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

August 18, 2004
Alexandria, VA

ATTENDANCE

Board Members

Damon Tatem, NC, Gov. Appte
Louis Daniel, NC DMF
David Cupka, SC DNR
John Frampton, SC Leg. Appte
Robert Boyles, Jr. SC DNR
Spud Woodward, GA DNR, Chair
John Duren, GA proxy for Ralph Balcom, Gov. Appte.
Kathy Barco, FL, Gov. Appte.
Gil McRae, FL FWC FMRI
Buck Sutter, NMFS SERO
Anne Lange, NMFS
Bennie Williams, USFWS, Chair

Ad hoc State Representatives

AC Carpenter, PRFC
Roy Miller, DE Div Fish and Wildlife
Tom Fote, NJ Gov. Appte.
Bruno Vasta, MD Gov. Appte.
Catherine Davenport, VA, Gov. Appte.
Jack Travelstead, VMRC

Ex-Offcio Members

Paul Piavis, Chair Atlantic croaker TC

Staff

Vince O'Shea
Nancy Wallace
Toni Kerns
Bob Beal

Guests

James Fletcher, UNFA
Harry Rickabaugh Jr., MD DNR
Jim Ruhle, Fly Darana R
Dick Brame, CCA
Mel Bell, SCDNR
J. David Martin, Martin Fish Co. Inc.

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SUMMARY OF MOTIONS

Move that the South Atlantic Board initiate an Amendment to the Atlantic Croaker FMP to incorporate suggestions made this morning. Motion made by Mr. Travelstead; seconded by Mr. Cupka. Motion carries unanimously.

Move that South Atlantic State/Federal Fisheries Management Board recommend to the Commission, through the ISFMP Policy Board, that a letter be sent at the appropriate time to Bill Hogarth requesting that the Secretary of Commerce implement, under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act, a prohibition on the harvest of red drum in the EEZ as part of the ASMFC Red Drum FMP. Motion made by Mr. Cupka; seconded by Dr. Daniel. Motion carries unanimously.

Move to request that the ASMFC staff review the SARP MOU and provide a recommendation to the South Atlantic Board regarding ASMFC involvement.
Motion made by Mr. Carpenter; seconded by Mr. Boyles. Motion carries unanimously.

Move that the South Atlantic Board approve the 2005 SEAMAP budget as presented.
Motion made by Dr. Daniel; seconded by Mr. Carpenter. Motion carries unanimously.

Move that the South Atlantic Board endorse the South Atlantic Council's preferred alternative for certification of Bycatch Reduction Devices.
Motion made by Dr. Daniel; seconded by Mr. Cupka. Motion carries unanimously.

Move to approve the nominations of Dr. Douglas Lipton and Dr. Robert Cooley to the Atlantic Croaker Technical Committee and Plan Development Team. Motion made by Dr. Daniel; seconded by Mr. Carpenter. Motion carries unanimously.

ATLANTIC STATES MARINE FISHERIES COMMISSION
SOUTH ATLANTIC STATE-FEDERAL FISHERIES MANAGEMENT BOARD

Radisson Hotel Old Towne
Alexandria, Virginia
August 18, 2004

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The South Atlantic State-Federal Fisheries Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel Old Towne, Alexandria, Virginia, on Wednesday, August 18, 2004, and was called to order at 8:00 o'clock a.m. by Vice Chairman Spud Woodward.

CHAIRMAN SPUD WOODWARD: I'm acting as the chair of the board meeting this morning. Bill Cole who is the chair -- I'm the vice chair -- is not here. He is still having some difficulties recovering from his surgery, so I know we'll all wish him a speedy recovery and get him back in the saddle here.

APPROVAL OF AGENDA

We've got a pretty aggressive agenda this morning. We've got three hours to do it. I'm going to do my best to see that we get though it, and maybe a little early if we're lucky. We've got some additions under other business that I want to go ahead and identify before we approve the agenda.

One is some housekeeping on the Red Drum Technical Committee. One is a discussion about forthcoming South Atlantic Council action on bycatch reduction devices. One is the Committee on Economics and Social Sciences appointments to the Atlantic Croaker Technical Committee.

Does anybody else have any additions or changes to the agenda? Do I see any opposition to the agenda as it's listed with these additions? If not, then I'll say the agenda is approved.

APPROVAL OF PROCEEDINGS

You also have both on disk and in hard copy the proceedings from the last meeting of the South Atlantic Board. Do we have any additions or deletions for that? If not, then we'll consider that approved.

PUBLIC COMMENT

Do we have anyone from the public here that would like to make a comment about South Atlantic Board business this morning? If not, fine, good. We'll move right on into the meat of this thing.

ATLANTIC CROAKER STOCK ASSESSMENT REPORT

To my left is Paul Piavis. Paul is the technical committee chair for Atlantic croaker. You will all recall that the original Atlantic croaker stock assessment was rejected and there was a list of changes that were made. These changes have been done through a renewed assessment, and Paul is here this morning to give us the results of that updated assessment.

MR. PAUL PIAVIS: The model that was run was very similar. It was the same format as the model that was run in October, taking into account several of the points that the SEDAR panel brought up and that the management board prioritized at the New York meetings in December.

At that time, there was a request also from the board to do some stock projects. We ran some projections through 2006. The time frame for the core assessment was 1973 through 2002.

When the management board prioritized the issues that the SEDAR brought up, there were about eight main issues, and as the technical committee we kind of grouped them into data input problems, which accounted for about five of the points, and three that dealt with the model formulation or its management implications.

For the data input, the main comments from the SEDAR panel were that not all of the removals were accounted for; specifically, scrap catches from North Carolina and Virginia, discard issues, and the shrimp trawl fishery.

The first thing that we did as the committee was took North Carolina's scrap estimates from their surveys, which went from 1986 to 2002, so what we had to do was to figure out a way to estimate what was going

on from 1973 to 1986.

We tried several analytical ways and fairly rigorous ways to estimate that, but the fallback position was to use a ratio from 1986 to 1990, so the earliest five years before any regulations had taken place.

We took the ratio of the scrap and bait fishery in North Carolina to the unclassified landings, took that ratio and multiplied it by the unclassified landings for the years 1973 to 1985 to come up with North Carolina's total scrap landings.

The SEDAR panel asked us to apply the scrap estimates to other states. That was for several different reasons, that we couldn't use the data from North Carolina to project for Virginia.

Really, Virginia and North Carolina were the main harvesters so we really focused on Virginia. Maryland has a decent harvest, but Maryland has a 9-inch minimum size limit so there is no bait or scrap fishery.

We went through a lot of different methods to estimate Virginia's fishery. Unfortunately, the main way that we would have liked to have done it was a trip-based method, but the data just weren't there. So Rob O'Reilly dug up what VIMS calls their bio-profile data of the landings.

They took a similar tack to North Carolina. Although they don't monitor the scrap fishery, per se, at the fish houses, they were able to characterize by length. Anything under nine inches was considered not suitable for food fish, so that was considered scrap.

Depending on the year, if it's a good year, a lot of nine-plus inches are going to be not so desirable. We decided to take half of the fish from 9 to 10 inch and include that in the scrap fishery. Rob groundtruthed it with talking to a lot of the buyers and watermen and fishermen and everybody seemed to think that made pretty good sense.

So, for Virginia we had estimates from 1989 through 2002. We did the same thing that we did for North Carolina, took that ratio of their scrap fishery to the unclassified landings and applied that to the previous years.

The other data issue the SEDAR panel wanted us to address was specifically to look at a dataset, at the at-sea observer dataset, hopefully, to get shrimp trawl bycatch and bycatch from some of the other gears.

It was suitable for gillnets and otter trawl bycatch. We tried and tried and tried to do everything we could to get a shrimp bycatch estimate but there was just no way we could. The data just was not there.

There was one year in 1994 where there were decent amounts of observations, but we feel hesitant estimating 5 years back, let alone 30 years, from one data point, so for the base model we did not include the shrimp bycatch.
What Janaka DiSilva did do, however, was to run some sensitivity analyses using a ratio estimator from that 1994 point just to get an idea of how the model would react if we included some of these estimates even though we didn't have much faith in it.

I just want to emphasize that the core model does not have the shrimp bycatch in it, but we did look at some of the uncertainty.

Another issue that the SEDAR panel had was they wanted to see the Northeast fisheries Science Center Trawl Survey which we used. They wanted to see that go back to 1973. In addition, the technical committee used the delta-log normal distributions to formulate the index from that trawl survey.

They weren't comfortable with that and they asked us to re-evaluate it with basic stratified means. Janaka, I believe, he looked at least squared means along with the stratified means and the delta-log normal. There were some issues with sample size where it ended up that the stratified mean index was more appropriate, so that was a change from the original model.

The SEDAR panel also asked that we use the VIMS YOY survey to tune recruitment. That dataset spanned from 1973 to 2002, and in fact it did improve the fit. The recruitment deviations were decreased, which is what the models comes out with -- the difference between what the model comes out with and what the stock recruitment relationship says it should be.

The model formulation changes -- since the assessment starting point was earlier, the ratio of the first spawning stock biomass to the virgin biomass is what really seeds and starts the model. So since we were moving that initial point back, we had to re-evaluate that.

Janaka had actually reformulated the model so that the model estimated it explicitly, so we didn't have to make a guess at the SSB to SSBvirgin ratio.

They also asked us to reevaluate the weighting

scheme. In the original model, we weighted the fishery-independent indices twice the fishery-dependent data, which is fairly standard because we have more faith in a fishery-independent survey tracking the true population. Fishery dependent, that can vary economically. If there is more striped bass out there, maybe people aren't fishing for croaker, et cetera.

So, Janaka did quite a few sensitivity runs. altering the weighting scheme, and as it turns out, our original weighting scheme was about the best. It was what we call a fairly flat response surface. The results really didn't change a whole lot depending on which weighting scheme you used, so we stuck with our original weighting scheme.

Also, the SEDAR panel actually okayed the reference points that we came out with in the first cut of this, but they wanted us to reevaluate it in light of the new results, which is fairly logical. We also included some uncertainty estimates, and again we'll talk about that once we get to the biological reference points.

Now the final inputs to the model, we have the Northeast Center's trawl survey which dates from 1973 to 2002. That was again a slight change from the initial model run. The recreational CPUE index from MRFSS, of course, that's going to go from '81 to 2002. That's unchanged from the original model.

The SEAMAP trawl index, it was from 1989 to 2002, again unchanged from the original model. The VIMS survey was an addition; and, again, that spanned the whole time series. The recreational removals, including the discards, that's unchanged from the original model. That was '81 through '02.

The commercial removals, and that, of course, is a change because we have the scrap estimates and the gillnet and trawl survey -- excuse me, otter trawl fishery discards. Again, it doesn't include the shrimp trawl.

Okay, the results for abundance indicate that we have an increasing trend with higher lows and higher highs dating from about 1983. The range was 125 million fish in 1982 to 974 million fish in '99.

The last five years averaged 819 million fish, and that is compared to the time series average of just under 600 million fish. The terminal year estimate, 2002, was just under 800 million fish.

The spawning stock biomass or SSB also had an increasing trend. It plateaus here the last seven to ten years, bouncing between about 80,000 metric tons to I think it was 97,000 metric tons. The time series range was 11,700 metric tons in '83 to 97,000 metric tons in '96. The last five years' mean was 85,000 metric tons. The terminal year was 80,000 metric tons.

As far as recruitment, it was very variable throughout the time series. The time series average was just over 200 million fish. They range from 23 million fish in the early '80s to 572 million fish in '91. We have strong year classes evident in '91, '98, '99 and '02.

Fishing mortality was relatively high in the mid-'70s through early '80s, decreased slightly or gradually to a low in '91 of about 0.05, actually, and since then it has increased and almost doubled and our terminal year here ended up being about 0.11.

Now as far as biological reference points, again, the SEDAR panel agreed with our original, not the estimates, but the way we calculated it, and it's fairly conventional. The F target is going to be 75 percent of Fmsy.

Your threshold is going to be your Fmsy. And for biomass targets, it's going to be SSB at MSY, and the threshold is going to be 70 percent of the target. Now for our runs the target, the Fmsy was 0.39, which makes the target 0.29.

We definitely don't want F to go above 0.39 and preferably we would want to keep it around that 0.29. The biomass targets were almost 29,000 metric tons with the threshold being 20,000 metric tons.

