assessment process; but whether or not that requires some information in the document, I don't know.

CHAIRMAN WOODWARD: I think probably in this case it could be communicated it's the desire in the state to do something than where we are, but not include it in the document.

MR. TRAVELSTEAD: I agree with Louis that it probably should not be an option on Page 17 of the plan, but is there a way of including the issue under adaptive management, that should the technical committee come up with additional information, the board could, through the addendum process, change that?

MS. WALLACE: Yes, we can include that in adaptive management in the document. Are there any outstanding issues in the monitoring requirements? I want to make sure the board is happy with what the TC has recommended and that language is all right with the board; no monitoring plans; however, recommending that ongoing surveys continue.

CHAIRMAN WOODWARD: I see a lot of up-and-down nods of heads. Okay, Louis.

DR. DANIEL: I've got another issue that I want to bring up that sort of falls into line with what Roy Miller was saying. I don't see in the document a graph of the commercial landings. I see two graphs of the recreational landings on Page 9 and 10, but I don't see any graphic on the commercial landings.

I guess what concerns me is we do have the significantly increasing landings from the recreational size and the commercial side, and that's just extraordinary. And with a fishery that's being fished as hard as croaker is being fished, and is hitting on an SPR of about 70 percent, that's worrisome to me.

I bring that up because I think because I think historically we have not seen this abundance maintain itself for long periods of time, and I think it's a good likelihood that we're going to start seeing this stock go down.

I worry about coming out too strong, saying how great this thing is with croaker, and then start to see a weakfish decline like we're seeing now. So I bring that up as a concern just to temper our excitement about the status of the stock.

But, also, Rob made a point that I don't think anybody heard, but that was look at the SPR's that we're setting on this stock, you know, an early maturing, short-lived species. And it's very different than thresholds in terms of SPR's that we have for many of the other species like weakfish.

The threshold, I think, is 20 percent and the target is 30 percent, and in this we're going with a 36 and 44 percent, which is pretty extraordinary for a species like this. So, we're setting the bar really high on croaker; and in the next few years, if the stock starts to decline, it's going to set up some type of management approach we're going to have to take to rebuild the stock to — probably to rebuild the stock back up to, in my opinion, an extraordinarily high level compared to other species.

I don't know how to deal with that, but all I'm doing is saying I'd just temper our enthusiasm about this thing and recognize what we're doing here may come back and bite us in the near future, based on historical data.

But I would like to see a graphic of the commercial landings in the document so that you can look at the F's and SPR's for recreational and commercial landings.

CHAIRMAN WOODWARD: Well, I suppose it's this board's prerogative if we want to define other options for those biological reference points that would be consistent with some of the other species that we've got to take out to public comment, and this would be the time to do it.

If you want to do that, I don't know how to — you know, having not vetted that through the technical committee might become a precarious position. Rob.

MR. O'REILLEY: Louis is correct that the SPR's are fine. I think one thing that has occurred is that the technical committee worked over a period of time to go to SEDAR, come back to the SEDAR, and, really, the SPR's were not something that I recall that were given much attention.

They were the model output. So, in the back of my mind, I have wondered — not even in the back of my mind — I have wondered how much influence the model itself has on the SPR values that are coming out of it.

The technical committee should explore, when they go forward with the next assessment, or even before then, to look at other models, and they will, and that may have some effect. In the meantime, I think it is really a challenge to have an SPR of 0.36 and a 0.44 as far as your benchmark.

I don't know how to address it because the technical committee really hasn't sat down and done so. There have been communications back and forth. From two board meetings ago, I indicated at the board meeting, yes, SPR is a part of the output with other reference points, a whole suite of reference points. I varied that with Erik Williams, and I think he subsequently sent Nancy and I the values that were associated with the Fmsy's. That's really as far as it rests.

CHAIRMAN WOODWARD: Jack.

MR. TRAVELSTEAD: This is for Nancy. Are the SPR's in the document?

MS. WALLACE: They're not in the document right now. \_\_\_\_\_ and I put together a new draft in the last week or so, thinking about Louis' question about SPR and we wanted to show the board what the SPR was.

So, we just about — the technical committee hasn't really vetted these through at all, but these are the values that we got from the stock assessment model. We don't have it in the document right now. We can put it in the document, but it's not in the document.

