

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

The Francis Marion Hotel
Charleston, South Carolina
November 11, 2010

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of August 5, 2010** by Consent (Page 1).
3. **Move to forward Atlantic Croaker Draft Addendum I for Public Comment** (Page 3). Motion by Spud Woodward; second by Malcolm Rhodes. Motion carried (Page 3).
4. **Move to accept the Atlantic Croaker Fishery Management Plan Review which would include granting de minimis status to the states that requested it** (Delaware, South Carolina, Georgia and Florida) (Page 4). Motion by Chairman Boyles; second by Spud Woodward. Motion carried (Page 4).
5. **Move to approve the Red Drum Fishery Management Plan Review and that includes approving the de minimis requests from New Jersey and Delaware** (Page 5). Motion by Malcolm Rhodes; second by Jessica McCawley. Motion carried (Page 5).
6. **Motion to accept Dr. Douglas Lipton, an economist, on the technical committee for Croaker and then the Plan Review Team for Spot and Spotted Seatrout by Consent** (Page 5).
7. **Adjourn by Consent** (Page 5).

ATTENDANCE

Board Members

Tom O'Connell, MD (AA)
Bill Goldsborough, MD (GA)
Louis Daniel, NC (AA)
Malcolm Rhodes, SC (GA)
Robert H. Boyles, Jr., SC (LA)
Spud Woodward, GA (AA)

Jessica McCawley, FL (AA)
Sen. Thad Altman, FL (LA)
Bob Sadler, NMFS
Wilson Laney, USFWS
John Carmichael, SAFMC

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

Ex-Officio Members

Joe Grist, Technical Committee Chair, Atlantic Croaker

William Windley, Advisory Panel Chair

Staff

Vince O'Shea
Bob Beal
Kate Taylor

The South Atlantic State/Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Carolina Ballroom of the Francis Marion Hotel, Charleston, South Carolina, November 11, 2010, and was called to order at 2:10 o'clock p.m. by Chairman Louis Daniel.

CALL TO ORDER

CHAIRMAN LOUIS DANIEL: Good afternoon. I would like to call the South Atlantic State/Federal Fisheries Management Board to order.

APPROVAL OF AGENDA & PROCEEDINGS

CHAIRMAN LOUIS DANIEL: You should all have an agenda and our proceedings from our last August meeting. If there is no objection, I would have those be approved by consent if that is all right with everybody.

PUBLIC COMMENT

CHAIRMAN DANIEL: Public comment; I don't know that there is any public. No public comment.

REVIEW THE ATLANTIC CROAKER STOCK ASSESSMENT TRIGGERS

CHAIRMAN DANIEL: All right, the first thing we're going to do is review the Atlantic Croaker Stock Assessment Triggers, and Joe Grist is going to lead us through that, and then we'll consider the draft addendum for public comment.

MR. JOE GRIST: Good afternoon; I'm going to make this nice and brief because it is the end of the day. The technical committee for Atlantic croaker went through the annual process of going through all the different triggers. The triggers are specifically for assessments and not for management action. The only hard trigger that there actually is in this whole package of ones that go through biological and fisheries effort is the actual landings' trigger.

Within the annual landings' trigger itself, we have the commercial fisheries landings and the recreational fisheries harvest. The commercial fisheries landings, a stock assessment would be triggered if the 2009 landings are less than 70 percent of the 2007 through 2008 average landings. This is the trend of landings over time.

Obviously, since we've had mandatory reporting come into many of the states such as Virginia and North Carolina and others, landings reporting commercially has much improved since around 1993 and 1994. When we looked at the overall coast-wide landings, commercial landings 2007-2009, we see that the trigger was not – we did not hit the trigger; that the 2009 landings were greater than 70 percent of the 2007-2008 average. We do not have an activated trigger commercially.

Recreationally, we use the same criteria. We have recreational harvest records through MRFSS from 1981-2009. And again the same thing, the 2009 landings were greater than 70 percent of the 2007-2008 average. The trigger was not activated. Now, we can see 25 other slides if you would like to go through all the other non-hard triggers. I'll leave that up to the board members, but the committee at this time doesn't recommend any action.

