

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
WEAKFISH MANAGEMENT BOARD**

**August 17, 2006  
Arlington, Virginia**

Board Approved: October 25, 2006

## **ATTENDANCE**

### **Board Members**

Paul Diodati, Massachusetts DMF	Rob O'Reilly, Virginia MRC
Bill Alder, Massachusetts Gov. Apte.	Kelly Place, proxy for Sen. Chichester (VA)
Vito Calomo, proxy for Rep. Verga (MA)	Catherine Davenport, Virginia Gov. Apte.
Mark Gibson, Rhode Island DEM	Louis Daniel, Chair, North Carolina DMF
Eric Smith, Connecticut DMR	Pres Pate, North Carolina DMF
Gordon Colvin, New York DEC	Damon Tatem, North Carolina Gov. Apte.
Pat Augustine, New York Gov. Apte.	Jimmy Johnson, proxy for Rep. Wainwright (NC)
Tom McCloy, New Jersey DFG&W	John Frampton, South Carolina DNR
Dick Herb, proxy for Asm. Fisher (NJ)	Robert Boyles, South Carolina DNR
Erling Berg, New Jersey Gov. Apte.	Spud Woodward, Georgia DNR
Roy Miller, Delaware DFW	John Duren, Georgia Gov. Apte.
Bernie Pankowski, proxy for Sen. Venables (DE)	Luiz Barbieri, Florida FWC
Howard King, Maryland DNR	April Price, Florida Gov. Apte.
Bruno Vasta, Maryland Gov. Apte.	Steve Meyers, NMFS
A.C. Carpenter, PRFC	Jaime Geiger, USFW
	Wilson Laney, USFWS

### **Ex-Officio Members**

Jim Uphoff, MD DMF, Technical Committee Chair  
Pat White, Maine Gov. Apte.

### **ASMFC Staff**

Brad Spear	Bob Beal
Nichola Meserve	Vince O'Shea
Ruth Christiansen	

### **Guests**

Bill Ross, NC DENR	Keith Taniguchi, USFWS
Chip Lynch, NOAA	Sean McKeon, NCFA
Dick Brame, CCA	Chris Heald, CCA

**TABLE OF CONTENTS**

BOARD CONSENT.....4  
PUBLIC COMMENT.....4  
TECHNICAL COMMITTEE REPORT AND DISCUSSION.....5  
DRAFT ADDENDUM II DISCUSSION. ....15  
SHRIMP BYCATCH REDUCTION DEVICES.....30  
OTHER BUSINESS.....30  
ADJOURNMENT.....32

---

**INDEX OF MOTIONS**

PAGE 30: Motion to add Mr. Thomas L. Lewis to represent the Potomac River Fisheries Commission on the advisory panel. Motion by Mr. Carpenter, second by Mr. Augustine, motion carried on Page 30.

---

ATLANTIC STATES MARINE FISHERIES  
COMMISSION

WEAKFISH MANAGEMENT BOARD

Doubletree Hotel Crystal City  
Arlington, Virginia

August 17, 2006

- - -

The Weakfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Doubletree Hotel Crystal City, Arlington, Virginia, and was called to order at 8:00 o'clock a.m., August 17, 2006, by Chairman Louis Daniel.

**BOARD CONSENT**

CHAIRMAN LOUIS DANIEL: Good morning. If I could get everyone's attention, I would like to begin the Weakfish Management Board meeting. I appreciate everybody being here on this morning. We do have a pretty aggressive agenda and a short time to get there.

I am going to do my best to usher us through this on schedule, so that the ISFMP Policy Board can move into their agenda on schedule this morning at 11:00 o'clock.

With that said, everyone, I think, has met Nichola. She is going to be taking over as the weakfish coordinator for Brad after this meeting, so she is joining us at the table today. We have our technical committee chairman, Jim Uphoff, with us this morning to give his technical committee report.

On the CD is our agenda. I don't believe I will need any changes. Roy and I have one piece of Other Business that we'll get to at the end of the meeting. Other than that, are there any questions or additions on the agenda? We also have an AP nomination for Other Business as well. If not, we will approve the agenda by consensus.

Also, our proceedings from our May 10, 2006, meeting are also contained on the CD. If everyone has had an opportunity to review those, are there any comments or additions to the minutes? Seeing none, we will approve those by consensus.

**PUBLIC COMMENT**

That moves us into the public comment portion of our agenda. Are there any members of the public that wish to address the Board at this time? Mr. McKeon.

MR. SEAN R. MCKEON: Good morning, thank you. Sean McKeon, North Carolina Fisheries Association. We're just hoping that the Board will look to – the North Carolina Fisheries Association's position is the status quo on weakfish action.

Most especially, with the past reductions and what I'm hearing proposed possibly for current reductions, we could be looking at a combined significant reduction of over 60 percent since the last time.

The guys are not catching the fish. It doesn't seem that there is a problem that can be addressed by any further reductions. We urge the Board to stay at the status quo. I know the last time we were here, the last time I was here, the stock assessment was rejected by the peer review.

There were some charges by the Board to the technical committee, as I remember, and I am very interested to see what they have done on those and the answers to the charges that they were given. I hope that they get the same level of scrutiny that the peer review got.

The peer review seemed to have been quite soundly lambasted by the stock assessment folks the last time we were here. We were urging the status quo. I also note that yesterday, in reference to dogfish, I believe Gordon was talking, and I think the statement was something to the effect that when we make hasty decisions, we almost always come back to live to regret that.

Certainly, dogfish has been around; the issue has been on the table for a long time, but so is weakfish, and I just urge you to keep that in mind that when you do make hasty decisions and the science does not support those decisions, we certainly live to regret them.

And, finally, if we do see these types of reductions, it is one more nail in the coffin of the commercial industry that is already undergoing severe stress from myriad challenges to the various fisheries, some on the federal level, some through the process of ASMFC.

I doubt seriously that if we do get further reductions and that cyclical fishery does come back, as it will, as it has in the past, that we could expect to get a 40 or 50 percent increase if the fish do come back. I urge you caution and I urge status quo. Thank you.

CHAIRMAN DANIEL: Thank you, Sean. Tom Fote.

MR. TOM FOTE: I think I have some of the same concerns that Sean does. We started with weakfish and summer flounder in the early nineties. Weakfish is one of the driving forces that put in place the Atlantic Coast Conservation Act. A good, old congressman from Delaware was pushing, basically, weakfish the same way they had done striped bass, and basically put it in.

You know, sometimes I get really depressed because I see we started doing it in the nineties. We thought we were rebuilding stocks on summer flounder, and we thought we were rebuilding stocks on weakfish. We saw this great upward curve, and the stocks were doubling and tripling on some of these species.