MR. TRAVELSTEAD: But what is in the document, what we are proposing is to manage by a control rule of F and SSB, right?

MS. WALLACE: That's right.

CHAIRMAN WOODWARD: Roy.

MR. MILLER: Mr. Chairman, to follow up on what Louis said, I'm a little concerned with just the general tone of the amendment. It's more difficult, in my opinion, to manage a species in its abundance as opposed to in its scarcity.

Here, in the case of croaker, when this goes to the public, we're going to be giving the impression that everything is great. We have this terrific fishery; we're well below our targets; we're well below our threshold; there's no cause for concern.

The public is not going to be receptive to any restrictions and caps, and regulations, per se. I'm hearing Jack say there's no controls in his fishery now, it's open-ended. All of those things cause me concern, frankly.

There should be some measures, some ceiling in place for a species when it's in its abundance so we don't have to manage the species when it's near a crisis mode, like weakfish or striped bass.

I don't know exactly how to do that in this plan, Mr. Chairman, but I just wanted to lay that concern out there, to follow up on what Louis said.

CHAIRMAN WOODWARD: Jack.

MR. TRAVELSTEAD: Well, along those lines, I'm not sure I'm ready to suggest to the public caps or things like that. How often are we going to do a stock assessment on croaker? What's the plan? Are we to do this every three years, every four years?

MS. WALLACE: They have one every five years.

MR. TRAVELSTEAD: Every five years. What about establishing triggers that could be hit that would suggest we do it more often, like we've done in some other plans? It seems to me that's the first thing; that the sooner we know there is a problem coming, the sooner we will be able to do the kind of things you're talking about. That might be something the board wants to consider.

CHAIRMAN WOODWARD: A.C.

MR. CARPENTER: I agree with Jack, with his idea of there may be need for some triggers in here. I also wanted to comment with Roy's suggestion there that the stocks do look good. We're not calling for any regulations, but we're one of the ones that has a creel limit of 25 fish.

Our commission has adopted the philosophy that recreational fisheries are supposed to be that, and the creel limits are part of the fishery. The fill up the five-gallon bucket philosophy just doesn't seem to get us anywhere anymore.

So I think in times of plenty, spreading it out through some series of reasonable management measures or reasonable limits is a good idea, and it may help prevent the crisis from coming down the pike at us much sooner.

Although, croaker, you know, a couple of good winter kills, and we have the crisis all by itself, but it wouldn't have been from — there would have been a basis for it if other actions — well, I've started rambling here a little bit.

CHAIRMAN WOODWARD: Nancy.

MS. WALLACE: It sounds like there's more you would like to see in the document, and there's no critical time thing in the document. The technical committee will further address that and possibly come up with some triggers and come back to you at the annual meeting.

Also, I'm hearing some things about regional management measures. I would like some feedback from the board of what you think those are, so we can include that in the public comment draft. Are you and talking about bag and size limits? Are you talking about catch-per-unit effort.

This is kind of what I'm hearing from this board, so we can definitely take that back and come back at the next meeting with another draft, but I think we need a little more direction.

CHAIRMAN WOODWARD: Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: It seems to me to keep this thing tracking, I think coming up with some triggers, as has been suggested, I think a range of triggers, I'm not sure that we have to wait until the annual meeting to show you guys what that range might be before you go out for public comment.

If this is to trigger a stock assessment, it might, but I think that would be pretty straightforward. The other alternative would be to put a range in there, upon advice of the TC. Would that be impossible or not?

MR. O'REILLEY: I have to say that I'm a little concerned about some of the comments and the parallels that have been drawn from other species. In the case of weakfish, what we have looked at for the last three years and with the last assessment that went through 2002 is sort of a disconnect between the fishing mortality rates and the landings, because the fishing mortality rate through 2002 is very low.

Yet, everyone kept talking about the landings on the technical committee. First, it was the recreational landings. Well, the recreational landings weren't doing too well. Then it was the commercial landings. And now when we looked at the last several years, the landings were like that.

So, croaker, on the other hand, you may not have a lot of fishery-independent data that you would like to look at, but certainly the NMFS survey, the information there is fairly good. The landings information is very good. The fishing mortality rate might be a little suspect only because of the shrimp bycatch; and the bait composition, more so the shrimp bycatch, but in all, the parallel is really not there.