We don't want the biomass to fall below that 20,000 metric tons. The X's indicate the F target and the triangles indicate the F threshold. The thin blue lines are 80 percent confidence intervals. You can see early in the time series the F exceeded targets and thresholds fairly routinely.

Currently at an F of 0.11, we're about one-third of the target. As far as uncertainty goes -- and I'll talk about the shrimp trawl in a little bit, but as far as uncertainty goes, all the simulations indicate that there is less than a 90 percent chance that overfishing is occurring on this stock.

As far as SSB, again, the yellow line would be the target and the red line would be the threshold. We're some almost three times higher than the target and almost four times higher than the threshold. And, again, as far as uncertain goes, we are more than 90 percent certain that the stock is not overfished.

Now for the shrimp trawl fishery, when Janaka included those, the F increased slightly and the F reference points stayed about the same. What happens with the model is the SSB and SSB reference points are jacked up, so instead of an F reference point in the 20,000 metric ton range, the reference points actually jump up to the 50,000 metric ton range.

However, the actual population estimate also goes up. And that goes up -- I think the median was 111,000 metric tons so that's only a twofold difference from the target, but it's still obviously comfortably above the target when those shrimp trawl estimates are included.

At the New York meeting, we were asked also to do some projections, so we ran some projections from 2003 through 2006. We did two F regimes; one, F status quo and one if we were fishing at F target from 2003 on.

A couple things that we need to put into this is a value for recruitment, so what we did was we took recruitment over the last 15 years and randomized it for F.

We took the F from the last 15 years by fleet, recreational, commercial and bycatch, randomized those 15 years. Except for the bycatch, since there's been so many regulation changes and changes in the fisheries the scrap fishery, we just randomized from the last six years.

So all those randomizations we ran it 1,000 times to get average Fs -- that's for the F status quo. For the F target, instead of randomizing F, we just kept that at 0.29. These Fs are specific by the fleet, so the individual selectivity patterns from the different fleets are kept.

The abundance, the F status quo would be the yellow line. If we were fishing at an F target, it would be the red line. You can see the F target fishery has a quicker decline and a slower recovery compared to the F status quo.

We see an initial decline and then leveling back out to about what the 2002 estimate came out to be, a little over 800 million fish. For the SSB, both of these lines, of course, are above the F target and F thresholds of 28,000 and 20,000 metric tons.

Again, we have a more rapid decline with the F target, which is again F 0.29, with a slow to no recovery through 2006 as opposed to fishing at the status quo where we have a gentler decline in the first year, and then a much more rapid rise, again back up to about the levels that we've seen in 2002. So with that, I'll be happy to field some questions.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Paul, really very good presentation. Obviously, the stock is really strong. I'm just wondering, it's a stock that's obviously dependent in the estuarine area at a key portion of its life, yet that's areas that we've said over the last 20 years are under a lot of stress from development, pollution, other types of things, so is there a sense of why this stock is doing so well in the face of those sorts of problems when we have other species that we're saying, well, they're in decline because of problems in the estuaries?

MR. PIAVIS: Of course, we talked about that informally in the technical committee. The thrust was to get this done on a tight time line, but certainly this isn't the same throughout the range, which is why we had the difficulty in figuring out what was going on south of North Carolina.

It doesn't seem to be rosy everywhere. There may be some recruitment problems in the southern end of the range, but, then again, if you remember from some of the earlier presentations, it really seems like the epicenter of this stock is kind of moving northward.

New Jersey now is accounting for a lot of catches. And if you look at the trawl survey catches latitudinally, over time it really shows an increase of high CPUEs northward.

EXECUTIVE DIRECTOR O'SHEA: A follow up, Mr. Chair. I mean that would sort of support if water temperatures are going warmer, then maybe these things are expanding further north. I guess that's the implication now.

MR. PIAVIS: It's either that or long-term changes in currents. They are going to spawn offshore. And, again, when you look at the variability of that recruitment -- I forget what the range was -- I think it was a 60-fold difference in recruitment values throughout the time series, which even for fish is pretty high.

CHAIRMAN WOODWARD: Any other questions?

MR. ROY MILLER: Paul, in a recent fish kill event off of Maryland, Virginia and Delaware,

the estimates are not particularly strong of how many adult croaker died, but I've heard numbers from 1 to 5 million.

Now these fish were 12 to 18 to 20 inches long, potentially spawning adults. It looks like, based on your SSB projects, maybe they represented 5 to 10 percent of the biomass? Is that reasonable?

MR. PIAVIS: You'd have to cut that in half because SSB is females, and we generally, without any sex ratio information, the standard in the fisheries is to just assume half are females. So, again, as you said, the estimates of the actual kill are tenuous, but it certainly is in the center of the population. To be hit with a, what, 80,000 metric ton spawning stock biomass, yes, it could easily range 5 percent probably.

CHAIRMAN WOODWARD: Louis.

DR. LOUIS DANIEL: Paul, from start to finish, you all have done a very nice job getting this thing through that process, and we appreciate it. I would think also that as we're seeing this population abundance increase to what appears to be at least an all-time high in the time series, that you might expect the geographic range to extend. I mean, it doesn't surprise me to see that distribution expanding like we would hope to see with red drum.

CHAIRMAN WOODWARD: Some day.

DR. DANIEL: Some day; it's happening. Just a couple of questions for my own edification. I understand through the model that you used the North Carolina age growth information. Did that help to -- did that sort of alleviate some of the age problems? Is that why you all did that?

MR. PIAVIS: We needed the age information to partition out the catches into a selectivity pattern, so that the model can take the biomass that was caught and put that into a – actually, you're kind of working backwards from a catch matrix.

DR. DANIEL: Yes, I'm just meaning -- I know there have been some discrepancies in the age data. Was that concern about some of those false marks, was that concern alleviated by just using the North Carolina -- is that why you all chose just to use the North Carolina growth information?

MR. PIAVIS: Actually, because we addressed that in the first -- if I can remember correctly, we addressed that in the first issue and I believe Charlie Wenner -- and I can't remember the gentleman's name from ODU -- I think they went back and looked at a lot of the otoliths and actually went through and teased out the ones that seemed to agree.

DR. DANIEL: I just wanted to make sure that you were comfortable that the aging problems had been addressed.

MR. PIAVIS: Yes, that was one of the first issues that we really had to tackle.

DR. DANIEL: It wasn't exactly clear in the document. The other thing, did you fix your estimate of steepness or was that calculated in the model that you used for your MSY calculations?

MR. PIAVIS: That was unchanged from the original model. The steepness was -- I'm not a basian analyst but the steepness was -- a distribution for the steepness prior distribution was published by Ransom Myers, and that's what Janaka used and Dr. Williams, when they were first starting it off, used to estimate the steepness.

And then he did a whole bunch of sensitivity runs and that steepness was based on the different sensitivity runs. The model is not determining steepness. That is a set parameter.

CHAIRMAN WOODWARD: Any more questions for Paul? We've got one from the audience, I believe.

MR. JAMES FLETCHER: James Fletcher. I just got the document so I apologize, but the historic fluctuation that has been shown over the years, I didn't notice it in this presentation.

That's one note that this is one stock that basically fits the cyclical pattern, so I didn't notice it in the document, it may be there.

Two, on the shrimp trawl estimate, were pre-TEDs and pre-fish excluder devices weighted separately from after both of those pieces of equipment were put in for other reasons?

MR. PIAVIS: No. Again, that's one reason why we were uncomfortable with using that in the base run. I don't know when you came in during the presentation, but the shrimp bycatch isn't included in our base runs.

When we did use it, it was just as a sensitivity, almost of a worst-case scenario, so the main data point -- the single data point that is really being sued to characterize it was in 1994. I believe wasn't that when they were first mandated? Was it '94 or '96? I can't remember.

DR. DANIEL: Amendment 3 to weakfish in '95. North Carolina had them in '92, but they didn't meet the ASMFC standards until '95 with Weakfish 3.

MR. FLETCHER: The other thing that I heard you mention was you classified the fish under nine inches as scrap. There has been some regulatory changes as far as the people selling fish out of the back of a truck that has basically necessitated that market has disappeared, but with the advent of the overseas market, I don't think it's fair to classify that as scrap.

There is a market when economic conditions drive it. The other point is with the other regulations being put in, this now may be driven into a point of necessitating turning these fish into bait, not because they can't be used for human consumption, but because other regulatory actions and other fisheries have decreased the amount of scrap fish or decreased the amount of landings of those fish that can be used for bait.

So, to basically call these under nine inches scrap, I'd like to bring it to the attention that that may be more of a result of regulatory actions in other fisheries. And if the fish is worth $.10 or $.15 as bait, it definitely isn't scrap. It might be a different utilization.

And the point that needs to be brought up also is that certain ethnic groups that want so many fish per person in the pan, that our regulations on other species, mainly weakfish, have driven the market back toward smaller fish. I don't see any of this consideration in here, and those are some of the concerns that I see and have.

MR. PIAVIS: I think we can address that by saying the uncertainty in the scrap and bait fishery, if it's in the back of a truck or if it's in the fish house now, both North Carolina, from their surveys, and Virginia, with their bioprofile data, are capturing that.

Our problem was the previous years, prior to the survey, So whether it's being sold to somebody who wants to fry a pan-sized croaker or bait, we have the confidence that it's being accounted for as a removal.

CHAIRMAN WOODWARD: Thank you, Mr. Fletcher. Any other questions from the board or from the audience? Yes, sir. Come up to the mike please and identify yourself for Joe.

MR. JIM RHULE: Good morning. I'm Jim Rhule. I'm a commercial fisherman from North Carolina. I've got quite a bit of experience in the trawl fishery on croakers, and I have a question pertaining to this -- actually it pertains to Captain O'Shea's mention of this expanding range of these fisheries.

I also would like to take the opportunity to provide some empirical information for the committee or the commission to digest in its deliberations on croaker.

The questions, sir, would be with any species, you begin to see an expansion of the range. That can be certainly driven by a rationale other than just an expansion of the stock. I mean, ecological and temperature issues, climatic issues have a tendency to play more of a part in that than the stock itself.

In my opinion these croakers do need to be considered two different, not two different stocks, two different subsets, two different -- completely two different bodies of fish because what has happened -– and this is the question –- as these species have migrated further north, which they have done in previous cycles, that has to be taken into consideration.

My father was born and raised in Long Island and croakers would appear on a six to nine year, seven to nine year cycle. That's the very northern end of the range, so that would have been expected on years of the cycle peaking out.

But what we haven't done any work on, in my opinion, is to study how far the southern end of the migration has moved north. When fish start to change their migration habits, it's not something that takes place in a one- or two-year time frame.

It takes time. It takes time for the fish to move further north. Naturally, when they move further north, they don't appear to move as far south.

And when you start getting that trend, if they go 200-300 miles less distance south on a winter migration this year and then do it again next year and then the next year, all of a sudden your northern end is -- naturally they're going to go back basically the same distance until they run into some kind of climatic

change to stop them or food shortage.

But, I don't know that there has been any significant work done as to where these fish are stopping their migration south. I know where it is. I mean, it's just like you took Cape Hatteras and drew a line across the ocean.

It's like a fence down there in the last seven or eight years. And these fish will go down to that point because the stream –- now you've got to remember the stream comes right by there, and that's a natural barrier, but there's always colder water on the inside, so if these fish did in fact want to migrate further south, they could do it.

But for some reason they are not. They get to Diamond Shoals and they'll circle and they'll disappear. And we're chasing these fish. We're on top of them all the time for that time frame. And you'll completely lose them.

You know, all the fish in the world that you want for a few days, and then you'll completely lose them. And when they show back up, they'll be 10-15 miles either east or north or even in towards the beach depending on what the tide has done.

But the migration south is my biggest concern, and I think it's something that you can use as a definite factor in distinguishing the two subsets of stocks or the two stocks.

So the first question would be has there been any significant work done as far as determining the southern end of that migration? That's the first question.

MR. PIAVIS: Not that I'm aware of. Empirically, we can infer that in a previous comment that I made. If you look at the catch per effort of the trawl survey, I'm sure we could glean something out of that.

I think though it did show Cape Hatteras, but for other reasons we decided to draw a line in North Carolina -- for data reasons to draw the line in North Carolina.