CHAIRMAN DANIEL: Thank you, Joe; any questions for Joe? Nichola, do you want to take us through our addendum.

ATLANTIC CROAKER DRAFT ADDENDUM I FOR PUBLIC COMMENT

MS. NICHOLA MESERVE: Atlantic Croaker Draft Addendum I was on your briefing CD. The board initiated an addendum at its last meeting in August to respond to some aspects of the 2010 Croaker Stock Assessment. The timeline currently, if the board approves it today, is to have the public comment period occur over the winter and then the board could potentially approve the options and the addendum at its March meeting.

I'm just going to read the statement of the problem from the document. The 2010 Atlantic Croaker Stock Assessment evaluated the resource in a manner that is incompatible with the existing management plan. The plan's regional management areas need to be removed and the biological reference points revised in accordance with the stock assessment to allow full utilization of the assessment in managing the resource.

Additionally, the current plan requires an addendum or amendment to modify the biological reference points, which add an unnecessary administrative burden when the proposed modification results from a stock assessment that has undergone a rigorous scientific review and been accepted for management use.

The background information in the document focuses on a couple of aspects of Amendment 1. The first is the management area. The management area is from New Jersey through Florida. In Amendment 1 it is split into two management regions, from New Jersey to North Carolina and from South Carolina to Florida.

Those regions are based on the 2003-2004 stock assessment of Atlantic croaker, which assessed the two regions separately. The biological reference points in Amendment 1 are also based on that stock assessment; and because of difficulty in assessing the southern stock, the reference points are only applicable to the Mid-Atlantic region.

There is an F target and threshold level, SSB target and threshold levels, both with actual estimated values for each of the definitions, so you've got 0.29 and 0.39 for the F target and threshold; and then SSB target and threshold levels of about 29,000 metric tons and 20,000 metric tons.

Another section of the amendment looks at the measures that are subject to change via adaptive management through the addendum process; and currently in order to revise the overfished or overfishing definitions in Amendment 1, the board has to initiate an addendum or an amendment. There is also some background information on the 2010 stock assessment, which evaluated the resource as one coast-wide population.

Thus, the results from the 2010 assessment cannot be compared to the reference points in Amendment 1; and also because of some uncertainty in that assessment, the review panel did not recommend estimating absolute values for the fishing mortality or spawning stock biomass target or threshold levels.

Consequently, the technical committee developed new biological reference points. Those proposed reference points include similar target and threshold levels of fishing mortality and spawning stock biomass. They actually use the same definitions such as the F threshold is still F_{msy} . They differ in that specific estimates are not provided. Rather, ratios are used; so if F over F_{msy} is greater than 1, the stock would be considered experiencing overfishing; whereas, if SSB over the SSB threshold is less than 1, the stock would be considered overfished.

This slide just shows you those ratios. It should be noted that the lower graph for SSB over SSB threshold is not actually used for management because of the uncertainty in the stock assessment. It

is just shown here to provide the example. Under those biological reference points, the Atlantic croaker stock is considered to be not experiencing overfishing and the overfished status cannot be determined.

The management options for a management area, the first is Option 1, status quo, to keep the Mid-Atlantic and South Atlantic Regions whereby stock status would be assessed and management measures implemented on a regional basis. The second option is to eliminate those management regions from the management area. Stock assessments would be conducted for the entire coast such as they were for the 2010 assessment, and management measures could be implemented on a coast-wide basis as well.

For the biological reference points, there are three options in the document. The first is status quo, keep the Mid-Atlantic Region biological reference points that are in Amendment 1 and require the addendum process in order to make any future revisions to the biological reference points.

The second option would be to revise the biological reference points based on the 2010 stock assessment, adopting those ratio-based reference points but continue to require an addendum to revise the reference points in the future. The third option looks at moving away from requiring an addendum to make revisions to the biological reference points in the future when the recommendation results from a peer-reviewed stock assessment. The option is to broaden the definitions of the BRPs.