And, for unknown reason and not because of an increase in the commercial or the recreational fishery, it comes to a wall and just doesn't go any further than that, and actually starts going the other way with weakfish.

Now, at least summer flounder -- you know, you look at the two of them. One, for some reason, has very poor recruitment when there is triple spawning stock biomass; whereas, weakfish, we had a lot of good recruitment and we see small fish all the way, but we don't see the big fish.

So, there is something going on in the environment and we really need to find out. And to put further pain on the recreational and the commercial community because of factors they cannot control or the factor they are not contributing, it's not whether they are overfishing the stock or even trying to overfish it.

I mean, we actually did a cutback five years ago in the Atlantic States when we put the last amendment to the plan when we reduced the recreational bag limits in New Jersey, Delaware and a few other states and made it more restrictive. I think Maryland also took those cuts.

And yet it hasn't done anything. It reminds me of bluefish. At one point this Board and the Mid-Atlantic Council talked about going to a two-fish bluefish limit and further reducing the commercial catch.

It would have basically devastated the industry, but it probably would not have done it one bit on whether we increased the stock or not. That's really what we

need to look at here. At least the Atlantic States Marine Fisheries Commission can use common sense a lot more than the federal agency because of the way your charter is written.

That's what we're asking for is to use common sense. If it really becomes necessary to do cutbacks, use the common-sense cutbacks, but don't use the drastic ones that will basically put an industry out of business.

You know, every time, especially in the commercial fishery -- and Sean will probably back me up -- if we lose summer flounder or weakfish and they basically don't go to the market and say the stock increases in two or three years and they basically have lost those markets, it takes numerous years to rebuild those markets, because the wholesalers find different fish to supplement that market.

You know, summer flounder, they all of a sudden start bringing fish in from Chili and Argentina and a whole bunch of other places, so for years they can't get it. And actually the fish are cheaper than they can get it, and with gas prices now and what they can bring into the dock.

So, I'm asking for common sense for both the recreational and the commercial community. Do what you have to do, but don't do it drastically. Thank you very much for your patience.

CHAIRMAN DANIEL: Thank you, Tom. Any other members of the public wish to speak? We will have an opportunity to discuss Addendum II where those comments will be more appropriate. Seeing no further interest from the public, I will introduce Jim Uphoff, our outgoing technical committee chairman, for their technical report.

#### **TECHNICAL COMMITTEE REPORT**

MR. JIM UPHOFF: Thank you. I don't know if I am really that outgoing. I am actually a little introverted. These gentlemen here probably pretty much summarized how we all feel about this point when we ask the question, well, what is next with weakfish?

Without any further delay, I am going to give a brief review of what up-to-date information we have on the status of the fishery and then also go over kind of the four Board requests from May 31<sup>st</sup>.

So, here we go. First of all, the harvest of weakfish, the commercial harvest is pretty much at an all-time low. The recreational harvest in 2004 was low. In

2005 it blipped up a little bit. You will see some of the reasons for that here in a minute.

This is an update of something that I actually presented to the 40<sup>th</sup> SARC since we had people from other continents who weren't familiar with weakfish. This is just a brief summary of the average commercial harvest by state. Now, these are the major states.

I see they are cut off a little bit at the bottom, but you can probably make it out. They are in order, going from left to right, from New York down to North Carolina. There are landings in other states, but they are so low that they don't show up.

The pale blue line is the average for the whole time series, 1981 to 2003. A comparison of 2001 to 2003 is the dark blue. Then we are looking at 2004 and 2005 in comparison. 2005 is incomplete. We don't have landings from New York.

Essentially, the 2004 and 2005 landings in every state are pretty dismal compared to even just the average of a few years ago, and certainly for the time series average, so the fishery continues to not catch weakfish.

When you look at it by gear, the major gears are still gillnet and trawl, but percentage wise pound net and long-haul seine, in particular, have picked up a little bit. These are fisheries where the major fisheries are in the south where there are low size limits.

So, there has been a small percentage shift to fisheries which may be catching smaller fish, but essentially it is still – 75 percent or 70 percent of the catch is still dominated by gillnet and trawl.

Recreationally, almost every state has seen a falloff by 2005. Obviously, New Jersey in 2005 had an exceptional catch. Now these are MRFSS estimates. What actually happens is Wave 5, New Jersey accounts for probably over half the harvest estimates.

It's a real phenomenon that a lot of weakfish were caught there, but we're skeptical that it is as many as indicated here. But with that exception, recreational catches are lower almost everywhere.

Jeff Brust worked this up for us. This is a percent of the recreational trips. In the north, which for the MRFSS is New York to Virginia, and in the south North Carolina to Florida that did not harvest weakfish, so we've basically gone from a little over 5 percent of the trips that harvested weakfish in 1997, to some fraction less than one by 2004.

Weakfish basically in the northern portion of the range, with the zero harvest, is now very similar to what you see in the south where it is a fairly minor species. That is it.

One of the charges from the Board was to list or to kind of look at the 40<sup>th</sup> SARC recommendations and give you some idea of what we did. If you look at the table that we put together, you can kind of see them more specifically, but the essential features of this was the technical committee did not disagree with any of the recommendations of the 40<sup>th</sup> SARC.

We implemented six of eight in the year we had between going to that review; and then the last peer review, the two that were not implemented really required much more time or additional capability. A catch-at-age review could be quite time consuming, because we have to go all the way back -- as to how these things were calculated, all the way to 1981 or '82.

As far as spatial analysis, we can kind of do some of the very general things, but if you really were talking about some kind of detailed spatial analysis, then you're going to possibly need somebody who can do these geographical information systems and none of us, that I am aware of, are trained in that.

In terms of the list of agreements and disagreements with the 2006 peer review, this thing has been kind of a bear to summarize either in a table or graphically, but there are at least three things going on here.

First of all, the gray bars are a rank that the technical committee assigned to each general topic. The topics were indices, stock status, food web, landings accuracy, the catch-at-age matrix, et cetera.

There is somewhat of a burgundy bar that indicates how many agreement – we broke this down into specific statements that you have listed behind the table that we felt were important. At the technical committee meeting in June we went over each statement and basically formed a consensus as to whether we, in general, agreed with it or disagreed with it.

Of course, you have these gold bars that are the negatives, that are the number of statements that we disagreed with. There is really no correspondence necessarily with the number of agreements or disagreements and the importance that the technical committee assigned to it.

So, basically, nearly all the technical committee felt like the indices were the most important issue. The

mean rank was over one, followed by the interpretation of status stock, the importance of food web issues, and the accuracy of landings.

Those are kind of the top four, and that's really kind of what I am going to stick with. The remaining issues all ranked approximately the same and weren't really held in too high an importance by the technical committee.