Now, the trawl survey strata I believe only went down to Cape Hatteras, so the data that's used in the model is drawn off of Cape Hatteras. I'm assuming, if I can remember that far back, the reason we did that is because we the trawl survey showed the same thing that you're talking about.

MR. RHULE: Well, I think you want to be a little bit cautious as you go using this trawl survey, especially the spring survey. And I'm well aware what the Northeast Fisheries Science Center does. As a matter of fact, I'm chairman of the Northeast Fisheries Trawl Center Advisory Committee, and we're working closely with the Science Center on gear and survey issues and so forth for the upcoming vessels.

The problem that you have with croakers is they are so schooled up and they are so knotted up that a random survey is going to be extremely misleading. I mean extremely. It is incredible the way these fish knot up now.

I mean, unless you've been there and done it, you just cannot imagine that fish could concentrate themselves into balls, and there'll be absolutely none 100 yards over here and absolutely none 100 yards over there, and they'll stop you.

They will physically stop a 700 or 800 horsepower vessel if you hit a school of them. I've done it. I've lived it. It's incredible. When you look at a species that is behaving like that and then try to apply a random survey on top of it, you really start to wonder.

I think we really want to be a little bit cautious as we go down that road. I do agree that the stock is in excellent shape. I was really expecting over the last few years to see the cycle start to reverse itself.

And traditionally, all the way back into what I've read into, I believe it was 1936 or '37, and again in '50, '48 or '49, '58, 1958, the North Carolina fishery, which pertained mostly to long haul in the sounds, the majority of the fish that were caught in North Carolina were caught in the sounds with long haul nets.

There was hardly any gillnetting going on and not a whole lot of trawling going on. Things have changed considerably. There is very little effort in the sounds on the market-sized croakers. It's just the fishing gear has completely change.

They do have a gillnet fishery that takes place, but much, much more of your fish, in recent years, say, eight or ten years, is either trawl fishery or gillnet, and it's in the ocean waters. So you have to kind of look at that a little bit, too.

The fishery has changed dramatically in the types of gear that's used. And that's another issue that you

want to keep an eye on. But what I was getting at about the cycle, sir, is that they in fact should have reached a peak. You're seeing the biggest croakers that anybody has ever seen on record.

I mean, you almost think you're a drum at times. You have to flip them over and make sure there ain't a spot on them. They're extremely large. And normally when that starts to take place, you're at the end of that cycle.

But now what we've seen the last couple of years is an influx of much smaller fish. They're very schooly. When you hit a school of fish, if you didn't catch any prior to hitting that school, they're going to be basically one size.

And then you could count on that, and you directed your trip on that. But what has changed is the mixture, and now we've got all year classes, all year classes. And that is not a signal that you would normally get on a cyclonic pattern that was getting ready to peak.

So that is good, but that ties into what this migration south is doing. If they're not going as far south, then everything is going to be jammed together so you would have more of a mixture of sizes if that in fact was taking place.

Well, I know it's taking place. But this expansion northward is something that you want to view with caution. The market for croakers -- I think this is probably the statement that I'd like you to take home with you.

The market for croakers is actually the best and most effective management plan that anybody could put in place. It's unbelievable how that is controlling this fishery. The loss of traditional markets has been so devastating for whatever reason. We've never regained those markets.

Our fish are mostly exported overseas. And the value associated with it is so small, that there's very few that can actually deal with the volume, and you have to make the commitment and you have to line up the ships to take them to Nigeria.

You have to do everything, and you're basically working for pennies. And one or two months in the storage and you have no profit left. It is incredible how the market is maintaining that management scheme.

It's gone so far as to we in the trawl fishery have increased our mesh size to target different size fish. We're using a croaker cod end -- I mean a trout cod end, a 3-¾ inch, to catch croakers. And we used to use 2 inch.

And the purpose of that is so that you can shed some of the smaller ones and get clear of them. Again, this is all market driven, all market driven, so it's something that you want to take into consideration.

And one more thing if you don't mind, sir, the spawning patterns of these fish is something else that needs to be mentioned. They traditionally spawn in the Mid-Atlantic now. They'll start to fill with roe now, and the rest of this month and September they're slam full.

We can't do anything with them. We can catch all we want, all we want, but we can't get them out of the water, cannot get them out of the water before they go bad. And we don't even touch them. We will not touch them until they've spawned out.

That's a very critical issue. I mean, we'll target them. We'll check them. Our tri-nets on the trawl boats are fishing poles. You know, you drop it down in a school of fish to find out what size they are and how much roe they've got in their bellies.

If they're full of roe, you leave them alone. Through experience, and you put 50,000-60,000 fish on a boat and get to the dock 12 hours later, and they're bad, you've got a problem. You know, I mean, you learn your lesson quick. One or two of those doses and you're all done.

So, basically the volume fisheries take place after the spawn has been released by these fish. Now I think that's a very critical issue in this species, because it's another component of the stock that is going to maintain itself because of the way that the effort is conducted.

Anyway, sorry to take so much of your time. I hope I did ask some questions, and I do have you know some other issues that I'd like to bring forth at some time, but again I think the stock is in real good shape.

And please consider the effects of the market as far as managing this stock now because it's doing a really good job. Thank you very much.

CHAIRMAN WOODWARD: Thank you, sir, for those comments. We appreciate it. If we don't have any other questions for Paul, I want to thank Paul for a wonderful presentation. Thank you

for the work that you all have done, and for the record will you identify the assessment group just so everybody will know who did do the work.

MR. PIAVIS: I'd love to. I've been lucky to have been chairman for more than a couple of committees and every group has its strengths, but this group was, top to bottom, just unbelievable the work they did: Tina Moore, North Carolina, and Charlie Wenner down South Carolina; John Foster; Janaka; Dr. Williams from the Beaufort Lab; Rob O'Reilly; Russ Allen.

I've never seen everybody just glom on to something that they had to do and just do a real thorough and good job. This was a very short time line for a lot of work. I'm sure Nancy didn't think some of it was going to get done in time, but they just did a superb job, and the states should be really thankful that they have those guys working for them because they just did a bang-up job.

CHAIRMAN WOODWARD: Thank you, Paul. And now we'll see just how good a job they did according to the SEDAR Advisory Panel report. Geoff, I'm going to turn it over to you.

SEDAR ADVISORY PANEL REPORT

MR. GEOFFREY G. WHITE: Thank you, Mr. Chairman. The same SEDAR panel reconvened via conference call on June 8th and then we drafted up the report over the following weeks. Once again, the panel members were Dr. Steven Smith, who was selected as chair by the Center of Independent Experts. He remained chair for this peer review, as well, from the Department of Fisheries Oceans in Canada.

We also had Bill Goldsborough, Najih Lazar, Tom Miller, Jim Nance, Paul Nitsche, Lee Paramore, Elizabeth Warner, and Bill Windley on the panel. The one change in the panel from October is Steve Bobka was not on this panel from Old Dominion University. He had changed jobs and was not available.

But without stealing too much of what's coming forward, overall I do have to say that the panel was extremely pleased with the technical committee's work. We received many comments, both during the review call and after, as we followed up on how thorough both the analysis and the documentation was, which made their work a lot easier.

As you've seen before, the terms of reference were to evaluate the data, the models, the recommendations on current stock status, and then to develop research recommendations for the future.

Again, Paul has already covered this. There were seven recommendations that came out of the October review that should be addressed prior to bringing the assessment back to the second SEDAR meeting. The five that are in yellow were addressed. Regional models and non-age based assessment models were chosen to wait for a future time.

The Mid-Atlantic model was updated. As the technical committee didn't have a lot of confidence in the results from the South Atlantic model, that was not repeated in this work. But going through, once again the commercial and recreational landings, the scrap fishery was included, the MRFSS index was included, as well as the NMFS Northeast, SEAMAP and VIMS bottom trawl indices.

At-sea observer data was included, but again the shrimp bycatch data was not due to lack of data. Just a quick overview of the landings and removals that were accounted for in the model. Data was for 1973 through 2002.

The two major peaks in the late '70s and then from about '95 forward in commercial landings. Recreational landings were from the MRFSS from 1986 forward and adjusted or estimated based on the recreational/commercial ratio for the period 1973 through 1985. Paul has already gone over the inclusion of the scrap fishery data and discards.

Survey indices were altered. For this one, the blue line is the Northeast Fishery Science Center, which was updated going back to 1973 and also used a different calculation method, and the SEAMAP data remain the same as weight of fish per tow.

The VIMS Survey was added. That's the orange line. The MRFSS numbers were included as well here. One thing that I'll point out at this time is the VIMS and the MRFSS survey -- and just because of the scale, all four of these wouldn't fit well onto one graphic.

But the panel did note that there was a discrepancy, and sometimes in certain years these four surveys were not consistent in their trends. Overall it was good to include the Northeast Fisheries Science Center survey and the VIMS survey all the way back to 1973.

It allowed the model to calculate the SSB to SSBvirgin ratio instead of providing a fixed number

for the whole thing. So, it was good to add them, but they did note that there was an inconsistency in some of the trends.

As to term of reference, Number 1, adequacy of the data, the panel supported inclusion of the North Carolina data from '86 to '02 and the methods to estimate that data from 1973 through 1985.

They also supported the use of the Virginia biological information to estimate the Virginia scrap landings and characterize that as a more appropriate length frequency information than applying the North Carolina due to the difference in the fisheries.

The panel also agreed with the technical committee that it was not necessary to apply scrap landings or try and account for additional removals coming from other states as 90 percent of the landings are really coming from North Carolina and Virginia. The panel agreed that they had accounted for the majority of the removals in that situation.

As for the discards and bycatch data, the at-sea observer data, discards-to-landings ratio, the panel supported the data expansion to estimate the discards using the observer data and thought that was a good addition to the model.

They also agreed with the technical committee, the shrimp bycatch data being excluded because of the one year of primary sampling in 1994 and what is estimated is currently low levels of bycatch. However, they did suggest that in the future the inclusion of shrimp bycatch data be reevaluated if more data has been collected.

Again, more good news. The MRFSS data and the three survey indices were all accepted and approved for inclusion in the model. There really weren't any major concerns about individual indices and their appropriateness to fit into the model.

The second term of reference was to evaluate the adequacy of the model. These were the four items recommended to take place before this second review in June.

The first two were basically functional and taken care of by the technical committee, and then we'll take a look at reevaluating the virgin biomass and the consequences of the weighting factors.

By including this data and looking at the virgin biomass that's the population benchmark that's estimated by the model here, the panel did look at the differences in stock status between October '03 and the June '04 and noted that this those provide a more optimistic status; yet, they did not once again the benefits of including the VIMS and the NMFS and the VIMS surveys to be able to estimate the SSB ratios within the model.

And, again, after including all four of these indices, they did recommend a future evaluation of why they're not closely correlated. The technical committee did a lot of work to view alternate weighting schemes.

In the end, they had no objective rationale for changing that, and the panel supported leaving the weights as is with the fisheries-dependent data weighted as one and the fisheries- independent data weighted as two.

The stock status and biological reference points, once again, the base run was noted as optimistic by the panel. However, the panel members had gone off and done several alternate runs, and the trends were the same, so they discussed it and agreed that the base run was the most appropriate run. It shows exactly the same trends, and they were pleased with the model run overall.

They also did a lot of work on model sensitivity. It is indicated that the benchmarks are not only appropriate, but also very robust to changes, and they felt comfortable moving forward. The panel agreed that the technical committee has evaluated major sources of uncertainty and the risk of overfished or overfishing status is less than ten percent.

The good news from the panel is that they accepted the stock status as not overfished and overfishing is not occurring. For 2002, the stock status is well below the fishing mortality target and well above the spawning stock biomass target.

And once again, this is just a review of the targets that Paul has already covered. The panel did support the use of the F target reference points as the actual values that are provided in the assessment.

However, in discussing the spawning stock biomass targets, they suggested using relative spawning stock biomass ratios as the absolute spawning stock biomass levels may change as the bycatch data improves.

So as the observer and the shrimp fishery bycatch data in the future, if that improves, then using the SSB ratios as a target and threshold marks, the panel

felt would be a more flexible means to work with the stock, to evaluate the stock.

And, finally, the research recommendations are all for future efforts. There was nothing that held up the approval of this assessment. They wanted to evaluate increases to the bycatch sampling.

The next assessment should be done with both a shrimp bycatch included and then an alternate run without the shrimp bycatch, so that those differences could be more clearly evaluated by the panel.