These are more loosely defined and when results of the stock assessment and the recommended reference points are within these limits and they've gone through an acceptable peer review as defined by the commission's guidelines for benchmark assessments, then the board could make revisions to the BRPs via board action rather than an addendum.

Under Option 3, if that were approved by the board in March, the next step would be for the board, through board action – to then approve by board action the reference points that are recommended from the 2010 stock assessment. The result would be that you have updated compatible biological reference points and a mechanism to apply the most current scientific information available without undue delay or administrative burden.

The language that is in the addendum is similar to what was approved recently for lobster to undergo similar changes to the reference points without requiring an addendum. Additional changes to the

reference points would be documented in the meeting summaries from this board and also the annual FMP review for Atlantic croaker. For the compliance schedule, the addendum says that these changes could be implemented immediately, and that would be the date effective if approve in March. Are there any questions on the draft addendum?

CHAIRMAN DANIEL: Questions for Nichola? If not, thank you very much. **I would need a motion to move forward for public comment on the addendum. Motion by Mr. Woodward; second by Dr. Rhodes.** Discussion on the motion? Bill.

MR. WILLIAM GOLDSBOROUGH: I'm just wondering if there is an AP report.

CHAIRMAN DANIEL: No. All those in favor of the motion signify by raising your right hand; no's same sign; null votes; abstentions. **The motion carries unanimously.** Is everyone comfortable with just having a public comment period and not having public hearings? Does anybody feel a need to have a public hearing on this? As an addendum, we can do it just through public comment. I'm satisfied with that; does anybody object to directing the staff to just simply have comment period? Great, thank you. All right, are prepared for your next item?

REVIEW OF FISHERY MANAGEMENT PLAN FOR ATLANTIC CROAKER

MS. MESERVE: The board has two fishery management plan reviews to look at today. The compliance reports for both croaker and red drum were on your briefing CD as were these draft FMP reviews. We will start out with Atlantic croaker. Of course, as we just discussed, Amendment 1 is the current FMP for croaker, and the PRT finds that all states have fulfilled the requirements of Addendum I when change is upcoming with the draft addendum that was just approved for public comment.

The status of the stock is from the 2010 stock assessment. As I mentioned, the stock was assessed as a single coast-wide resource. Overfishing is not occurring based on the ratio of Fs to the F threshold; whereas the overfished status cannot be determined because of sensitivity in the ratio of SSBs to the SSB threshold from shrimp trawl bycatch estimates of Atlantic croaker.

However, the review panel concluded that it is likely that the croaker stock is in trouble because of trends in the indices as well as the outstanding catch at age. The trigger exercises in 2010 do not prompt an earlier

stock assessment. This graph provides you with the trends from the model of SSB and total F, which the review panel did support.

The next slide has a graph of the commercial and recreational harvest for Atlantic croaker through 2009. Total Atlantic croaker harvest in the management unit in 2009 is estimated at about 21 million pounds. This represents the 48 percent decline in total harvest since the peak at over 41 million pounds in 2001. The black line on this graph is showing you the total harvest.

The split between the two fisheries in 2009, the commercial harvest was 74 percent of that total and the recreational harvest was 26 percent. This figure shows you the recreational and commercial landings broken out by the management regions. The vast majority of the landings, 99 percent in 2009 are landed in the Mid-Atlantic Region as currently defined.

The recent decline in total landings is a result of landings' decline in both the commercial sector and the recreational sector in the Mid-Atlantic Region. The commercial and recreational landings in the South Atlantic Region have been generally stable over the last decade. This figure shows you the recreational catch in number of fish.

Both the recreational harvest and released fish have generally increased over the time series, but have stabilized or declined in the last ten years or so. The proportion of caught fish that anglers released, shown as the black line, has increased over the time series, reaching 60 percent in 2009. Several states did submit de minimis requests with their compliance reports. The definition for croaker is under 1 percent of the coast-wide three-year average landings states can apply for de minimis for either the commercial or the recreational fisheries separately.