Essentially, the agreements or disagreements were usually unanimous. In fact, it's only about two days ago that something kind of popped up that we probably need to reconsider how we determine whether we agreed or disagreed with the catch-at-age matrix, but that's like Issue Number 5, so for the most part it's not a major concern for this presentation.

The indices were really the Number 1 issue, and the main issue is the Northeast Fishery Science Center Trawl Survey versus a recreational fishing index. The technical committee chose a recreational catch index, and this was suggested at the 40<sup>th</sup> SARC as something that might lend some clarity to the discrepancy between indices and the catch data.

The panel rejected the MRFSS index on the issue of catchability, but the technical committee rejected the northeast index on issues of catchability, spontaneous generation of year classes; that is, year classes would become more abundant in the following year rather than less abundant if you were following them over time, and poor size representation.

Essentially the Northeast Center catches so few weakfish as a proportion that are of interest to the fishery since regulations were changed, that it is really not a very reliable estimator.

The technical committee also wanted to point out that there is kind of a broader issue here with this type of index in that it is included in other peer-reviewed and accepted MRFSS assessments. If it is rejected here, then you really have to think twice about how it is being used in these other assessments as well,

Essentially, just on kind of a technical or analytical basis, this is a correlation matrix for the surveys that we have available of adult weakfish. This is not the age zeroes. We have an index from New Jersey, Delaware; we have the fall survey, which is the Northeast Fishery Science Center; and then the recreational survey.

Essentially, the New Jersey and Delaware surveys will correlate significantly or close to significantly with either the Northeast Index or the Recreational

Index, but those two indices don't correlate at all with each other.

This kind of disagreement means that you have to make a choice. The reason you have to make a choice is essentially that there are consequences of how the stock – what the stock trajectory, what the stock status is going to be. This is a fairly simple demonstration here.

These indices were standardized and then averaged, and then I just shot regressions from 1996 on, linear regressions as to whether there were significant changes or not. If you used the MRFSS index, there is a significant decline in relative abundance, as indicated by the green line that is kind of averaging the points there.

If you use the fall survey, you have no decline. You have no problem. So there are clear consequences for picking one or the other as to how you are going to portray the status of the stock.

We felt that the recreational index is most consistent with the decline in the fishery, and much of the feedback that we've gotten from fishermen up and down the coast as to where are the weakfish?

This kind of horrible-looking thing is – essentially, if you average the juvenile data together, you have an indication that the juvenile indices have been increasing over time. That is the black line there.

If you take a grand mean of the points that you see displayed there, you get an upward trend. The landings are the blue line, so whatever gain we're getting in juvenile recruitment has really not been resulting in additional catch somewhere since the late nineties or so.

So, basically, the two things that you want to look at this before you have confidence in this as something that's a good thing is the discontinuity between the recent juvenile indices and the trends and landings, but also the huge variation in the juvenile indices among the various systems represented.

I didn't put the key up here so you would know which ones they were because it just took up too much room. There is information here that we probably have not mined as efficiently as we could of, and we can visit this. I would be cautious about being optimistic that we necessarily have more juvenile weakfish.

There is certainly a lot of variation here. I will just leave it at that. As far as stock status, the peer review

did not offer a view on stock status. The technical committee at the last several meeting – I polled them in May by e-mail and then again at the meeting we had in June.

The technical committee unanimously feels the stock is declining, total mortality is increasing, there is not much evidence of overfishing, something other than F is going on, which we consider to be an increasing mortality rate, and that there is strong chance that regulating the weakfish fishery itself may not help foster a recovery.

The major reason for the decline – well, reading between the lines in the case of the 40<sup>th</sup> SARC and the peer review – and, of course, the technical committee has been explicit about this – is there is no implication of directed fishing mortality as the lead cause of the decline.

It certainly is a contributor because these things are additive. The technical committee considers food web dysfunction as its most plausible reason for the increasing natural mortality rate. The Peer Review Panel suggested that undetected commercial discards could lead to a high fishing mortality that we are not measuring.

But, the fact is, is that either food web or discards as the major reason would indicate that we have little leverage on the stock, and a clear cut solution does not necessarily present itself.

As far as the food web conclusions, we listed these for the panel, and I am going to list them here because actually you didn't really get the benefit of seeing any kind of summary of our presentation, so this is some of it.

We feel that diet bottleneck is plausible; that is, this discontinuity between what we see in juvenile production and the adult production may be related to the inability to obtain food and escape predators. There are high and low weakfish biomass domains evident in the long-term landings. I will show you this in a minute.

Essentially, there are sustained periods where abundance goes from high to low very rapidly and then back again. We are now in a low biomass domain where cutting F may not allow for recovery because the natural mortality rates are high.

Menhaden seem to have a large influence by statistical inference over long-term biomass domains, whether they are high or low. Adding bass to a single-species model was necessary for us to be able

to fit the recent decline in abundance, and this bass/weakfish predator/prey model would apply while you are in the low domain but not necessarily in the high.

These are long-term weakfish landings back to 1929. They are available on computer records back to 1950 from the National Marine Fisheries Service, and then I've added in landings estimated in a paper by Joseph that go back to 1929.

You can see that there are two sustained periods of high landings followed by a very rapid decline and then a very rapid – and, of course, rapid declines are followed by fairly rapid increases. This seems to be a feature certainly of the commercial landings.

Now how you interpret that as related to abundance is perhaps open to question, but this is the only long-term dataset we have that would give some indication of what the dynamics of weakfish might be. As far as this issue of the high-low domains, starting in about the 1950's, we have a couple of additional datasets that we can do a little statistical hypothesis testing.

This is a fit to the commercial landings of a menhaden juvenile index and a large bass index. It does a very good job of predicting what the landings are going to be. It is significant. For those of you that have the statistical bent, it explains 76 percent of the variation in weakfish landings with menhaden accounting for about 73 percent and striped bass accounting for a small but significant remaining fraction.

In terms of fitting models to the data, the gold line that you see – well, it is not very gold there; it is sort of pinkish – if you do not include some kind of an extra loss term, in this case striped bass, basically, the models that we have do not indicate a decline.

This is a fairly simple exercise with the biomass dynamic model. If you run the standard model without a predator term, the stock would basically be slightly increasing at this point. If you add the predator, then you get the decline, or you add striped bass in particular.

We did test other candidates, but this is the species that fits the best. It is not necessarily the sole reason, but it at least some kind of a primary feature to do with or associated with the decline.

In terms of what we're really talking about, there is kind of a mischaracterization that striped bass must be eating seven-pound weakfish or something like

that. Actually, they basically can be eating fairly small weakfish, not eat a whole lot of them, and have this impact.