They suggested investigating the variable trends in the survey data in terms of why that occurred in certain years, and also the NMFS survey was included as weight of fish per tow. The suggestion was made to see how numbers of fish per tow would affect the assessment if that survey was calculated differently.

And then the additional research recommendations that remain from the October 2003 report stood and were repeated again in this panel report.

CHAIRMAN WOODWARD: Thank you, Geoff. Does anybody have any questions for Geoff? It's nice to have some good news, isn't it? Even if it might be a little overly optimistic, it's still nice to have good news for a change in our business. Mr. Fletcher.

MR. FLETCHER: The Virginia survey, has anybody taken into consideration that the fish moving in the Chesapeake Bay are affected by the electro-magnetic or whatever that the Navy uses to protect the Chesapeake Bay and it's entrance?

There is every indication that the abundance of fish in the Chesapeake Bay are affected by that equipment. The Navy is not willing to give out the information to the public, anyhow.

And if we even use the Virginia survey as an indicator and get a year that electro-magnetic or whatever the listening devices are, I don't know, is used is going to give us an incorrect assessment in the future.

I would suggest strongly that be looked into and maybe the Virginia survey be excluded unless it can be figured out or the information can be gotten as how this is affecting the fish populations. Thank you.

CHAIRMAN WOODWARD: Thank you. Okay, Geoff.

MR. WHITE: The panel didn't discuss specifically your concern; however, they requested the inclusion of the VIMS survey, the Chesapeake Bay specific survey for several reasons.

One was the extension of the time series which improves how the model calculates SSB; second was to provide an inshore index as well as a Mid-Atlantic index that was not as well covered as it could have been. So, it was an area both that was spatially lacking in having an index, and it provided more improvements to this stock assessment run than not including it.

DISCUSSION OF FUTURE ATLANTIC CROAKER MANAGEMENT

CHAIRMAN WOODWARD: Thank you, Geoff. I certainly want to thank the SEDAR panel for their work. That's oftentimes added on to your schedule of doing everything else, and they do some really important work. I think they're bringing great credibility to the science we use for decision making.

I'm personally very happy that we've got good news and we've got good news from both the technical committee and the SEDAR panel. But now it comes back to us. What are we going to do with this good news?

And just as a frame of reference, and most everybody knows this, the Atlantic Croaker FMP was approved in 1987 and has remained changed since that time.

So we've got a pretty dusty FMP sitting out there, that it wouldn't hurt to do something with. With that, I wanted to just engage the board in a discussion about where do we go with Atlantic croaker now. Louis.

DR. DANIEL: Probably something along the lines of menhaden, take this information, have staff maybe develop a public information document to take out to the public to scope it, but get these new biological reference points under Act-compliant FMP, maybe put in some threshold benchmarks that if we exceed some level, that that would kick in some action.

But then I think also it would be nice in the PID to maybe explain some of these things. A lot of what I hear is this is the one stock you all haven't messed up yet by managing, and that's why we're seeing everything look so good.

I think it would be very helpful to show how Amendment 3 and 4 to the Weakfish Plan -- bycatch reduction devices in the shrimp trawls, flynet closures south of Cape Hatteras, the mesh size restrictions have all indirectly benefited croaker as well, and so I think kind of getting that out to the public, but then also putting in these benchmarks might be a way to go.

CHAIRMAN WOODWARD: Discussion on that? I know there has got to be some opinions out there. With this group, there has got to always be opinions. All right, Jack.

MR. TRAVELSTEAD: I would agree with those recommendations. I would also suggest that we might want to say something in the document about getting a better feel for the scrap fishery, particularly in Virginia.

In fact, as a result of this work, we've just initiated a new program at the agency to get a better handle on our scrap fishery. We're trying to develop a program that's going to be modeled very much after North Carolina's scrap sampling program.

I think it would help us if there was some mention of the need for that type of information and how it might improve the assessment. As good as it is, I think it would still offer some improvements to the assessment in future years.

CHAIRMAN WOODWARD: Thank you, Jack, some good comments. Process -- to start all this, I believe is going to require a motion that we initiate action on development of an amendment to the plan to bring it into compliance with the Act, so that's what I'm looking for. Joe, do you need that stated a little more formally by the maker of the motion?

MR. TRAVELSTEAD: **I would move that we initiate the development of a croaker amendment to incorporate the suggestions that have been made here this morning with the new stock assessment**.

CHAIRMAN WOODWARD: **Okay, we've got a second from David Cupka.** Discussion? We have a question from Louis.

DR. DANIEL: To Paul, did the assessment group feel that they had adequate length-and-age sampling in the current assessment?

MR. PIAVIS: Yes. Actually, I think they were fairly comfortable with the characterization of the removals. The aging issue does need to be worked out coastwide. At one point, we had talked a little bit about formalizing something along those lines.

As far as the amendment, one thing that I would like to bring up, too, we think of the amendment as the assessment, which isn't the case. From 1987 to 2002 there has been a heck of a lot of research done on croaker, which is one power of these amendments.

It really is a synopsis of current life history knowledge and research. There really is a good vehicle for that, so again the assessment was just one part of the amendment process.

But, yes, as far as the aging, I think that a more coast-wide consensus on the cloud or the smudge, or whatever you want to call it, the first annulis location could really help future assessments, especially in light of the SEDAR panel wanting multiple assessments.

That's one reason why we had to look to the surplus production models and basically a model that's free of the constraints of an error-free catch-at-age matrix.

DR. DANIEL: With weakfish, we had some requirements in that amendment for sampling, and it doesn't sound like then if we continue on the track we're going now, we're getting adequate coverage of those samples.

What we also did with weakfish was the board directed the technical committee to put together an age-and-growth subcommittee, which was made up of several of us that were very involved in the weakfish aging, to come up with an aging manual so that all the states would be on the same page.

We may want to at some point, Mr. Chairman, direct the technical committee to do something along that similar line. I think that document is available through ASMFC for weakfish, and it would probably be helpful for the croaker committee, if they haven't already seen it.

CHAIRMAN WOODWARD: All right, thank you, Louis. Dick, I believe you had a comment or question, and then I'll get to you, Tom.

MR. DICK BRAME: I'm Dick Brame with the Coastal Conservation Association. I agree with Louis in the way this board has going, that we need to do an amendment to this plan.

But in our glee over the health of this stock –- and it truly is a remarkable recovery -– we seem to have forgotten what Captain Rhule said, south of Hatteras has not enjoyed the fruits of that recovery.

In fact, it's a remnant of what it was. And you would expect, like weakfish, when they were recovering, they expanded both north and south. This fishery seems to just be -- this stock just seems to be expanding north.

We're not seeing any expansion of the stock south of Hatteras. I would urge you, in your PID, to go out with -- I know you had data problems. I was at the meeting in Beaufort where you all talked about it.

But the logical biological breaking point is Hatteras. You should include Pamlico Sound and the southern part of North Carolina with the southern part.

The fisheries are prosecuted in different ways north of Hatteras than they are south of Hatteras. And even though you don't have the data to do an assessment, explore doing some precautionary stuff, minimum sizes, bag limits, quotas, whatever, to perhaps restore this stock while we get the information we need to do a stock assessment on the southern half.

Whether or not they're two stocks is actually irrelevant, and I even think further investigation of that, while it would be academically and intellectually important, functionally it doesn't matter.

You have de facto two different stocks; one that is recovered and one that is in the toilet. So, the landings are down. I can remember just as a kid we used to in Pamlico Sound catch, regularly catch one and two pound croakers.

In fact, we'd run away from them while I was out there with 200 other boats catching two and three pound weakfish. They were almost like a trash fish. Now, you're lucky to catch a five or six inch one.

I would urge you to not forget about the southern component of this stock as you do this PID and as you move forward, and you consider some management options for the southern part of this range. Thank you.

CHAIRMAN WOODWARD: Thank you, Dick. I think we certainly will want to explore all topics and issues of concern in the public information document. Tom.

MR. THOMAS FOTE: In the last couple of years, croaker has become a very important fish both commercially and recreationally in New Jersey. With the absence of weakfish for the last three years in the Delaware Bay, it has basically become the target of the party and the charter boats and basically have kept them busy when the other fisheries were closed or basically not available, especially with weakfish.

But it also reminds me of the story of what we did with bluefish. Bluefish were going along fine. We put a management plan in place and basically put bag limits and a poundage requirement and the stocks were all the way up here. As soon as we put the measures in it collapsed and people said, oh, gee, you put management measures in and the stock collapsed.

I think we need to basically discuss to the public what's happening in New Jersey might be extraordinary, and we're not sure why and what's going on, and in four years or five years from now it goes the other way, that they're all of a sudden not banging on the door, well, you should have done something, because we're not sure exactly what is going on. I think we need to be careful going out to the public with this and trying to explain that it might be cyclical.

It might have some facts there. I don't see any real management measures that have brought back this real comeback, but they'll expect management measures to bring the comeback when it starts to go down like that. The expectations there might be a little worrisome. That's all I'm trying to say.

CHAIRMAN WOODWARD: Thank you, Tom. Sometimes we're, I guess, the recipient of positive terms and sometimes we're the recipient of not so positive terms, but that's a good point.

Well, I put everybody on notice that we will be looking to the states to help us populate a plan development team. That's going to be our next step in the process.

We're also going to be looking to the states to help develop the content of the public information document. The plan development team will be tasked with actually putting that draft PID together.

But, there's a variety of issues and concerns, and some of them have already been brought forward here. I believe that we're going to work on trying to have that for the meeting in November.

MS. NANCY WALLACE: Hopefully, for the meeting in November we'll have a public information document for you to look at.

CHAIRMAN WOODWARD: So I know everybody's staffs are overwhelmed, but if we're going to do this -- and as Nancy reminded me, we do need to close the door on the motion so I guess we've had enough discussion. Is there anybody else?

Do we have a need to caucus? If not, all those in favor of the motion, signify by saying aye; opposed, nay. The motion was unanimously adopted. Louis.

DR. DANIEL: Nancy, do you think staff has enough direction to get started on this?

MS. WALLACE: I think I have enough to get started, but I will probably be contacting you and anything that comes up that you'd like in the document, please let me know.

CHAIRMAN WOODWARD: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. You know, listening to the reaction of the stock assessment report, and my sense is around the room and within the room there is agreement with the results that came out of this obviously very positive report.

So my question to Paul, I was just wondering was this assessment conducted in any significantly different way than the scientists normally conduct a stock assessment? And, second, was there data for this assessment that was significantly different, better or worse, than data that we might have for other species?

MR. PIAVIS: From a technical committee mechanical point of view, I guess for a lack of a better term, this at least was the first time that I believe croaker and menhaden were the first ones to go through the meeting week data, technical pre-data assembly stage.

And, unfortunately, it didn't work out so good because it was new and nobody knew what to expect. When we had a second cut at it, it was great, and you can see the benefits of it now that the people involved in the committees know exactly what's going on.

And that's compounded, too, by it being a new assessment. It wasn't an update, so we just run over age-length keys and call it good. But the subsequent meetings were extremely helpful, and the data that was brought out was really, really filled in the gaps. And the flexibility of being able to do that, I don't know how many meetings we actually had.

From a technical committee, getting down to being able to work together, that was essential in this case. Did I'd go offline, is that what you were referring to or?

EXECUTIVE DIRECTOR O'SHEA: No, Mr. Chairman, I guess what I'm thinking, a lot of times when we have the scientists come in the room and give us the stock assessment report, there is a reaction that, no, to take issue with it, to disagree, that said, no, you missed it, that's not the right answer.

I didn't get that sense this morning, so the report, you know, the sense around the room is, hey, wow, this is great, the stock is in good shape. It confirms what people are seeing, so I'm just wondering why did the scientists get this one right?

Did you use a different technique? Did you use a different model? Did you use different data or is it you did it the same way they generally do the other species?

MR. PIAVIS: I think, from some of the other species, especially ones that -- well, I guess they would probably be equivalent ranges.

But if you have a whole bunch of state surveys and a federal survey and they start sending confounding signals, a lot of people still want those indices in, and there may be no good statistical reason to leave on in or take one out, so they end up being mish-mashed in together, not in this assessment, in other assessments.

You can easily get confounding results. With this, you know, you think of it almost as a model being over parameterized, although that's not exactly the case, but you get the idea.