Delaware requested de minimis for its commercial fishery; South Carolina for both; Georgia for both; and Florida for the commercial fishery. All qualified for de minimis based on the definition in Amendment 1. Of note is that de minimis status at this point does not exempt states from any compliance requirements.

PLAN REVIEW TEAM RECOMMENDATIONS

MS. MESERVE: There are several recommendations from the PRT; to encourage the use of circle hooks to minimize recreational discard mortality; and then to consider the de minimis

requests from Delaware, South Carolina, Georgia and Florida. There is probably a page-long list of research and monitoring priorities or recommendations.

The one on the screen is perhaps the highest priority based on the results of the assessment, which is to get better characterization of the discards in the South Atlantic Shrimp Trawl Fishery. That was the biggest source of uncertainty for the stock assessment. Are there any questions on the Croaker FMP Review?

CHAIRMAN DANIEL: Questions on the FMP Review? If not, a **motion to accept the FMP Review would include granting de minimis status to the states that requested it. Motion by Chairman Boyles; second by Spud Woodward.** Discussion on the motion? Is there any objection to the motion? **Seeing none, the motion carries unanimously.** Red drum.

REVIEW OF FISHERY MANAGEMENT PLAN FOR RED DRUM

MS. MESERVE: All right, we'll move on to red drum. For red drum, Amendment 2 provides the current fishery management plan. Again, the PRT finds that all states have fulfilled the requirements of Amendment 1. There are no amendments or addenda under development for red drum. There are also no changes to state regulations in 2009 except a season and trip limit adjustment in North Carolina to respond to the high landings during the 2007-2008 fishing year.

This graph provides you with the three-year average SPR for the northern and southern region for red drum. That is the metric that is used to determine whether the stock is experiencing overfishing or not. The last benchmark assessment was completed in 2009 with data through 2007.

Based on the results of that assessment, the northern region SPR varies above the threshold and likely also above the target level. In the southern region it is likely above the thresholds, but because of some uncertainty it was not clear whether the stock was also over the target level for SPR in the southern region.

This graph provides you with the total commercial and recreational landings of red drum and also the percent that is recreational landings as the line across the graph. The total red drum landings in 2009, which is shown in the shaded area, were 1.5 million pounds. That is a 15 percent decline from 2008 and

about an 8 percent decline from the previous ten-year average.

The recreational harvest represents 87 percent of the landings in 2009. In 2009 half of the total landings came from the southern region where the fishery is almost exclusively recreational and half from the northern region where the fishery is about one-third commercial and two-thirds recreational. The 2009 estimated recreational harvest is 1.3 million pounds; whereas the commercial harvest estimate is about 200,000 pounds.

This graph shows the recreational catch with harvest in the blue cross bars and releases in the solid yellow bars. While the recreational harvest has been relatively stable, releases have increased over the time series, reaching 2.2 million fish in 2009. Anglers release more fish than they keep with the release rate generally above 80 percent for the last decade, and that is shown by the solid line.

The last assessment used an 8 percent release mortality rate for estimating the dead discards. Again, there were several requests for de minimis for red drum. Amendment 2 doesn't provide specific criteria for determining whether a state has insignificant landings, so the PRT looked at the two-year average total coast-wide landings; and the states that requested de minimis, how they compared to that.

There were requests from New Jersey and Delaware. New Jersey's landings and Delaware's landings are both a marginal percentage of the total coast-wide landings. Averaged over the last two years, New Jersey, 0.004 percent; and Delaware didn't have any landings. Again, like with croaker, de minimis status for red drum does not exempt the states from any compliance requirements.

Here the recommendations from the PRT are the same as last year, to continue to support a moratorium in the EEZ; to consider the de minimis requests from New Jersey and Delaware. The recommendation based on the stock assessment was to maintain the status quo for the southern region due to uncertainty in the assessment results; and for the northern region, the fishing mortality could be allowed to increase by some level based on the stock status. However, managers should first consider the desired degree of precaution in a management strategy. Are there any questions on the FMP review?