The big, old, light-blue bar there is an estimate from bioenergetics of annual consumption of all fish by striped bass or kilograms eaten per kilogram of mass.

The little bar there at the bottom, which is kind of white, is, from our model, how many kilograms of weakfish has to be eaten per kilogram of striped bass to produce a decline. It is a very insignificant fraction of the diet.

There were questions about the accuracy of the landings, and essentially we used the same commercial and recreational landings as all other ASMFC assessments. We used a technique developed by Janaka DeSilva to estimate commercial discards. It is the same technique that was used for Atlantic croaker and was associated with the acceptance by a Peer Review Panel of the Croaker assessment.

One criticism in particular that was quite strong was the borrowing of recreational ages for an age-structured model; and that is because we do not have ages associated with the MRFSS, we apply them from other sources. Again, any assessment that is conducted with recreational landings has to do the same thing that we did. It is a standard feature.

In terms of commercial discards, this is a specific charge, again, from your list of the four charges. Janaka DeSilva did a very thorough job of estimating gillnet and trawl discard data from the observer data base. The precision of these estimates is poor to adequate.

Often the confidence intervals would overlap zero, about 50 percent of the time. The estimates prior to 1994 were estimated from market discard ratios; that is, those are fish that the market simply doesn't want because there isn't a market for them and they discarded overboard.

But after 1994, he considered both the market and the regulatory discards, because at that point we started applying size limits and so on that would have increased the amount of discards. Our loss estimates that we used in the assessment are on the high side.

We essentially used all the commercial estimates, even though some were not different from zero, and we also assumed that 20 percent of the recreational releases died. There is a fair body of evidence that it could be less than that. So, when we applied discard

estimates in our assessment, it was pretty much a worse-case scenario.

These are what we're looking at in terms of the reported harvest and estimated discards. As time has gone on in recent years, they are basically starting to converge on one another. This is the breakdown by fishery that Janaka came up. This is something you requested.

Essentially, there is no one fishery that really – this one is gillnet – no one fishery really stands out, but there are contributions from fisheries for weakfish, spot, spiny dogfish, Atlantic croaker, bluefish, butterfish, and Atlantic menhaden. It is worth noting that the spiny dogfish contribution has fallen off in recent years. There don't appear to be many discards associated with that any longer.

In terms of the otter trawl, it accounts for the majority of the discards, and, again, the fisheries that are associated with weakfish discards are, of course, weakfish, summer flounder, Atlantic long-finned squid, butterfish, bluefish and Atlantic croaker.

None of these in particular leap out as being much larger than others. Anyway, that is the breakdown by species by fishery that we have. We went through an exercise based on something postulated in the peer review that unmeasured commercial discards would be an explanation for the decline.

We basically did some modeling with the biomass dynamic model. It was kind of a generic additional loss term that was modeled either as a time trend, a function of the current losses or an inverse function of biomass to test this hypothesis.

We contrasted the results of this model with the models that didn't invoke any extra loss and one that invoked striped bass predation as an extra loss term. We used the recreational index plus New Jersey and Delaware Trawl Survey Biomass Indices.

These ghost losses were modeled to start after Amendment 2; that is, they began in 1996. We began to add this additional loss term in, and we produced a range of possible estimates of these additional losses and then searched for a fishery capable of producing them.

This is essentially what I am talking about by the trends that were invoked. As far as time trends, they were either modeled as a linear loss or quadratic, which is kind of that curvy green line – well, it is not green there. It's kind of a grayish line that curves upward from 1996 to 2003.

We also looked as a function of the harvest plus discards, which is the declining line. And then the inverse biomass is really simply a constant loss over the time series. And then for comparison, you have at the bottom what is turning out to be a dark purple line that is the actual commercial discards that we estimated.

And all of these losses basically had about the same effect on the model, which I'll show you in a minute, in that they had about the same fit, the same R-square, somewhere in the range of about – explaining about 60 percent of the variation, which is better than you would do if you didn't add the loss functions, then you would explain about 40.

So this is how the data would fit. You know, no matter what extra loss function you invoke, you basically were able to create a decline in the recent years. And if you didn't add a loss, you didn't get a decline.

Again, just to point that out, if you don't have an additional loss term, then your impression of the stock is that it is basically steady or increasing slightly. If you do account for additional losses, the stock is in decline.

These are the averages of the commercial ghost losses from the model. They average somewhere in the neighborhood of a little over 6,000 metric tons over the course of the time series compared with an average harvest of approximately 2,500 tons and discards of a little over a thousand metric tons.

So, in order for this stock to decline on the average of this time series, the discards you haven't accounted for, or the ghost discards, are about six times what we've already estimated with fairly conservative estimates.

We have to account for a lot of dead bodies to produce this decline. By 2003, with these various trends, the disparity is even greater, with the constant function where the discards are approximately about three and a half times what we have estimated them to be in 2003, all the way up to as much as thirteen times what we have estimated them to me.

So the losses have to be quite large to create this decline. The discard losses have to be huge. What we basically concluded, again, the discard losses needed to create the decline are many fold higher than the estimated discards.

I did not present this, but if you are looking, I basically calculated a dollar per metric ton for various fisheries to see if there was some fishery that had a very large increase in value that might provide an incentive for fishing harder, and there really is nothing that would indicate a high degree of incentive to fish that much harder to kill that many additional weakfish.

The technical committee could not offer any candidate fisheries that might do this; and if it is this severe, we would perhaps expect other species to be showing the same symptoms of weakfish, a decline that we cannot account for.

These ghost discards really present a management problem, because the underlying assumption of the ghost discards was that they resulted from additional regulation starting in Amendment 2, so how are you going to regulate yourself out of this discard situation if you created it from regulations to begin with, short of stopping all fishing along the Atlantic coast?

Stock structure, I think this is the final topic that you asked for. It basically boiled down to several questions. Is there enough evidence to recommend that the Board consider a split? If so, what difference would be suggested, and where should the split occur?

Some indications that there are different dynamics in the South Atlantic versus the Mid-Atlantic are from these recreational indices. These are both calculated the same way that we had calculated the overall index that we used in the assessment.

The black line is for the Mid and North Atlantic; that is, from Virginia to, I believe, New York; and the south is North Carolina – the weight per trip – and this includes harvest and discards – from North Carolina to Eastern Florida.

Essentially, the Mid-Atlantic index has declined drastically while the South Atlantic index is basically quite stable, or seems stable at this point. But when you review the data, you really get quite a split in whether you should consider stocks or not.

Basically, the genetic analyses indicate a homogenous stock. It does not take a great deal of exchange among regions for these things to be genetically even, but the tagging, otolith micro-chemistry, meristics, and morphology all indicate some kind of stock structure.