I just wanted to comment on that because there started to be a little wave of interest on the board.

CHAIRMAN WOODWARD: Is there any follow up on that? Vince.

EXECUTIVE DIRECTOR O'SHEA: So what are you saying, we don't really need triggers or are you saying we've got some really good data points that would be reasonable triggers?

MR. O'REILLEY: Okay, I think that should be worked on, and I think we should work on them, but perhaps not in haste. In other words, we should develop them.

CHAIRMAN WOODWARD: Well, I don't know how this will affect your work plans if we delay taking this to public comment until after another vetting of a public comment draft at the annual meeting. I'll defer to you for that. Is it going to cause any hardships with other board activities?

MR. ROBERT E. BEAL: Theoretically, if this document was approved at the annual meeting, we have a 30-day review period before we can start it for a public hearing. That would bring us to the 1<sup>st</sup> of December.

We can hold the public hearings in December, and that goes to the financial obligation that we included in this calendar year's work plan. It obviously would prevent this group from approving it until the February meeting next year. But as far as workloads and everything else, I don't think it puts us off our plans too much, and we can address it.

CHAIRMAN WOODWARD: Vince.

EXECUTIVE DIRECTOR O'SHEA: I guess the other thing is, you know, the issue of establishing triggers to do a more frequent stock assessment, I don't see that in terms of the public. I don't see that a great big issue, quite frankly.

I think we should put a sentence in there where right now the board reserves the right to establish triggers to conduct a stock assessment without even specifying what those are and just stay right on schedule. Unless you decide to put those triggers in and then have the scientists do some work, we're not talking about triggering a management action. We're talking about doing science stuff.

CHAIRMAN WOODWARD: I was thinking that we might be requesting the technical committee to look at this SPR business a little closer because what I was sensing is there was some discomfort with where we might be vetting those —

EXECUTIVE DIRECTOR O'SHEA: No, I understand that, but as far as going out to the public, what we could say is we reserve the right, and that you're also looking at putting in some triggers for a stock assessment. We may do it. What's the downside of that approach?

CHAIRMAN WOODWARD: Louis.

DR. DANIEL: Well, I don't have an objection to what you've suggested, Vince, and I didn't mean to throw a monkey wrench in this. I just

felt like it's important that we start thinking about it. I wasn't trying to make a real parallel with weakfish.

I am just saying with weakfish, we're in a quandary right now, and we don't know what's going on. We had a stock where we were saying everything was wonderful, and now we're at a point where we may have to take a moratorium on it.

I am just concerned, based on everything I've seen here, that we may be due for a decline in the croaker population that may be related to cycles, from environmental conditions or natural mortality increases.

Since all the weakfish are gone, things are going to shift to croakers, maybe. So if we sit here and see all of a sudden the landings start to decline and the fishermen start wondering what in the world is going on, you guys didn't do anything, and the population went down, it's going to be another black eye on the commission, I'm afraid.

That's why I just think it's important for us to take these things into consideration and set up some kind of a trigger mechanism to where we can say if we get to this level, if landings drop to this level, then we're going to trigger another assessment to try to examine what's going on before we get ourselves in the same box that we're in with weakfish.

CHAIRMAN WOODWARD: Now, are you talking about defining triggers in this document or —

DR. DANIEL: I believe if we can do that from Vince's suggestion, we can go to the public with what we have here and just have a sentence in there that the board will be developing triggers — you know, if the stock declines to a certain level, then it triggers an assessment.

CHAIRMAN WOODWARD: A.C., to that point.

MR. CARPENTER: I agree with Louis. I think that the idea or the question about the thresholds and targets that we have, there's a sentence in here that says that as new models become available and as new stock assessments are done, these triggers and targets are subject to re-evaluation and change under the adaptive management. If we let the public comment on that or let them know that's a possibility, I think we can stay on schedule.

CHAIRMAN WOODWARD: Okay, with all that clarifying discussion, Bruce.

MR. FREEMAN: Just a quick observation. It appears to me that the F targets and F thresholds and biomass are very close together. At a time if you recognize that you've reached these, it seems to me before you detect your target, you're going to enhance your threshold.