In this case, of course, we had some CPUE indices and they track -- although the SEDAR panel noted some lack of correlation in the indices, some of those are tracking different parts of the stock, too.

But from a general point of view, again, compared to some other assessments that we've been involved with, if these indices align at least in trends, you're going to have a good fit, the idea being that it's what fishermen observe and what the trawl survey brings

out is going to aid to the fit in of the model.

This is the first time of seeing this model actually run, and it seems to be a very, very robust model. But, again, I think it's more of an issue of a few good datasets as opposed to 50 datasets that are so-so.

CHAIRMAN WOODWARD: Very good. Tom, you had your hand halfway up, then you pulled it back down.

MR. FOTE: What I was going to say is we're basically not putting any penalties on it, and everything is in agreement with what fishermen are seeing north of North Carolina, you know, North Carolina north, so when you have those things going in agreement, you don't have any controversy.

It's when you start putting the management measures because the stocks basically show they're collapsing, and the fishermen say, no, they're not collapsing is usually when we wind up in the controversy. We're not having that so when you've got messages that everybody agrees with, it makes it very simple.

CHAIRMAN WOODWARD: Okay, David.

MR. DAVID CUPKA: And I might as well say, too, I think part of it was due to the fact that it was just the process itself. SEDAR is a new process and we've tried to model it very carefully.

In fact, it follows some of the recommendations that came out of the Ocean Commission and the Pew Commission report and we enacted those really before those reports came out.

But the process by which it operates, it sets up a group to do the assessment and then a completely separate group to review that assessment, and it involves individuals from the Center for Independent Experts.

I think at least in my mind it gives me a little more confidence maybe in some of the way than we've done things in the past. ASMFC along with the Southeast Region Councils have adopted this process, and I think it's a much better process maybe than some of the ones that we've used in the past and will stand up a little more under some little closer scrutiny.

So, part of it I'd like to think is because of the process that was used, as well as the fact that there were good datasets. Obviously, those are absolutely necessary to do a good assessment. I'd be remiss, I think, if I didn't mention that I think part of it was due just to the process.

CHAIRMAN WOODWARD: Yes, I agree. I think that it is certainly easier to feel comfortable about a very technical assessment when it has been reviewed by an independent group of experts. I know that certainly helps me feel a lot more comfortable. Tom.

MR. FOTE: I think it's important that we note that and move forward and get the publicity out on that, especially what's going on in the present atmosphere in Washington.

I mean, I sit on a bunch of working groups with different environmental organizations, sometimes trying to work through the details, and we need to basically put out the message that we've got a system that is basically policing itself, coming out better, doing everything that is necessary.

There are all kinds of drastic changes that are being proposed, mostly at the council level, but we should show that we're working to get better information and basically peer reviewing that information so we bring it to the managers so the managers can do their job.

So when we have something like this, that's really in a positive, we should highlight it, and maybe we should bring that up at the policy committee later on today to basically how do we get the message out that we're doing – because, you know, some of that Oceans Commission and some of the reports that are looked at, we're looking at things that were happening ten years ago and eight years ago and seven years ago.

They're still burning the same bridges, and there has been a lot of reform since then. We need to put out a positive message; otherwise, we're going to wind up with measures we don't want.

CHAIRMAN WOODWARD: That was a good point. We know that we're never going to eliminate all the uncertainty, so we're working to try to minimize it and to produce a better product. We certainly need to tell the public that we're doing that. Any further discussion on Atlantic croaker? Mr. Fletcher.

MR. FLETCHER: Sitting back here thinking to Mr. O'Shea's point, what happened differently, maybe it should be taken into consideration that both the Northeast Science Center

and the Southeast took into effect and have quietly done away with using the precautionary approach, and what the scientists bring forth for the managers and the technical team to consider.

It was pointed out in the document two things, that there had been a tremendous amount of precautionary approach put in the science. I think one reason he doesn't see people coming to the table, myself particularly, is that now that that precaution is no longer in the science, that we may disagree sometimes with the science, but without the precautionary approach in the science and being imbedded as science, the results that we get are different.

And one of the problems between '89 and 2002 has been that those "people that presented science" had added a precautionary approach; and because those meetings were not recorded and only the results were made public, then those of us that followed it knew that the science wasn't right.

We expressed our opinion and now we're beginning to see what comes through without the precautionary approach added is something that at least we can understand how and where it came from.

Before, there was no method because nobody knew how much precaution. And to Mr. O'Shea's point, that is one thing that has changed in fisheries management and to the benefit -- part of the reason we're saying it's not on some things is just a lack of precautionary approach being added into or imbedded in the science and nobody knew how much. Thank you.

DISSCUSION ON RED DRUM MANAGEMENT AUTHORITY

CHAIRMAN WOODWARD: Thank you. Well, if there is no other discussion on Atlantic croaker, we'll move on the agenda. Thank you all for helping us attend to that.

The next topic is the discussion of red drum management authority from the South Atlantic Council to the Atlantic States Marine Fisheries Commission.

This has been in the works now for about four years, and I believe it's going to be in the works for a little bit longer. You all will recall from the last meeting there was some discussion about the unintended consequence with regard to essential fish habitat. Nancy has got an update on that and I believe that David is going to have some commentary on that as well.

MS. WALLACE: Okay, at the December meeting the board requested feedback about how the transfer of authority of red drum from the council to the commission will impact EFH.

A couple weeks ago, the ASMFC staff, myself, Carrie Selberg, our habitat coordinator, and Bob Beal met with NMFS staff up at Silver Spring and had a bunch of people on conference call to discuss this issue.

Basically, the bottom line is that the Atlantic Coastal Act does not provide for EFH designations as is authorized under the Magnuson-Stevens Act. Therefore, once the FMP is transferred from MSA to ACA, the federal FMP disappears so no provisions, including the EFH designations, can be held in place.

However, the ASMFC FMPs do contain significant habitat sections and include a number of recommendations to the states and federal agencies addressing habitat needs. The Atlantic Coastal Act does not prevent ASMFC FMPs from including recommendations to the Secretary related to address EEZ issues, something the ASMFC might want to consider in the future.

The one big loss is that the Atlantic Coastal Act does not provide for consultations in the same Magnuson-Stevens EFH sense. Under Magnuson EFH requirements, the federal agencies must consult with NOAA Fisheries about potential impacts on EFH.

The Fish and Wildlife Coordination Act does provide federal agency actions impacting waters be consistent with state as well as federal requirements in the FMPs. So identified and in an approved FMP, federal agencies would have to address state water consistency.

The FWC therefore does provide some authority for the Atlantic Coastal Act consultations, though federal agencies wouldn't have to abide this level of response or details as in EFH consultations, so basically we will lose that consultation process and the ability to designate EFH. However, the ASMFC does have other ways to deal with some of that.

CHAIRMAN WOODWARD: David.

MR. CUPKA: Thank you, Mr. Chairman. I'd like to add to that and give you a little background, maybe bring everybody up to date very

briefly, if I may. This is an issue that Bob Mahood has been working on with the South Atlantic Council, and Bob unfortunately couldn't be here today.
He had some other commitments, and so he asked or I offered to fill in for him and brief the committee on this or the board on this issue.

I just want to briefly give some background information and then let everybody know where the council is relative to this and then, third, give some thoughts about what this body needs to do in regard to this issue. And at the appropriate time, Mr. Chairman, I have a motion I'd like for this body to consider to take some action on.

But, the Red Drum FMP was implemented by the Secretary of Commerce in 1990. The management unit included the red drum population from Florida up to the New York-New Jersey line.

And at the time the council decided to develop the Red Drum FMP, there were no regulatory mechanisms in place to protect the red drum resource throughout its range. Individual states were managing this species on a state-by-state basis.

The Atlantic Coastal Act had not yet been implemented and there were no regulations in the EEZ. Now had the option to manage red drum been available back in 1990, I don't think the council would have taken any action.

We would have preferred to have seen it managed under the Atlantic Coastal Act, but at the time this was not an option that was available to us. There was considerable concern about the status of red drum.

There was a stock assessment that was done in the late 1980s that indicated that the stock was overfished, and the SSBR was between 2 and 3 percent, extremely low. In addition, there was a fishery that had developed on adult red drum in the Gulf of Mexico EEZ.

This happened at the same time the craze for blackened redfish came along, and there was concern that a similar directed fishery might develop in the Atlantic EEZ. So the council decided to move ahead with development of a Red Drum FMP.

The plan obviously has got a number of objectives in it, management measures to address some of these problems that were around at the time. The main one, though, was a prohibition on harvest of red drum or possession of red drum in the EEZ.

Now as Nancy referred, there was some particular concern that has been discussed about the impacts of revoking this plan in regard to EFH and EFH/HAPC.

We were required later, with the revision of the Magnuson Act, to designate essential fish habitat and EFH-Habitat Areas of Particular Concern, and so the concern was what would happen to those designations under this proposed action.

Let me say Bob has gone and has done a gap analysis, and he's looked at the areas that were declared to be EFH and EFH/HAPC under the Red Drum Plan relative to some of our other plans, specifically our Shrimp Plan, Coastal Migratory Pelagics and our Snapper Grouper Plan.

I've got copies of that to hand out. I've got about 20 copies here that I can pass around. But the bottom line of that gap analysis is that all those areas that were declared in the Red Drum Plan as either EFH or EFH/HAPC are covered by other South Atlantic Council plans.

So, we will still have the opportunity to do consultation on habitat in those areas under these other plans if we see a threat. So, again, I don't see that as a major concern because we'll still have the ability to comment on the proposed actions that impact those particular areas.

A number of other things to be considered, the National Standard 7 guidelines, several of the factors to be considered under that are no longer appropriate for the Red Drum Plan. Also, National Standard 7 states that conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Currently red drum is being managed by both the South Atlantic Council and the ASMFC through a council plan and a commission plan, which both duplicates effort and increases costs.

As I mentioned before, this arrangement was the only alternative available prior to enactment of the Atlantic Coastal Act, which provides ASMFC authority to implement regulations in the EEZ through secretarial rulemaking.

So, we've got a situation where harvest has been prohibited in the EEZ since 1990, but obviously all of the day-to-day management of red drum occurs in state waters and not in federal waters.

So this, coupled with the fact that the ASMFC has a

Red Drum Plan that mirrors the council plan, all contributed to the council's decision to request transfer of management authority to the commission under the Atlantic Coastal Act.

This transfer of management authority would minimize costs, avoid unnecessary duplication, as mandated by National Standard 7, without any adverse impacts on the red drum resource.

Now, where the council is in regard to this -- and also I might mention that since this plan extends up into the Mid-Atlantic, both the South Atlantic and the Mid-Atlantic Council have taken action on this. They've both, by vote, have agreed to support this request.

What we've done at the South Atlantic Council is we've drafted a letter to go to Bill Hogarth that would go out under my signature as Chairman of the South Atlantic Council that requests the Secretary of Commerce, under his authority under the Magnuson Act, to either repeal or revoke the Atlantic Coast Red Drum Fishery Plan.

In making our request, it's also our intent that the current EEZ harvest prohibition would remain in place and that management would continue under the commission through the Atlantic Coastal Act.

This is the key point in the whole thing. This is the way it's got to work, the way it should work. The process of transferring management authority from the council to the commission needs to be a simultaneous action, and that the same rulemaking with withdrawal of the Magnuson Act rule and implement the Atlantic Coastal Act rule, and this would ensure that protection for red rum in the EEZ would not lapse for any period of time, so it has to be a simultaneous thing.

This letter has not gone out yet. We have provided it to the legal staff in the Southeast Region to review before I sign it. I think they had planned to get back to us last week with the results of their review.

Unfortunately, a little disturbance named "Charlie" came through there, and the staff in the regional office, in their wisdom, evacuated the area and so it didn't get completed, but I think it will be completed very soon. It is my intent to sign that letter and send it in to Bill and request that the Secretary of Commerce take that action to revoke the plan.
It seems to me that simultaneous with our request, that there would need to be some kind of formal communication from the commission requesting the Secretary to implement, under his rulemaking authority under the Atlantic Coastal Act, to take action to make sure that prohibition on harvest in the EEZ be maintained.

I'm not sure that this commission has taken any formal action in regard to requesting that, but it seems to me it's a two-pronged thing that the council has to write and request the plan be revoked while at the same time the commission needs to correspond with the Secretary, asking him to use his authority to implement the closure that we all want to maintain.