So you have got these dichotomous results from the different types of analyses. This information was

reviewed by the technical committee in both June 2005 and June 2006, and we declined to recommend a north/south split on both occasions.

This last time basically what we concluded as consensus was that there was evidence of stock structure. We didn't feel that the data was really adequate to define the structure. There is enough potential mixing that we were not comfortable trying to pinpoint where to put a north/south split.

We sort of formed a question that if there was a north to mid-Atlantic stock that is in serious decline, how would this warrant a split from north and south based on conservation concerns, and we felt that the Board really needed to clarify its reasoning for the split.

The final question was does the Board want the stock structure research recommendations from the technical committee? So, this is my finale. Russ Allen gets to put his head in the press for the next two years. I've kind of enjoyed this in a way, but I've also had a fair amount of frustration on some occasions. I can answer questions if you would like.

CHAIRMAN DANIEL: Thank you, Jim. The technical committee has done a very nice job with the requests from the Board. If you haven't completely read all of the technical committee report, it is very compelling on many of the points that they argue.

So, on behalf of the Board, I would like to say thank you to you, Jim, and the technical committee for an excellent report and summation of our questions from our last meeting. Questions for Jim? Rob.

MR. ROB O'REILLY: Thank you. I agree with the Chair in sending congratulations for the work that has been done. In fact, I would go a little farther. Probably since 2002, this Board was presented with information about the stock, that at that time, I think, from what we can tell, the Board took the high road on the status of the stock.

Although there was certainly ample information that the model used, the ADAPT, was really causing some problems with retrospective bias, and that perhaps the signals were not too good, the status was not too rosy, that didn't trickle through, and I think since 2002 the technical committee has really been working hard, the stock assessment subcommittee especially, to try and figure out a way to best portray the status of the stock.

I think as an analogy lately we have seen a situation with both striped bass and summer flounder, using the same model where for striped bass and summer

flounder there is a situation of retrospective bias. In the case of summer flounder recently, there was a recommendation from the monitoring committee that they actually apply a correction factor to that bias to sort of smooth things out.

Similarly, with striped bass, we have found that there is also the same type of positive bias on the terminal F fishing mortality rate, and that the technical committee there came to the consensus, well, we know that is not accurate; and when we looked the next year, fishing mortality rates drop off.

So you have kind of competing situations there. Weakfish is in the same situation. What the stock assessment subcommittee and technical committee did was they said we really don't buy the signals that we're getting from the typical ADAPT runs. They went beyond that, in my mind, and went to great extents, all the different models Jim has mentioned, to try and figure out exactly what the status of the stock could best be conveyed to us.

I think, based on the last meeting, it is as simple as the analogy is we don't do M. I mean, we aren't really quite ready for the type of situation the technical committee presented. However, there is a multi-VPA that's up and running. There's certainly probably the last -- at least in the state level, the last 10 to 12 years spent on multi-species management, at least trying to get ready for it.

I think that the technical committee, in a way, has been very daring in trying to pose these types of questions. And with that, I do have a couple of points about Jim's presentation, if it's okay, Mr. Chair?

I was struck by a couple of things you said, Jim. One was stopping the fishing altogether to take care of this discard situation. In fact, in 1990-91, when there was a concerted effort to figure out the best approach to management, what was presented to the management board at that time was not a coastwide -- it was more in a region-by-region basis gear out of the water.

I can still remember the faces of everyone when Rich Seagraves, with the Council now, made that type of pronouncement, that really if you want to have an effect, you've got to get the gear out of the water. We have a mixed-species fishery. We should think about this for later on when we talk about Addendum II, how you can be effective.

We obviously did not take the gear out of the water for the commercial fishery. We went to closed

seasons, closed areas; for the recreational fishery, bag and size limits. So, I think that was a good point, Jim.

The other thing that I latched on to was the low domain, and I can remember being in Virginia, where I have been for quite some time, but in the late eighties and early nineties trying to find croaker to sample; I mean, just looking for croaker samples for our program.

The fishermen were getting some, but it wasn't very much. Of course, since 1996 until now, there has been a high domain of croaker, no doubt about it. You know, I won't mention too much about where the cause and effect lies there.

Jim, you did talk about the dismal landings for the commercial fishery, and I know that one thing you mentioned was a slight up-tick for pound net. The up-tick is not very rewarding to us in Virginia because the pound net fishery in Virginia, even up to about 1999, was taking over a million pounds, and now it's down to about 200,000 pounds, but there are reasons, more than the status of the stock.

I mean, there are things about the inside fisheries in North Carolina and the inside fisheries in Virginia and changes that Sean had mentioned earlier that are allied to efforts from whether it be sea turtle conservation, whether it be the cost of doing business, you know, whatever that may be, those inside fisheries really – I don't see them bouncing back.

You know, the pound net fishery in Virginia typically had 300 active nets. It may have about 70, and those 70 really aren't what are called deep-water trout nets, because no one can afford to get out to 30 feet of water.

So, the gillnet fishery is opportunistic. They are going to be able to move about. You know, they can trace some of the migration, depending on the time of the year. So we have to keep the fisheries in mind.

I might be wrong, Jim, but I don't think that we really have a stable CPUE to look at for some of the commercial fisheries and that probably we should work on that. With Atlantic croaker, there are triggers in place now to have a management response in terms of the stock assessment if certain triggers are met, whether they are landings, CPUE, landings being the key one, but CPUE is touted as that should be one of the best ones to use.

So there may be some things the technical committee has been misinterpreted about once we started talking about natural mortality rises, even though some at this table said the last time they think that natural mortality has increased as well, but at the same time maybe the technical committee has suggestions or could work on some other events, which will take the states' help, because CPUE is not a simple thing to untangle in Virginia.

Probably in North Carolina they're a little further ahead. It will take some work, but it will be very important because landings are not a great way for us to do business. One reason is, Jim, you mentioned that New Jersey had a little over 50 percent of the coast-wide harvest in 2005. It is actually 70 percent.

I looked at the information, and I'm saying to myself, well, not only is it 70 percent in 2005, but it's a six-fold increase from 2004. Virginia, which has usually been in the top three recreationally, probably over the last 15 years, had 22,000 fish in 2005.

So, this is the type of information we have to work with; and if we're going to work with landings, since we don't have reference points right now, if we don't know exactly, after the peer review, where the fishing mortality rate is, we have to very cautious all the way around.

We have to make the most out of simple analyses and work on that a little bit more. I think the technical committee has done so many complex things, just treading water and keeping up with everything that has been going on, that there may be some things we look at.

I think the other comment, I would just like you to think about, and that is I think the catch at age is as solid as we've ever had it, and it does track some of the year classes, and I think that is another good effort by the technical committee.