There's not much difference between them, and I don't know how quickly you can detect it. I suspect when there's a reduction, we're going to be in the threshold before you know it. I'm just curious if technically there were some bounds, Rob, that could have a greater distance between your threshold and your target?

MR. O'REILLEY: Well, I think that came directly from a 1999 publication, I want to say \_\_\_\_\_ and others, working on that, and that was the guidance that came from that publication. It's really not any different than striped bass in terms of the difference involved between the targets and thresholds.

There's no hard and fast — you know, for a target that can be a management decision to not have the 0.70 for the biomass or 0.75 for the F target, and work it that way. I mean, there is flexibility there, but it did come from sort of a peer-reviewed process, that the scientists went through this analysis.

MR. FREEMAN: Well, my concern is the time it's going to take for us to detect that. There's not much difference there, and it just appeared to me if there's a rapid decline in the stock, there is not going to be enough time, but it appears there is going to be a substantial correction.

MR. O'REILLEY: If I may comment, I think we face that for every species, and I think the good thing about croaker is that we now are seeing some refurbishment of older ages, 8 through 12, are showing up in the landings.

When I look at the information, you have a lot of age 2 through 5 we'll see as a major component of the recreational landings, and even more so in the commercial landings. There should be time given the way the abundance is distributed through the ages.

It is similar to weakfish and probably better than weakfish since we know the composition of ages at this time. But, I think that shouldn't be a serious concern. I think probably it's more practical whether it's adaptive management or whether it's just something that comes forward at a later date to open some triggers — Louis mentioned landings because

the tendency is that landings shouldn't really be the criteria when you're trying to look at the stock status.

You're trying to look at abundance, you're trying to look at F's, you're trying to look at SSB's. But in the case of croaker and the fact that this is the first attempt to get an assessment, and everything is not perfect, then landings certainly are a good thing to look at, especially since you have the trip ticket program in North Carolina and the mandatory reporting program -- (Tape was changed here)

CHAIRMAN WOODWARD: Jack, you wanted to comment.

MR. TRAVELSTEAD: You know, the point Bruce makes is actually why we need some additional triggers, so the minute we see things happening, we can trigger another stock assessment before we approach the targets and thresholds.

**I'm ready to make a motion, Mr. Chairman, that we send the document out to public hearing with the changes that have been made and suggested by the board here today.**

CHAIRMAN WOODWARD: I have a motion by Jack Travelstead and a second by Louis Daniel. Any discussion on the motion? All those in favor of the motion, signify by saying aye; opposed, nay. The motion carries unanimously.

All right, we're running out of time, so we'll move quickly on to our next agenda item, which will be an update on the ACFCMA supplemental research needs for red drum. Bob, I'm going to let explain that.

#### STATUS OF RED DRUM RESEARCH

MR. BEAL: All right, as I think you all are aware, we got the extra money this year under ACFCMA. A portion of that money was set aside for red drum research. The states of North Carolina, South Carolina and Georgia put together a proposal for the longline studies and the tagging studies.

We have compiled all the paperwork that we needed. We have submitted that to the Northeast Regional Office. At least, that's where all the ACFCMA grants are going through that office.

The paperwork they've submitted, they have taken it and submitted it to the Grants Management Division, so everything is moving at the federal level at its present speed, and everything has been done. It's at the black box of Washington, D.C., right now.

The one thing that is outstanding as far as the paperwork goes is the NEPA statement, the environmental assessment on the potential impact of -- it boils down to the potential turtle impact or interactions with the longline studies.

So those documents are being worked by the staff right now. I think we'll have those pretty far along by the end of next week, and we should be able to submit those. Nancy and Elizabeth Griffin are working on those.

During this time we backed it up about potentially being some seed money to get the project off the ground this year. The money right now is being discussed. It will be geared up and ready to go when we get done. There will be some hydraulic gear for the longline studies with \_\_\_\_\_ and Georgia to see if we can do that.

We have talked to North Carolina a little bit, and they said they might be able to use state money to kick off their project as well to get things moving. To date we haven't talked to anyone in South Carolina, but we can do that and see if there's any way to get that going this year.