CHAIRMAN DANIEL: Questions? A motion to accept from Dr. Rhodes – question, sorry.

MR. ROBERT H. BOYLES, JR.: Nichola, can you characterize some of the discussion about potentially increasing F in the northern region?

MS. MESERVE: I'll have to thank back to when the PRT talked more about that, but because in the northern region the SPR indicated that it was above both the threshold and the target levels, that there was some room for relaxation, but there was definitely not a recommendation from the PRT to pursue that.

CHAIRMAN DANIEL: I think that is a fair characterization. Just to let you know an update on where we are, we did go over I believe it was about 13,000 pounds last year when the season that ended August 30th or 31st. I can't remember how many days it has. But those landings are being paid back during the fall, so we reduced the quota by the 13 or 14,000 pounds to make up for that and avoid discards.

A motion to approve the FMP review by Dr. Rhodes; seconded by Jessica, and that includes approving the de minimis requests from New Jersey and Delaware. Move to accept the 2010 Red Drum FMP Review and de minimis requests; motion by Dr. Rhodes; second by Ms. McCawley. Any discussion? Is there any objection to that motion? Seeing none, the motion carried unanimously. All right, next is a progress report on the Draft Omnibus Amendment.

PROGRESS REPORT ON THE DRAFT OMNIBUS AMENDMENT

MS. MESERVE: The initial timeline in the PID for the Omnibus Amendment had the Draft Omnibus Amendment coming to the board at this meeting for review and consideration for public comment. However, that timeline has been delayed until March 2011 for several reasons. The first is that the commission and state staff on the PDT, their time has been a bit limited given other workload responsibilities and priorities.

The Omnibus Amendment also covers three species, of course, so it takes a bit more coordination and time. Additionally, the release of the Federal Coastal Migratory Pelagic Draft Amendment 18 for public comment was delayed. Part of the reason for the Omnibus Amendment is to bring more compatibility in between the state and federal regulations for Spanish mackerel.

Right now it is looking like this Amendment 18 timeline has hearings planned for April 2011, so hopefully a draft of that would be made available to the PDT in late winter or early spring so that the Draft Omnibus Amendment could be written to be compatible with Draft Amendment 18. The modified timeline now has final approval of the document scheduled for August 2011, assuming that there are no further delays in the timeline and that the board meets in both March and August of next year.

In terms of progress that has been made, we probably have about 75 percent of the document drafted. A lot of that has been written by just one PDT member or another so it still needs to be reviewed by the PDT as a whole. We'll probably have about another 10 or 15 percent drafted when we receive sections that were farmed out to other ASMFC groups like the Committee on Economics and Social Sciences or to protected species staff at NMFS.

We'll likely need another PDT call or two to finish drafting the remaining sections of the documents. With the staff transition occurring, there has been a detailed list written up to provide guidance to the next FMP coordinator to help keep the ball rolling on the draft amendment so that we can hopefully stay on the current timeline.

COMMITTEES NOMINATION

CHAIRMAN DANIEL: Thank you, Nichola; any questions about where we are with the Omnibus Amendment? **One other item is you've got a memo to the South Atlantic Board from Melissa asking us to consider placing Dr. Douglas Lipton, an economist, on the technical committee for croaker and then the plan review team for spot and spotted seatrout.**

Has everyone had a chance to look that over? Is there any objection to adding Dr. Lipton to those committees? **Seeing none, so ordered.** That takes us down to other business.

ADJOURNMENT

If there is not any other business, two things. South Carolina, you made the southern states look good this week and we sure do appreciate it. I'm proud to be the board chairman on Nichola's last meeting with us, and we're going to miss her a lot. I guess I'll close the meeting and say safe travels. We're adjourned.

(Whereupon, the meeting was adjourned at 2:40 o'clock p.m., November 11, 2010.)