And so at the appropriate time or now, whenever you'd like for me to, I'd like to make a motion to that effect if I can, Mr. Chairman.

CHAIRMAN WOODWARD: Why don't you go ahead and make the motion and see if we can get a second, and that will give us a basis for our discussion on this.

MR. CUPKA: Okay, I gave it to the staff earlier so they've already entered it. **I'd like to move that the South Atlantic State-Federal Fisheries Management Board recommend to the Commission, through the ISFMP Policy Board, that a letter be sent at the appropriate time to Bill Hogarth requesting that the Secretary of Commerce implement, under the provisions of the Atlantic Coastal Fisheries Cooperative Management Act, a prohibition on the harvest of red drum in the EEZ as part of the ASMFC Red Drum FMP. I would like to make that in the form of a motion, Mr. Chairman.**

CHAIRMAN WOODWARD: I've got a second by Lou Daniels. Discussion? Questions? Okay, now does this motion -- and neither Bob nor Vince are here, maybe you can answer the question, Nancy. Does this cover what we need to cover?

MS. WALLACE: I'm not sure. I was just looking at the motion, looking to see if it covers the -- my question is if the commission needs to formally accept the transfer in this motion or if this does the trick.

CHAIRMAN WOODWARD: Bob, we need your opinion on whether this motion captures everything that needs to be stated. We need to have two separate motions. David.

MR. CUPKA: While he's looking at that one thing, I wanted to mention, I said "at the appropriate time" to Bill, because, obviously, I think

that letter needs to go about the same time that the letter from the council goes. I'm not sure it's a transfer.

I mean, we talk about a transfer but technically it's not. I mean, the council cannot transfer anything to the commission. What we have to do is ask that the plan be revoked, and the commission separately has to ask that the Secretary implement the action under his authority, so it's not really a transfer in that sense.

CHAIRMAN WOODWARD: Right, since there is already an existing Commission FMP, it's just a matter of augmenting that per this motion?

MR. CUPKA: Yes, and I haven't gone back to the Red Drum FMP, but I'm assuming that, like all our FMPs, it has that standard boilerplate wording in there about secretarial actions and whatnot, so I think that's already in the plan. It's just a matter of him requesting that he take action under that plan provision.

CHAIRMAN WOODWARD: Go ahead, Bob.

MR. ROBERT E. BEAL: Now that I've read the motion, I think, obviously, David is right, that there is the Atlantic Coastal Act plan that we've been using, and then there is the Magnuson Stevens Act plan that the councils have been using.

My understanding is the process is moving forward to withdraw the Magnuson-Stevens plan, and I think what the commission probably needs to convey to the federal service is that we've been involved with the discussions through the South Atlantic Board and the South Atlantic Council, that our plan will remain in place, some assurance to the federal services that red drum management will continue.

There won't be a withdrawal of the plan and then there's no management at all. The states will continue doing what they're doing. And in that letter, there is also the recommendation to continue the closure of the EEZ, as is included in this motion. I think all those things would be included in the letter based on the discussion today.

CHAIRMAN WOODWARD: All right, thank you, Bob. David.

MR. CUPKA: Yes, and, obviously, Bob, we would give you a copy of this letter before it ever went out. I think that you do need to somehow in there to reference the fact that this is something that both groups have been working on together, and use some of the verbiage, perhaps, that we've used in this letter.

It's my understanding that the regional office has been working somewhat on the rule that it would take to implement this. I know under NEPA that I think, obviously, this wouldn't fall under a category or exclusion, but on the other hand I don't think it requires an EIS.

The word that I get is that this could be done under an EA. Buck Sutter is here and Buck may want to address some of that, but at least it's my understanding from Bob that there has been some preliminary work done on this in the Southeast Regional Office.

MR. BUCK SUTTER: As far as whether it's the EIS or an EA, to be honest with you, I'm not that comfortable in making that determination. I mean, it could be significant, obviously, and not going to be a categorical exclusion, but either way it's going to be a significant amount of work.

And David is right, we are starting to work on that and actually have a staff member who is going to be in charge of doing that, so we'll just have to see what the result is here.

But as far as a timeframe – is the question really a time frame of how long it would take, David? As far as when that determination would be made, all I can say is we're working on it now.

And as we go through it, we'll have to get a call from our attorneys really to determine if it's an EIS or an EA. But because of the magnitude of it, it may trigger -- the significance of it may trigger an EIS. That's the only thing I'm concerned about.

CHAIRMAN WOODWARD : David.

MR. CUPKA: Well, again, I'm not sure about the timing, but again the critical element is that this happen simultaneously and that both actions are possible to be done under the same rule, so that there won't be a period of when these fish can be subjected to fishing pressure before one is withdrawn and the other is implemented.

That's the critical point, so they will have to move together simultaneously. Since both of those actions I guess will be coming out of the regional office, that would happen.

CHAIRMAN WOODWARD: Right, I think that's the big concern of this is that seamlessness in the action. I guess that raises the question of the timing of this relative to the letter coming from the council and the Southeast Region's necessary actions and all that is where I guess I'm kind of fuzzy on exactly how that all is supposed to work. Louis.

DR. DANIEL: Yes, I don't think we can say that enough on the record, that the seamless transfer needs to be taken. I mean, this is really a non-controversial item.

It's nothing that anybody has objected to, and it seems like it should just move right along without a whole lot of difficulty. I want to also just state again for the record, sort of echo what David said about the EFH gap analysis and the fact that when we sat down and did all of our EFH designations under our comprehensive habitat amendment, we looked at all of these things and we saw that there was a lot of overlap.

And so, again, as David indicated, there will be no habitats that are excluded by removing the Red Drum Plan. So, really, I don't see where we lose anything here and just need it to be seamless. And however NMFS has to do it, ask them to do it, and then not worry about it any more.

CHAIRMAN WOODWARD: Okay, David.

MR. CUPKA: Let me just say, too, this has taken a little longer than we thought it would. As we got into it, it became obvious that it wasn't quite as simple. Even though everyone was in agreement with it, it was going to take time.

We've got to jump through the required hoops in terms of NEPA and things like that. The other thing that held it up somewhat was we were waiting to see the outcome of the court challenge on the lobster situation in New England since they did something similar, where they took federal plan and turned the authority over to the commission, and so we were waiting to see what all the ramifications were and the outcome of that court challenge.

But after that was satisfactorily resolved, then we were able to move ahead on this. But, it has taken a little longer I think than many of us thought it would.

CHAIRMAN WOODWARD: Always seems to, doesn't it, David? It always does. Buck.

MR. SUTTER: I've been asked to make sure that we -- I don't know if we need to modify the motion or at least just clarify that -- from where I stand now, I'm just kind of getting familiar with a lot of the material.

But as far as the Atlantic States FMP, that there is a complete closure in the EEZ, and I guess it will be until changed. I just want to make sure that as they move into management under the Atlantic Coastal Act, that if there is a change 5-10-15 years from now, where there is an amendment that would preclude a change to the management in the EEZ, that it would potentially be open if possible. I don't know if I'm explaining that very well. Maybe Anne could clarify what it is that you want me to make sure I say.

MS. ANNE LANGE: Right now the Red Drum FMP from the commission includes a recommendation to the secretary that the EEZ be kept closed. If at some point in the future the FMP were to be modified, it may not include keeping the EEZ closed.

So, the recommendation or the motion may better be that the secretary implement the Atlantic Coastal Act FMP -– again, I just don't want to preclude, if at some point in the future there is a modification to the FMP, that it's incorporated in the motion.

CHAIRMAN WOODWARD: David, to that point.

MR. CUPKA: To that point, Mr. Chairman, and for the record, I didn't mean it to be a permanent closure. I didn't put all the verbiage in there. I was just trying to capture the general intent.

Obviously, right now it prohibits not only harvest but possession. Also, if you would look at the council plan, it was never our intent that would be a permanent closure. It's until the stocks are rebuilt and what all, so I didn't put all that verbiage in there, but I think that it needs to be crafted based upon the verbiage that exists in the plan now.

There is a recognition in the plan now that that not be a permanent closure, but only until the stocks are rebuilt and until certain things happen. It was never intended to be a permanent thing.

CHAIRMAN WOODWARD: Right, thank you for that clarification. Anne, there never was an intent for that to be permanent and so therefore we're not binding ourselves to an irreversible course of action.

MS. LANGE: Yes, and, again, I guess the main issue is that the secretary would implement the recommendations in the ASMFC's FMP, and that would be a request simultaneous with the removal of the -- or with revoking or withdrawal of the council plan. So whatever is in the commission plan, it is the recommendation to the secretary would be included in this motion.

CHAIRMAN WOODWARD Right. I admit I'm a little fuzzy on the commission plan, but does it specifically say in there a closure in the EEZ? Somebody help me. David.

MR. CUPKA: Yes, the exact wording I've got here in this letter is it is the council's intent that the current EEZ harvest prohibition would remain in place until such time as modified through the ASMFC FMP.

And also, like I say, there is some verbiage in here, too, that recognizes the fact that this was not intended to be a permanent closure, but until the stocks are rebuilt and reached a certain spawning stock biomass level.

Again, I didn't pass this letter out because it is still draft and it is undergoing legal review, but if you have an opportunity to read this letter, the fine tuning I think is in that letter, and we obviously need to provide that copy to the commission staff for their use.

CHAIRMAN WOODWARD: Okay, we have a motion on the floor. We have a second. We've had some liberal discussion. It's time to call the -– Mr. Fletcher, you have a comment?

MR. FLETCHER: I'd like to point out that striped bass, when that's managed by ASMFC, basically I've been told that the National Standards in the Magnuson Act do not apply, do not have to apply.

I would point out to you that even today, with striped bass being landed in the states and can legally be landed in the states, that the prohibition is still in effect in the EEZ, and it is creating a waste of bycatch because the fish now that are caught in the EEZ cannot be retained and come back in.

I see this as another method, even though it said that it would be done as another method, and to me it's an end run from the industry -- from the commercial industry it's an end run of having to comply with the National Standards in the Magnuson Act.

And for what it's worth, I don't feel like if the stock is recovering under the current management, why change it. I mean, from the industry's point of view, why change it? Can somebody explain to me that? I would appreciate it. Thank you.

CHAIRMAN WOODWARD: Louis, to that point.

DR. DANIEL: Yes, to that point. I don't believe it's an end run at all. The primary impetus for us making this change was the fact that with our current knowledge of red drum population dynamics and our ability to appropriately assess the stock and with mostly a prohibition on adult fish pretty much throughout the range, we were unable to comply with the SFA parameters for stock status on red drum. That was the primary reason for making this change, because we could not comply with the Magnuson.

I think we take into account at the ASMFC level those National Standards on our own and try to take into all those things into account. There is nothing that's left undone, because they're not written in stone as far as National Standards are concerned.

But, the primary reason for the withdrawal was the SFA criteria that we just simply couldn't meet. Also, I think it's important that we know that – and, Spud, you may know it better range-wide than I do, but outside in the EEZ, what you're primarily dealing with there is the adult population, fish over 27 inches, which we now have a prohibition on coastwide.

So, until such time that the assessment comes back and we have a full recovery of red drum to where we can now begin harvesting both juveniles and adults, then that prohibition is going to need to remain in effect.

Probably none of us will be around the table when that occurs so hopefully that addresses Mr. Fletchers' questions, but it was primarily an SFA issue.

CHAIRMAN WOODWARD: All right, thank you for bringing that up, Louis. With no further discussion on this, is there a need to caucus? **If not, all those in favor of the motion that's stated, say so by acknowledging with an aye; all those opposed, nay. The motion carries unanimously.**

MR. SUTTER: NMFS will have to abstain from the vote.

CHAIRMAN WOODWARD: We have one

abstention. Thank you all very much for that. Hopefully, we can work out the mechanics of this. And thank you, David, for giving us a very thorough background on that.

I know it's been going on a long time and it was helpful to have sort of a Cliff Note version of how we got to where we are now. I hope that everybody's concerns about EFH are put to bed.

I know it certainly helps me, because that's something that we've been using down in Georgia to help aid us in permitting decisions, so it's nice to know we're not going to have a hole to fall in.

All right, the next item on the agenda is the Southeast Aquatic Resources partnerships. This is something else that has sort of been lingering out there for a while. I've got several copies of the sort of briefing document.