There's two desires in getting the study going this year. The first is, you know, to start getting the data that the technical committee desperately needs. The other is to be able to go back to Capitol Hill and say, "Hey, we're effectively using your money to get something done. We've got this project that's underway in the South Atlantic and it will get us the valuable data need to effectively manage red drum."

So, we're doing what we can within the possibility of using federal funds to kick things off. Hopefully, we'll get things underway this fall. We're still doing the best we can. If it doesn't go this fall, the way we set up the grant proposal is that we have through the middle of 2007 to get the work done.

So, if the work isn't done this year, the money isn't sacrificed or anything like that. It's just rolled over into the next fall, but the sooner we can get it going, the better; and we're able to secure additional funding for the off years, we can then use that money for subsequent years.

So, we're pushing along, but there's some new paperwork issues that we haven't dealt with at the commission level. It's a little bit different this year. It's a new approach, new money, and we're kind of stumbling our way through it, but as far as paperwork

goes, I think we are coming along. I'll answer any questions if there are any.

CHAIRMAN WOODWARD: Louis.

DR. DANIEL: Not a question, but just a comment that falls in line with the red drum. The SEDAR Steering Committee met two weeks ago and put the South Atlantic control for the red drum population assessment on the SEDAR schedule for '09.

So, with the help of Vince and Bob, we were able to get that on the docket, so that should be pretty cool, to be able to get the Gulf and South Atlantic red drum folks all together in one room and come up with an assessment that I think will be of real interest to the South Atlantic Board. So, there's some good positive stuff in drum.

CHAIRMAN WOODWARD: Okay, Robert.

MR. ROBERT BOYLES: Just real quickly, Bob, whatever we can do to expedite -- I mean, my crew is out this week doing shakedown on longline surveys. If they wait until a little bit more, we're just going to be a year behind schedule if we're not careful.

MR. BEAL: South Carolina is in a little bit different spot than the other two states. You've done a longline and expanding the range. We can talk and see if there's any way we can push it along for this year.

CHAIRMAN WOODWARD: And Georgia has it \_\_\_\_\_ species in the Southeast. It's this problem of being able to legitimately spend this money without having gone through all the processes, which we all have. We will get over it, so I just don't want anybody to get their tail in a crack, as we say down south. All right, John, did you have something.

MR. JOHN DUREN: You covered the point I was going to make.

CHAIRMAN WOODWARD: Anne, I wanted you to give us a brief update on where we are with the transfer of management authority.

#### OTHER BUSINESS

MS. ANNE LANGE: We are in the process now that the draft DA has been out. The attorneys are looking at the proposed rule, which will include

removing coverage under the Magnuson Act and the final clearance on opening coverage under the Atlantic Coastal Act.

So the attorneys in the southeast are working on that now. Once it gets cleared, we should have the proposed rule. I'm not sure of the time line, but hopefully fairly soon. The fact is that it's protected under the management measures under both Acts are currently in place so it's not a crisis situation.

One of the issues is this is the first action under the Atlantic Coastal Act that I have been involved with. The headquarters have had several in the northeast.

CHAIRMAN WOODWARD: All right, Elizabeth, I'll go to you to give us a brief update on SEAMAP.

MS. ELIZABETH GRIFFIN: There is a document that I believe was passed around. The first page is just a quick summary of all the activities SEAMAP has been involved in this year.

Our focus really has been on data management. We had two meetings of the Data Management Committee. Our goal there is to develop a data base that is user friendly and accessible to the general public that will contain all the SEAMAP data and eventually start pulling in other state data from states who willing to participate in it.

Right now the data base has the South Carolina trawl survey in there, and we're working on getting the Pamlico Sound trawl survey to fit in there next.

We've also been working on the SEAMAP website. There's a new SEAMAP website. It's SEAMAP.org, so take a look at that, and let me know if you have any comments. It's in the early stages of development, so there will be changes to it, and it will, in the end, be much more detailed and a lot more information that's been left up there now. This is sort of the first stab to get something up and start working it.

We've also working on our five-year management plan. This has turned into quite a process, trying to get all the different priorities from all the states, from the councils, NOAA. We are about ready to share a draft of that with you guys.

Some of the things that have come up in that are the red drum study and the time to expand that and keep that going indefinitely. The Gulf has been really focused on LNG's lately, so we're starting to think

about what the South Atlantic might need data-wise to be able to deal with LNG's.