And the last point, I want to just leave you with a question, because I feel that I've taken too much time, but the question would be it is my understanding later we're going to head into the addendum, and I have this understanding, which I may need your help on, which is the commercial fishery – well, first of all, back up.

Since 1995 we have had a static management regime. We have had three amendments, but the management is essentially static. There have been minor changes to the recreational bag limits. You know, at one time it was 14 inches and 14 fish, if you can imagine that.

But we've had minor changes there, but essentially static.

And the commercial management measures are based on reducing the harvest, and prior, when you reduced the harvest, you get also a reduction in fishing mortality rates. That is the basis for it, so you are actually taking reductions of harvest.

The recreational fishery for the last 11 years has been managed by size and bag limits, using an equilibrium approach, which is where my question comes in to you. And if I remember, the basis was to go back to a time period of 1981 to '85 when we could look at a time when Florida had level catches, when there was really a better equilibrium.

So I am suspecting that we have created and perpetuated two types of management regimes, one on the recreational where you have bag limits and size limits based on an equilibrium approach in the face of a non-equilibrium situation, where if you do have certain bag limits, say, 12 inches and 7 fish, and try to make a reduction, you really aren't in the same light as what you're doing on the commercial fishery.

And I don't mean you; I mean the management regime. You could go from 12 to 7 and 12 to 4, I don't think the technical committee has looked at the intercept data, the creels, to say, well, the practical creel coastwide is probably one fish right now or one and a fish, I don't know.

So how do we adjust to that? And I wanted to bring this up now only because later on you'll have had a chance to think about that and maybe you could respond when we get to the addendum. Thank you.

MR. UPHOFF: I'd like to respond. I kind of wrote these things down as you went, so I think I've got them. In terms of looking at a commercial catch per unit of effort, actually, we did that for the assessment. Where the data was available – and this my best recollection – we looked at pound net catch per effort in Maryland, Virginia and North Carolina.

All of those were falling. We feel that those are probably fairly good indicators of at least inshore abundance, because those are not mobile gears where you might get this non-linear catchability; that is, the catchability goes up as the stock goes down because of the mobility of the gears.

We also looked at North Carolina offshore gillnet catch per effort and – don't hold me to this one – I believe perhaps trawl, which were stable. So, we, in fact, did – in fact, one of the strengths of the

assessment that I think that we've done is we didn't just rely on the model.

We went back to fairly simple indicators of stock status, things like a relative F where you do something very simple, like divide the catch by an index and things like that. In addition to doing the model where you are building in additional assumptions, these index-driven type analyses are less restricted by the assumptions that you impose.

So we did look at these simple things. I think, in retrospect, one of the real drawbacks with the schedule we had, we never really got to present the information that we developed for the assessment to the Board prior to going to the peer review when the horse was out of the barn and there never really wasn't any, you know, how do we do that.

I think in retrospect, in the future, that would be a very good thing to do, before we go to peer review, is to schedule a review of the information we have.

You've mentioned about the catch at age being fairly solid. In defense of our catch-at-age matrix, essentially if you look at the aggregated data, like in terms of biomass or something, you more or less get the same trends that you get from the age-structured assessment.

So, there are problems with calculating age structure, but they may not be what is stopping the show, you know, in terms of doing that kind of an assessment.

And on the last point, in terms of looking – you know, we have had static management since 1995, but essentially, as best we can tell, that has also resulted in static fishing mortality rates. Of course, it was to reduce them and hold them at some level.

And, certainly, since about that time, the fishing mortality rates have by and large been quite stable. So, I think, to some degree, that may help. And in terms of the – well, at some point, if you guys wish, I have the presentation that I gave, about a year ago, that outlines kind of the measures or the things that the technical committee looked at in terms of trying to devise changes in regulations and so on.

I don't know if that would be helpful, but we did invoke a different time period for calculating recreational bag limits. It is no longer based on the 81-85; it is based on more recent data. Thank you.

CHAIRMAN DANIEL: Thank you. We might want to see that as we progress. I have got Paul.

MR. PAUL DIODATI: Thank you, Mr. Chairman. Jim, I enjoyed your presentation, and actually I find this to be the more interesting information for the week. I can probably ask questions about it and talk with you for the rest of the day. I won't, though.

I appreciate the work that the technical committee has done on this. This is obviously a complex puzzle, but you guys did a great job in trying to characterize that for us.

One question I have is that the more rapid declines that we seem to be seeing in weakfish abundance are from about 2001 on, according to the graph; is that pretty accurate? It seems pretty sharp to me that around 2001 it seems to start dropping off.

MR. UPHOFF: You know, the exact period where it starts to tip over is a little difficult to pinpoint, but I would say somewhere between '99 and about 2002 you definitely start to see some kind of a tipping.

But, kind of in defense – well, it's not really being defensive – a lot of this just doesn't become really obvious until the final year, until 2003. This assessment is where you really see a consistent signal across the great majority of the information that the stock is at a low point.

That is one of the difficulties in trying to pinpoint, well, when did this happen, because there is still a lot of variation within those indices, but I would just pinpoint anywhere in the late nineties to the early 2000's. By 2002 I think this thing is really tipped. It's not very definitive, but –

MR. DIODATI: Yes. And I guess that is what puzzles me because when I think of some kind of ecological factor that might be causing that kind of decline, I would think that it would be a much more gradual type of occurrence that would lead to that, such as increased predation or that sort of thing.

But, you know, big fish eat little fish all the time, and it is not necessarily an evolutionary change. It is just part of the function of the ecosystem, so I would expect it to be more gradual than that.

Maybe there is something else going on, but given everything that you've looked at, you provide some compelling evidence. I don't have the answer; I just find it interesting.

CHAIRMAN DANIEL: Thank you, Paul. Jaime.

DR. JAIME GEIGER: Thank you, Mr. Chairman. Again, my congratulations on an excellent

presentation, Jim; and like Paul, I could probably ask questions for the rest of the day, but I won't

One question I do have is on the question on the north/south split. Certainly, I think we have seen that comprehensive and robust genetic analyses have been very instrumental in helping elucidate stock structure, primarily under an Endangered Species Act context. I think the key words are "robust and comprehensive". You made a statement in your presentation that genetic analyses indicate a homogenous stock structure. Based upon your best professional judgment, do you make that statement based upon comprehensive and robust genetic analyses? Thank you.

MR. UPHOFF: Yes, that's an excellent question, and I am not an expert on genetic analyses to tell you whether they are robust or not. But William Darrow – I hope I got that right for the Florida folks – did an excellent job of summarizing that information.

I have no reason to challenge the genetic analyses. I mean, I think there are at least three of them in there that were fairly major in peer-reviewed journals that essentially arrived at the conclusion that this is something close to panmictic stock. It's not completely homogenous, but very close to it.