I don't know that I've got enough to go around to everybody, but we'll spread them around and share them as best you can. Also, I was remiss in not recognizing Benny Williams being here from the Fish and Wildlife Service Headquarters Office as a proxy for Bill Cole. Benny, we're glad you're here.

DISSCUSION OF SOUTHEAST AQUATIC RESOURCES PARTNERSHIP

I wanted to make sure I recognized Benny because one of the driving forces behind the Southeast Aquatic Resources Partnership is the Fish and Wildlife Service. I'm not going to read this entire publication.

I'm involved on the steering committee of the SARP, as is David Cupka. I know there are other folks in here are probably attended the meetings. I think Anne and Buck have been at the meetings.

The National Marine Fisheries Service, NOAA Fisheries is a partner. The Gulf States Marine Fisheries Commission is a partner. The South Atlantic Fishery Management Council is a partner.
They're all signatories on the Memorandum of Understanding. One of the missions I had was to try to engage the Atlantic States Marine Fisheries Commission as a partner in the SARP. I've had discussions with Vince about it.

The key thing I want to point out is that there is always a concern about redundancy, that sort of thing. I don't perceive the SARP as being redundant to any existing processes. In fact, I think it's very complementary to a lot of existing processes.

The other thing that is important is that participation as a partner really has no binding affect. It doesn't require you to commit human or fiscal resources. It's more philosophical than it is anything else.

It's an effort to try to bring together southeast states and federal partners to try to accomplish some things that we have not been able to really accomplish thus far. If you look in the publication, it outlines the key focus areas. They range from public use all the way to aquatic nuisance species.

There is one on inter-jurisdictional fisheries. That one certainly is not intended to duplicate anything that already exists at the commissions or the councils.

It's merely to address the fact that you do have some situations in freshwater where you have shared jurisdictions for certain species, and a lot of these states are trying to figure out the mechanism by which they can do a more effective job of managing these inter-jurisdictional fisheries.

One of the things I did was to talk about the process that the commission used. In some cases a formal and elaborate process may be warranted. In other cases it wouldn't be warranted. This is not a situation where the SARP is reinventing the wheel when it comes to the commissions and the councils.

It's merely try to bring together the partners so we can best use what we've got, and we all know that these days and times the resources are certainly limited and the expectations are high. One of the things that the Fish and Wildlife Service has been doing, they've been sort of ramrodding this.

They provided support staff, and the SARP thus far has been able to acquire funding for an aquatic nuisance species coordinator from the National Fish and Wildlife Foundation. So right now the money has been gathered from an existing source.
I do know that there is a proposal before the National Fish and Wildlife Foundation right now to acquire the funding necessary to have a coordinator for SARP.

Right now we have sort of a pseudo-voluntary coordinator from the Gulf office of the Fish and Wildlife Service, Doug Fruge, so he's carrying that responsibility, but we certainly need somebody assigned to the task.

Eventually the Fish and Wildlife Service will try to

acquire funding directly for support of the SARP, and that will be something that will be, I'm sure, delivered to Congress at the appropriate time.

But what I would like to do is engage in some discussion, if there is a need be; otherwise, I do believe that we need some sort of action on behalf of this board endorsing the commission's participation as a signatory on the Memorandum of Understanding. This has been again one of those things that is kind of in the in between world, so any comments or discussion on that? A.C.

MR. A.C. CARPENTER: Thank you. The MOU, has that been reviewed by the ASMFC staff?

CHAIRMAN WOODWARD: Thus far I can't remember if I sent a copy of the MOU in or not, probably not. I know it was reviewed by the councils and the commissions, the other bodies that have signed it before they affixed their signatures to it.

That's the next step, I guess, if we actually get an endorsement of going forward beyond just the idea phase, is to get the actual document in hand, look at it and then -- I assume that this process will need to work up through the policy board to the full commission.

What I'm looking for, I guess, is just something to actually kick-start the whole thing off so that we can empower the staff to look over that MOU and to take it to the next step. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. You know, frankly, when I first saw this, the two obvious questions were what's the new thing that's going to happen as a result of this organization?

And, Number 2, what are the resource implications, you know, cost to attend meetings, staff time to staff this initiative and where are those resources going to come from? Those are, frankly, the two questions that I -- you know, why we haven't immediately jumped on top of that nor have I taken, frankly, initiative to recommend to the commission that we jump onto that.

I think those are two obvious and logical questions. I think my sense is that you want to elevate the discussion within the commission, and maybe this is a good place for this board to talk about what the possible benefits are and scope out some of the anticipated resource requirements on the commission to participate, and that could then start this off.

But, frankly, when I first looked at it, I had some questions about what the tradeoffs were here. Thank you, Mr. Chairman.

CHAIRMAN WOODWARD: A.C.

MR. CARPENTER: **Perhaps a motion to ask staff to review the MOU and give us a recommendation would be the way to proceed here and start this ball rolling.**

CHAIRMAN WOODWARD: Okay, if I can get a motion to that affect.

MR. CARPENTER: So moved, Mr. Chairman.

CHAIRMAN WOODWARD: Okay, do you need that stated more clearly, Joe? **Okay, do I have a second? Robert Boyles from South Carolina seconds.**

CHAIRMAN WOODWARD: Okay, any other discussion on the motion as stated? John.

MR. JOHN DUREN: I have a question, Spud. Is there any authority under which this partnership is being proposed? I mean, have state legislatures or governors or has there been any federal action that would authorize this, or is it just a cooperative effort amongst the wildlife management authorities or the environmental management authorities in the states?

CHAIRMAN WOODWARD: It is strictly a voluntary association of interested parties who are trying to address primarily habitat. I mean, there are other focus areas, but habitat is the one that's really sort of standing out as the thing that we seem to kind of be so fragmented on that a lot of times we have very difficult times doing a good job of protecting and restoring habitat regionally.
And we know we certainly have nationwide and region-wide habitat issues that we've got to address. A lot of times the fish and wildlife agency is not the one that is making a lot of the decisions that directly affect habitat.

We're trying to do a better job of putting together the resources of both intelligence and elbow grease to try to do a better job of that. There is no mandate. There is no enabling legislation that creates the SARP other than there is a national fish habitat initiative, and this sort of sprang out of that.

The model that is being used is the North American Water Fowl Management Plan, which again was one of those situations where there was a lot of people who knew something needed to be done and nobody knew quite how to do it, and somebody said, well, we've got to try something. You know, we've got to try to put together something different than the status quo.

And to your concerns, Vince, about resources, thus far, the steering committee meets twice a year. They try to be as efficient as they can. We've got working groups in the focus areas that are comprised of representatives from various state and federal and academic institutions.

In the case of the state and academic institution partners, usually their travel costs have been covered by the Fish and Wildlife Service. They have not been extending that courtesy to the federal partners, but they've been doing it with the state partners, and similarly with the working groups, trying to make sure that there is funding available so that states are not having to dip into their pockets.

At some time in the future, if this is to go forward beyond what it is right now, there will hopefully be line-item funding where they will maybe be a little more generous with reimbursement for travel and that sort of thing.

There is a proposed budget for a funding initiative that will also sort of similar to ACFCMA that will disburse monies back down to the states to work in those focus areas. That money will be split between the freshwater and marine agencies, based on the focus areas.

Thus far, the burden on the partners has been minimal in terms of dollars and manpower, but that could increase in the future. I mean, if this is going to become a functional entity, it's certainly going to have to increase. When you look at the history of the ASMFC, it's a fine example of that. If we don't have any further discussion, I will read the motion and we can modify it if we need to.

Move to request that the ASMFC staff review the Southeast Aquatic Resources Partnership Memorandum of Understanding and provide a recommendation to the South Atlantic Board regarding the Atlantic States Marine Fisheries Commission involvement. Any need to caucus? John.

MR. JOHN FRAMTON: Are you going to put a timeline on this? I assume this will be brought back at the next meeting? Is that understood?

CHAIRMAN WOODWARD: Would that be feasible to have this as a recommendation?

EXECUTIVE DIRECTOR O'SHEA: The next meeting is fine.

MR. BEAL: Yes, we can do it by November.

CHAIRMAN WOODWARD: Okay, good suggestion. All those in favor of the motion, signify by saying aye; opposed, nay; abstentions; null votes. The motion unanimously carries. Thank you.

I will work with Bob and Vince and we'll get that MOU in hand and look it over and we'll work through this. I certainly appreciate it.

APPROVAL OF 2005 SEAMAP BUDGET ALLOCATION

Our next agenda item, Elizabeth Griffin is going to talk to us about the fiscal year 2005 SEAMAP budget. A little roller coaster ride, isn't it? It seems to be a common thing in both state and federal level these days. And you're up; you're down, you're up; you're down, and it makes for difficult planning, but, Elizabeth, I'm going to turn it over to you.

MS. ELIZABETH GRIFFIN: Thank you. A couple minutes ago staff passed out a document that summarizes the FY05 budget plan. We apologize for not getting this out sooner, but SEAMAP meets the first week of August so there is not much time in between these two meetings.

Each year at the annual SEAMAP joint meeting, the three components meet and they agree on a budget for the next year. This budget was always developed assuming on level funding. The SEAMAP FY04 budget started the year at $1.4 million, and was then increased to $1.75 million.
Recessions then hit and took some of the funds away, leaving the budget at $1.67 million. Due to these ups and downs in 2004, the SEAMAP Committee members had a difficult time deciding what they should consider "level funding" and what number they should use to base the FY05 budget on.

They decided to develop two budgets, one based on FY03 funding levels and one based on FY04 funding levels. FY03 funding levels were chosen because that's the amount of money that we started FY04

with, and it's also the amount of money that the President currently has in his FY05 budget for SEAMAP.

A more optimistic budget proposal was also developed based on the actual amount of money received in FY04. You will notice on the back of the handout that these two budget scenarios are laid out. They're labeled FY2005 Requests A and B.

Under both proposals, the money is divided among the same three areas as last year. ASMFC would get money for staff salary, meetings and data management. There would be $20,000 that would go to the South Atlantic Fisheries Management Council to match the ESDIM funds for bottom mapping work. There would also be money that would go to South Carolina for the SEAMAP trawl survey.

The column labeled FY2005 Request A shows the budget that we're hoping for. This is based on the amounts of money actually received in 2004 and would give approximately $458,000 for the South Atlantic SEAMAP Component.

The column labeled FY2005 Request B shows a breakdown of what we would do if we were forced to function at this level. We would cut back on the administrative budget, which would mean less money for meetings and data management, and we would have to cut funds from the South Carolina Trawl Survey.

Survey staff believe that they could function at this level for one year because they received supplemental funding last year for equipment purchases, and they haven't spent this money yet for those purchases.

The SEAMAP Committee approved two budget proposals for each component with the understanding that if the funding amounts vary from these levels, the chairs will work together to divide up the money.

Along with approving these two proposals, the SEAMAP Committee has also agreed that some money remaining from the FY04 NMFS data management money should go to the Caribbean component to help purchase a new survey vessel. This will likely be around $30,000.

So in summary, this proposed budget plan has been agreed upon by all three SEAMAP components. It keeps funding levels as constant as possible. It follows the same ratio of allocation among the components, and it does not seek to fund any new initiatives unless funding is received above the 2004 levels. We ask you today to approve this FY05 budget plan.

CHAIRMAN WOODWARD: Thank you, Elizabeth. Discussion? We're in a unique situation here. I know they certainly want to have the flexibility to adapt to whatever set of circumstances befall the SEAMAP folks. Robert.

MR. BOYLES: Thank you, Mr. Chairman. Granted that we've got timing issues in terms of developing budget plans and whatnot, but when the President puts his executive budget request together in February, are we equipped to deal with seeking additional funds toward any initiatives or are we reacting?

I mean, is there a better way we can get a handle on that and kind of forecast what we want to do, so that when the commission and others are commenting on the President's proposed budget, that we can actually go in and say, well, we'd like to see, you know, $2.5-$3 million rather than and kind of go in from the base from the previous year? Vince, maybe is that something –-

CHAIRMAN WOODWARD: Go ahead, Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I think that's a good idea. This particular year, for the '05 budget, the commission has gone on record asking for an additional $2 million-plus up in the ACFCMA, and that was to focus on five key areas.

One of those areas was to expand near-shore trawl surveys, and we were purposely vague on describing what that might be, but I think it would at least give us the option of putting more money into both NEMAP and SEAMAP, as well as help supplement surveys that the states are doing now. I wonder if that's what you're thinking.