The \_\_\_\_\_ net studies that were brought up earlier could also be a direction that SEAMAP could go. They could start exploring other possible locations for those types of studies. These are all things that SEAMAP can toss around and have been tossing around.

So, when a draft of that five-year operation plan comes your way, please take a little time to make sure all of your priorities are included in that document.

I guess the last item is the budget, and we would ask you today to approve our draft budget. This is just a draft budget because we still have no idea what the FY-06 budget really will be. This is all based on level funding from last year.

We were able to get a little bit larger of the SEAMAP prize for the South Atlantic this year, so we were happy about that. The second page of that handout shows our proposed budget, and it really is pretty similar to the budget from last year.

We have money for a couple of additional meetings. We hoping to have two data management meetings, bottom mapping committee meeting and a joint meeting of our crustacean and trawl work group.

We actually have \$324,000 in there for South Carolina's trawl survey, and this is a little more money than they got last year. We're hoping that some of this money can be used to do some stomach content analysis and start providing some information for ecosystem management.

We haven't picked what issues that pilot work would be done on, and we are going to ask our stock assessment committee that question at their meeting next month; so if anyone has an opinion on what issues we should start looking at stomachs first on, please let me know.

Other than that, it's all pretty straightforward. We have been doing bottom mapping work the past two years, and that work is coming to a close, so money is no longer being allocated for that.

If more money becomes available, you never know, then the chairs of the three components, along with the staff coordinator, will sit down and figure out how to divide up that money, but this is based on level funding. Does anyone have any questions?

CHAIRMAN WOODWARD: Thank you, Elizabeth. Are there questions? Wilson Laney.

DR. LANEY: Elizabeth, are these work-up to the diet, the stomachs?

MS. GRIFFIN: We just started talking with South Carolina about that. I mean, two days ago was the first time we actually started to discuss it.

CHAIRMAN WOODWARD: Louis.

**DR. DANIEL: I move approval of the draft budget.**

CHAIRMAN WOODWARD: Does everybody feel comfortable with that? I know you've just seen it. Do you have any concerns about it?

MR. MAHOOD: I'll second.

CHAIRMAN WOODWARD: We have a second. John.

MR. DUREN: I just want to make sure that we have a lot of the NOAA work and the other bottom mapping activities that are going on included in the total data collection, and, Elizabeth, maybe you can let me know if we have that or if we need some program to try to collect that information.

MS. GRIFFIN: At our SEAMAP annual meeting, they gave us the whole budget, and there is a portion of that money that's going to NMFS, and so the data management money for the \_\_\_\_\_ goes actually to NMFS, so that is not included in our South Atlantic money. This only includes the money that you got coming to ASMFC or goes to one of the states.

CHAIRMAN WOODWARD: Bob.

MR. MAHOOD: John, a lot of the bottom mapping work that was financed by SEAMAP initially is now being picked up through some other programs, coral being one. We passing money through the council to do quite a bit of the bottom mapping off the South Atlantic.

Also, I applaud our SEAMAP contingent for getting more money out of the Gulf, because they've always this their money; and to get any extra for the east coast is quite an effort. I guess Larry wasn't at the meeting, so I applaud you, Elizabeth, for what you did.

CHAIRMAN WOODWARD: Once more, if you're comfortable, I'll call the question. All those in favor of the motion, signify by saying aye; opposed, nay. The motion carries.

All right, I think in the interest of closing this up -- Robert.

MR. BOYLES: Mr. Chairman, really quickly, I've communicated with some of you. I'm serving on the MMS Outer Continental Shelf Subcommittee on alternative uses, and with the Energy Bill passage two weeks ago, I guess, what it does is provides MMS the authority to regulate basically all use of the Outer Continental Shelf for energy and non-energy related projects.

So, I will be talking with all of you probably over the next couple of months as we help craft a program for MMS that accounts for the living marine resources that we're all interested in. If you get an e-mail from me or a phone call from me, just be aware of that.

#### **ADJOURNMENT**

CHAIRMAN WOODWARD: Okay, thank you, Robert. If there are no further comments, I thank the board for coming. Thank you, Nancy, for your hard work. I also thank the staff. Any other business to come before the board? We are adjourned.