I don't feel, really, the qualified person to be able to challenge that. It is just that there is strong evidence, based primarily on either migratory behavior or phenotypic variation, that there is in fact some kind of structure on this stock, but it may be imposed more by the environment than by the genetics.

My best professional judgment is that I don't know enough to really be very confident about trying to define it.

CHAIRMAN DANIEL: Thank you, Jim. Anything else before we move into our discussions on the addendum? Jim will be here and we will have his guidance as we move through that. Steve.

MR. STEVE MEYER: Good morning, Mr. Chairman. I really enjoyed this presentation. It was extremely well in depth and breadth. I would like to request that a hard copy of this presentation be attached to these proceedings.

When we go through the minutes, we'll have a hard copy of the presentation to reference back, so that we will then have a better appreciation of Jim's excellent presentation to us. When we get together the next time, maybe we will have some more questions and

some more considerations for the technical committee to consider, please.

CHAIRMAN DANIEL: Yes, Jim, if you can make that available to us, we would appreciate that. Thank you, Steve. Anything else? Vito.

MR. VITO CALOMO: Thank you. Like the others, I really enjoyed the presentation. You added some humor to it, and it kept us all alive and well, and it was very interesting, to the point and precise. I believe I heard you kind of discount dogfish as a predator fish; was I right?

MR. UPHOFF: By discounting it, we essentially looked at a field of candidate predators and other factors. We looked at striped bass, dogfish, Atlantic croaker, bluefish and summer flounder, as well as a couple of environmental indicators, the North Atlantic Oscillation Index, which can be quite influential in stock dynamics of a variety of species, and ocean temperatures.

Then we went through an evaluation process. Vic Crecco did this in parallel with myself. We took different approaches. I set up a scorecard basically based on I think about ten factors, including whether if you added the spiny dogfish trend in as a predator in this predator-prey model, did it in fact produce a decline?

Spiny dogfish did not score particularly high in that. It does not mean that they can't contribute. It just means that their signal is muted elsewhere. So we did consider it, and we evaluated it, and it did not come out as a strong candidate or as a leading factor associated with the decline.

MR. CALOMO: Why I asked that is that there is a question about the biomass of dogfish. Everybody questions how large it is. I don't want to go down the road of dogfish, but no one questions that the dogfish have come to the beach. There is an abundance of dogfish inshore.

We're seeing them really on our beaches, so I am just wondering about that, and the large amount of cormorants that act like wolf packs. I have seen that in my time, and I'm just wondering if that's also something that hasn't been discounted? We know about rockfish. I just wanted to bring that up; we're seeing more predators in dogfish and cormorants more than any other.

MR. UPHOFF: No, actually, cormorants, we did not consider it. I've thought about this for years for a variety of different things for the very same reason

that there is very much a perceptible large increase in cormorants, at least over my career.

They are warm-blooded predators. They eat, I believe, something like a pound of fish a day. There is a colony that's in Fishing Island at the mouth of Chesapeake Bay of several hundred thousand cormorants. You multiply that by a pound a day times however many day, it has got to be an enormous amount of fish.

They have been implicated in declines in other – particularly in inland waters, there has been some modeling and so on. But, the problem I have is simply finding some kind of an estimate of cormorant abundance to fit into that.

I do actually have some contacts with some bird people now that I might have a little better luck getting it, but I would think that would be another very serious candidate. Just in general, the natural resource management agencies have focused a lot on raising the abundance of what is labeled “charismatic macro-fauna”, you know, birds and seals and whales and predator fish.

You know, these things could have fairly serious effects. I guess really the short answer should have been we didn't look at it because we just didn't have the data available.

CHAIRMAN DANIEL: Anything else for Jim? Seeing none, thank you, Jim, for an excellent presentation.

## DRAFT ADDENDUM II DISCUSSION

That leads us to our discussion on the Draft Addendum II. There has been a lot of difficulties getting to this point again.

What I wanted to try to do is very briefly summarize some of the issues and concerns that have been expressed in discussions around the table of the last four or five meetings, taking on some of the issues from various minutes and the like, just to sort of summarize before we move into our discussions on where we want to move with the various options in Addendum II.

The Board accepted the formal peer review of the weakfish stock assessment that raised a lot of questions and concerns about our technical committee's assessments.

The technical committee, in my view, has ably reviewed and commented on the points of the peer

review and I believe have persuasively refuted some of the conclusions of the peer review and shown where perhaps by not having provided the information to the peer review or the peer reviewers being unaware of certain issues, make it clear that our technical committee had some valid reasoning and points that were not followed through on.

So, we're in a situation right now where we not have an accepted peer review, in a quantitative sense, with biomass targets and F rates and the like, as we're used to seeing. It is clear to me, after review and after Jim's presentation and discussions with the technical committee, the technical committee has an assessment that they maintain, by consensus, that the data suggests that the stock is in decline, that total mortality is increasing, that there is not much evidence of overfishing, that something other than F is going on, and that there is strong circumstantial evidence of increasing M.

That is a powerful consensus statement from our technical committee. There are other technical issues that are around. The technical committee has indicated that reductions in F may or may not have an impact on stock status.

They have also recommended to us a 50 percent reduction as a precautionary approach in the face of a declining stock. One thing that is important to note, I believe, is the discussions we've had this morning that reductions that are in place through Amendment 4 were designed to end overfishing and rebuild to our biomass target, and those measures should provide stock protection in the event of a change in M or other factors that impact the stock.

So, we're in a tight spot, and we have various addendum options; the first being status quo, which would be to maintain the current measures, but that could be modified by this Board to direct the technical committee, as I think Rob suggested, and I agree, to maybe develop some other qualitative measures of stock status; for example, age structure, length structure, landings information, more advanced CPUE estimates and maybe try to improve on or at least characterize or get some confidence in our independent indexes of abundance, in lieu of a quantitative assessment or while new methods of stock assessments are explored, such as the multi-species VPA.

We also have a series of harvest reduction strategies that range from 25 percent to a moratorium. Those are reductions in the recreational bag limit, which again, as Rob has pointed out, may need some work, commercial seasonal closures.

There is an opportunity in the addendum for states to use conservation equivalency to develop other options if they deem seasonal closures inappropriate or not in line with what they would like.

There are, however, some significant difficulties, I believe, in the lack of a quantitative assessment on being able to assess the impacts of any additional reductions. We need to develop some methods. If we move forward with reduction strategies, we need to develop some methods to measure those impacts. I think one of the points that was made in the technical committee report that is important to keep in mind is that simply presuming – and this is a quote from them – that seeking exploitation on an overfished stock has to result in recovery ignores the uncertainty imposed by ecological systems.