CHAIRMAN WOODWARD: Would that get to what you're talking about? John.

MR. FRAMPTON: Vince, are you constrained any by OMB? I know other federal agencies are. What role does this commission play in that? Who actually drives your budget process?

EXECUTIVE DIRECTOR O'SHEA: Well, the commission is not a federal entity, but on the other hand we do live off of grants that are within the

Department of Commerce's budget. I think the biggest constraint that we have, quite frankly, is the Atlantic Coastal Fisheries Cooperative Management Act line item is authorized to $10 million.

Right now we're -- in the last three or four years we've been funded to $7.25 million, so the first constraint that I think of is that the authorizers have capped us at $10 million.

We haven't taken any initiative to get that raised because we can't get the full amount appropriated. Until we get up to the full amount appropriated, then the next step, it seems to me, would be to then to try to raise the authorization level.

CHAIRMAN WOODWARD: Thank you, Vince. Okay, Robert.

MR. BOYLES: Thank you, Mr. Chairman. One other question is would it make sense for us, just thinking down the road to now the '06 process, to get with our counterparts in the Gulf to start looking at what a formal request might be?

I mean, the SEAMAP program is very important to those of us in the South Atlantic, and clearly to my program in South Carolina. I think it's something we all benefit from, and I think we could make a really strong case.

CHAIRMAN WOODWARD: Vince.

EXECUTIVE DIRECTOR O'SHEA: I think that's good. I'm looking over at our federal partners. I mean, NOAA, like all federal agencies, is building their budget three years out.

One of the dilemmas that we have and one area that I'm somewhat uncomfortable with is the commission ends up working sort of the current budget. You know, in other words, '05 is the most immediate thing.

I think a much better strategy and would make me feel a lot more comfortable is if we could front-end load our requirements into the President's budget early on, so that we're in the position of supporting the President's budget as opposed to trying to have the furniture moved around inside the President's budget, which at times may put us on the opposite side of the street with our NOAA Fisheries counterparts, because then we're setting the priorities for the agency and not letting the agency set the priorities.

So, I think if you are looking at '06 and '07 and '08, I would hope that we could do that in partnership and get that built into the President's budget and then follow up on the House and Senate side as it works through the process.

CHAIRMAN WOODWARD: Buck.

MR. SUTTER: And having been on both sides of this fence, I think that's actually a great suggestion. Because the way that the federal planning system that we are currently using, actually, we're planning out through FY11, so having some sort of document from the two commissions saying this is what our needs our for SEAMAP over FY06, '07, '08 would probably be a very useful tool.

That said, a lot of times with SEAMAP being a PPA where we get guidance from -- you know, we were just as surprised as everybody else when we saw it went up $300,000 last year.

But one thing I will say that we have tried to do from our end of the stick is trying to make it at least easier administratively -- in the past the SEAMAP awards were just year to year, but now they're three-year awards and that has made it a lot easier administratively, both for you folks and for us, quite frankly.

We can make adjustments as things go on. But as far as planning out in the out years, that's an excellent suggestion to put forth what it is that you need.

Maybe in the next SEAMAP, next August when they have their meeting, they could put together some sort of joint plan, so to speak, for the next three years. By the way, the end of this three-year cycle is next year, FY05.

CHAIRMAN WOODWARD: John.

MR. FRAMPTON: Vince, this may not be the right board to discuss this, but I know we have a legislative committee. I'm not familiar with the budget committee of the commission, but maybe it's something that should be addressed at some point to allow us to look beyond the current horizon and see how we can better influence those budget.

CHAIRMAN WOODWARD: Louis.

DR. DANIEL: Good discussions. **I'm satisfied with what I see here, and I'd move that we approve the SEAMAP budget proposal.**

CHAIRMAN WOODWARD: Can I have a second**? A.C. seconds**. Okay, any further discussion? Anybody feel uncomfortable with giving them some latitude to deal with the uncertainty? We seem to be in the uncertainty business, so I guess we've all got to get comfortable with it.

If there is no further discussion, is there any need to caucus? **If not, all those in favor of the motion, signify by saying aye; those opposed, nay; abstentions; null votes. The motion unanimously carries.** Thank you very much. Thank you, Elizabeth, we appreciate it.

Okay, the motion just passed is moved that the South Atlantic Board approve the 2005 SEAMAP budget as presented. All right, other business. Louis, I'm going to let you go off first.

OTHER BUISNESS

DR. DANIEL: All right, I'll try to be quick.

CHAIRMAN WOODWARD: It's about bycatch reduction devices and implications of forthcoming South Atlantic Council actions.

DR. DANIEL: Yes, sir. We've had sort of some difficulties coordinating all these actions that we're taking. I wanted this board to be aware of it and perhaps make a motion, if it's appropriate.

The South Atlantic Council is in the process of developing Amendment 6 to our Shrimp Fishery Management Plan. In that we'll be requiring federal permits and various other management actions. There are two items, though, that concern the Atlantic States Marine Fisheries Commission, and that is in the testing of bycatch reduction devices.

One problem that we've had is the testing criteria are extremely rigorous, and we've had no new bycatch reduction devices approved in the last several years or since those new testing requirement went into place because they are so rigorous.

We're going to be changing that to make it a little easier for the fishermen to try to get these devices approved. The main issue, though, that comes up is for -- and the new preferred alternative for a certification for the new BRD is for a new BRD to be certified, it must statistically demonstrate that such a device can reduce the total weight of finfish by at least 30 percent.

That's contrary to what we have in Amendment 3 to the Weakfish Fishery Management Plan, which says we have to reduce weakfish by 40 percent by the number. One of the problems that we've had, in testing these devices, is that many times fishermen take the time to go out and test these new devices, they get into these areas where they're testing, and they don't catch any weakfish and so the tows don't count. In many instances it's a problem of just encountering weakfish.

I think with this board and with the South Atlantic States being the ones that are involved in the shrimp fishery, it may be appropriate for us, as this board, to perhaps recommend to the Weakfish Board that these changes are appropriate, if folks believe that they are appropriate.

The problem we face right now is the South Atlantic is slated to approve this document and send it to the Secretary in September, which will be before the Weakfish Board has an opportunity to comment on it.

I'd just ask for any discussion the board may want to have on this issue because it does create sort of a conflict problem that I'm not really quite sure how to deal with as the Weakfish Board Chair.

CHAIRMAN WOODWARD: Thank you, Louis. Any comment, discussion? Taking off my chairman's hat, I believe that we're certainly moving forward to improve the intent of bycatch reduction device technology by doing what the council is going to do.

I mean, we've got a lot of fishermen in Georgia who have gotten very frustrated with trying to test bycatch reduction devices only to find their efforts totally nullified by the fact that they did not catch the required number of weakfish to validate the trawl.

Needless to say, a lot of them have just -- I mean, they still like to do it, but they're just so frustrated with the requirements, that they're just not doing it any more. We want to work to try to put as many devices out there in the fishery as we can.

We know we've got ongoing concerns with bycatch in Atlantic croaker. I mean, we know that's still there. We need to be moving towards improving the availability of bycatch reduction devices. I think we need to do whatever we can to make sure that we have consistency and improvement across the board. Any other comments? Louis.

DR. DANIEL: Well, with your comments, Mr. Chairman**, I would make a motion that the**

South Atlantic Board endorse the South Atlantic Fishery Management Council's preferred alternative for certification of new bycatch reduction devices. That would be my motion.

CHAIRMAN WOODWARD: Just for clarification, let's put South Atlantic Fishery Management Council's preferred alternative in there, so we don't have confusion about who we're talking about here. We need a second, first. **Okay, we've got a second from David Cupka.** Comments, questions, concerns? A.C.

MR. CARPENTER: Louis, I don't understand the weakfish questions that you brought up here. If they can't catch fish -- if they can't find the weakfish to catch to validate these, changing from a number to a poundage is not going to make them find fish, is it?

DR. DANIEL: No, I'm sorry, A.C., maybe I wasn't clear. It actually takes any weakfish requirements out. It's a total finfish reduction rather than having it directed towards weakfish.

CHAIRMAN WOODWARD: Any other questions? A.C.

MR. CARPENTER: I do have one follow-up question. Will the weakfish plan have to be amended to adopt the South Atlantic's standard as a compliance criteria?

DR. DANIEL: My understanding is, yes, that we will have to at least do an addendum to change those requirements, because they do currently require weakfish reduction in Amendment 4. We would have to do something, but it will have to be after.

MR. CARPENTER: But it could be as simple as recognizing the South Atlantic's plan. If it complies with that, it complies with –-

DR. DANIEL: That's my hope, A.C., yes, sir.

CHAIRMAN WOODWARD: Good question. That's sort of the heart of the matter here. Any further discussion, questions? Do you need to caucus? If not, all those in favor of the motion as stated, please signify by saying aye; those opposed, nay; any abstentions; null votes. The motion carries unanimously. Thank you, Louis.

The next item is a little bit of housekeeping, something sort of on a personal note here. According to the books, I'm still the Chair of the Red Drum Technical Committee. Needless to say, I can't wear both of those hats, so we need to do something about that.

I realize the Red Drum Technical Committee is inactive and probably will be so for quite a while, but just something we need to address just so we can keep everything nice and tidy. We need to replace me. I've been forced to resign by being nominated for vice chair of this committee. (Laughter)

MR. JOHN DUREN: I'd like to make a nomination of Paul Metters of the Georgia DNR to replace you as chairman of the technical committee.

CHAIRMAN WOODWARD: He would be a member of the technical committee, not necessarily chair. Would you be willing to modify your motion that he would be a member of the technical committee and not chair? I hate to do that to you.

MR. DUREN: I will modify the motion because I understand the error, so make him a member of the technical committee, replacing Spud.

CHAIRMAN WOODWARD: Well, Nancy is telling me that we don't need a motion on that. I was just trying to be safe.

MS. WALLACE: We'll just take a recommendation from the state of Georgia through the commission staff. That should be fine. Thank you.

CHAIRMAN WOODWARD: All right, we will certainly follow up on your recommendation, John. Another item, Elizabeth, I'm going to get you back to the microphone.

We have a recommendation to appoint some members of the Committee on Economics and Social sciences to the Atlantic Croaker Technical Committee. Elizabeth.

MS. GRIFFIN: CESS has nominated Dr. Doug Lipton as the economist and Dr. Robert Cooley as the anthropologist. Staff is currently passing around memos that contain the official approval requests.

These memos contain brief summaries on the nominees background. Both have a great deal of experience and will be a great asset to the technical committee and plan development teams. We ask you

today to approve these nominations so that these social scientists can begin working with the TC and PDT as soon as possible. Thank you.

CHAIRMAN WOODWARD: Thank you, Elizabeth. This we do need a motion on, so if you would take a minute to look at this. **Whoever feels comfortable, if you can offer a motion to approve the appointment of these individuals to the Atlantic Croaker Technical Committee and Plan Development Team.**

DR. DANIEL: **So moved, Mr. Chairman**.

CHAIRMAN WOODWARD: Okay, do I have a second? A.C. Carpenter seconded. Any discussion? Questions? Move to approve the nomination of Dr. Doug Lipton and Dr. Robert Cooley to the Atlantic Croaker Technical Committee and Plan Development Team.

Seconded by A.C. Carpenter. Any questions? If not, all those in favor of the motion signify by saying aye; opposed, nay; abstentions; null votes. The motion carries unanimously.

Any other business to come before the South Atlantic Board? Damon.

MR. DAMON TATEM: Thank you, Mr. Chairman. I think it would be a good idea if staff alerted the advisory panel to the fact that this is moving along now and send them some documentation, so they can be activated so they can pay attention to what is going on, so we can get them in on the ground floor of this whole process.

MS. WALLACE: The Atlantic Croaker Advisory Panel?

MR. TATEM: Yes, ma'am.

CHAIRMAN WOODWARD: Good suggestion. Nancy will attend to that detail. We will be you know fully engaging them in the process, I assure you. Any other business? If not I'd like to thank Paul for coming and giving an excellent presentation, and the staff, as usual, for the support and for Nancy for keeping me from forgetting anything or stepping on a landmine.

ADJOURNMENT

And thank all you board members, and may I have a motion to adjourn. All right, we stand adjourned. Thank you very much.

(Whereupon, the meeting was adjourned at 10:20 o'clock a.m., August 18, 2004.)

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