I think nowhere in any board or stock assessment that I have been involved have I ever seen an issue quite like this and seen the technical committee go to such lengths to try to explain these kinds of things and be as confounded as our folks seem to be, and they are all good, talented folks.

So reductions in F may or may not have any measurable impact on stock status, but I think could raise some issues regarding discard concerns that we already have and clearly as Jim has pointed on.

So, in my attempt to give a summary of I think where we are now, after meeting on this for a year, almost, and coming back and forth, that's where I think we are. I've like to give an opportunity now for the Board.

We've had a presentation, but I would like to get some comments from the Board on the direction that you would like to take in terms of the addendum. I personally believe that we need to take some action, but I will let you make that call. I've got lots of hands up, so I'll start with Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. That was an excellent presentation by Jim Uphoff, and it's obvious the technical committee has done a tremendous amount of work on this.

Your report kept highlighting the fact that we've got natural mortality, and what has jumped out at us is it appears that this burgeoning striped bass stock we have is one of the major culprits along with cormorants.

I do know that Fish and Wildlife has a depredation order that was approved. It took five or six years to

put together. Those states that aren't enjoying reducing their cormorant population should look at that depredation order to see if that is a major issue in your backyard.

But as far as the predator-prey relationship we have here, if it appears what you said is true – and I believe it is – that we have these other predators working on these weakfish, no matter what we do in this setting that we're in right now, all we're going to do is continue to restrict the fishermen.

I think all the information that has been presented basically tells us it is not going to accomplish anything. It will be a paper chase. We will put more pressure on our folks. Yes, we will reduce whatever mortality we can on the weakfish, but by the same token the real question is, is it a cyclic fishery? The answer is yes.

Are we doing anything about the predators that are preying upon weakfish? The answer is no. We have a burgeoning striped bass population that's about three times the spawning stock biomass it should be.

We have an opportunity to work on that and get it back in balance. We talk about ecosystem management. When you step back and look at the picture, anything we do other than hurt the fishermen is not going to get the job done, and that is not going to get the job done.

So, I know we are here to discuss actually this draft of Addendum II. My question is, is there anything else that could be added to this in terms of additional information, at the forefront of it or preface, if you will, relative to the report that Jim Uphoff and the technical committee have given us that will shed a little more light out there in a concise way that will help the public understand where we are coming from?

Sooner or later, we are going to have to address this ecosystem or balancing of who is going to be at the top of the food chain? Is it going to be the sharks, is it going to be the striped bass, is it going to be summer flounder?

I don't know if you want to try to address that, but that is my concern. Those are my comments, and I would like to get an answer to whether we could develop a paragraph or two that would help flesh this out and make it a little more user friendly to the public, so we are not just putting them against the wall again for no reason?

CHAIRMAN DANIEL: I certainly think we can do that, and I would assume that the technical committee still holds by their consensus statement on their opinion of the stock. I think that is probably as good a summary of the technical committee's position as there is. So, yes, I think we could do that if the Board agrees. I've got Gordon.

MR. GORDON C. COLVIN: Thank you, Mr. Chairman. Let me offer a different perspective than that of my colleague. In 1999, about 80 percent of the lobster population in Long Island Sound died. We now know that they died as a result of a paramoebic infestation of parasites that killed the lobsters that had been the subject of intense environmental stress brought about by high water temperature and chronic hypoxia.

There were subsequent die-offs of lobsters that occurred in 2000 and 2002 that heavily impacted the residual population. That is M and not F. Now, the very first meeting I attended this week was a meeting of the American Lobster Management Board, where we talked about the modifications to our Lobster Management Program that the Commission would implement for the Southern New England stock unit of American lobsters based on the most recent peer-reviewed lobster stock assessment and the parameters of our management program, the goals, objectives and the new reference points for management, biomass and fishing mortality rate.

We didn't excuse Area 6, Long Island Sound, from the need to make its contribution to the population recovery because of an extraordinary, unprecedented and clear unequivocal increase in M.

We recognized and it is explicitly recognized in the deliberations of the Lobster Technical Committee, the Lobster Board and certainly the Area 6 stakeholders and managers that the course of action in Area 6 is uncertain. The future is uncertain because of M.

We can take actions and we intend to take actions, and the Commission, I think, will adopt addenda that will move us in the direction of needing to take action to reduce fishing mortality and to act to put the stock in a position where it can recover if environmental conditions, M, permit.

Now, one of the difficulties that we sometimes encounter in our dialogues here – and I have heard it several times already this morning – is our perception of how actions of this nature impact fisheries and fishermen.

It tends to get phrased negatively. It seems to me that our management programs, our management principles are based on fundamentally, simply on enabling people to use these resources that we are managing.

That is the purpose of our management, to facilitate, to enable use, and that use needs to be sustainable, and our actions need to be focused on enabling sustainable use. The difficulty that we encounter is that when populations are declining or have declined the amount of use we can permit is less than when the opposite is the case.

It is not a punitive issue. It is not penalizing. The issue is that when things are good, we can enable greater use; and when they are not good, we can't. Otherwise, we're not going to have a sustainable fishery, and we're not going to be able to enable the uses we want to in the future.

It is unfortunate that we get behind the eight ball and start talking in terms of negative terms, in terms of penalizing fishermen. What we're trying to do is to create conditions in which the resource can recover when conditions will enable.

That's what we're intending to do with lobster, and I think we need to think about that in the context of weakfish and other fisheries that may be affected by factors that go beyond fishing mortality. Thank you.

CHAIRMAN DANIEL: Thank you, Gordon. Roy.

MR. ROY MILLER: Thank you, Mr. Chairman. Let me begin by saying I echo the eloquent comments of our colleague, Gordon Colvin from New York, and further offer this analogy.

The position I had perceived that we are in in regard to weakfish reminds me of where we were, to a certain extent, with striped bass in the early 1980's; the difference being we have a lot more information about weakfish than we had about striped bass in the early 1980's.

However, the predicament is somewhat similar. We did not have a stock assessment to rely on in the 1980's. All we had was a pretty good year class that we decided we would protect and allow that year class to grow up, so in fact that's exactly what the states did.

I think what Gordon is suggesting is if we – we have two alternatives. Our alternatives are no additional management and let the weakfish cycle play out. I am not sure that there's enough time left in my career

for that wait, for that recovery to occur in my working career.

So, in order that I might be able to catch a weakfish in my retirement years, I would prefer that we take a slightly more active approach, and I think we should attempt to do what this Board is capable of doing; namely, controlling fishing mortality, such that if natural mortality declines, for whichever predator is perhaps the culprit or environmental conditions that we haven't discussed, such that there are enough weakfish out there that we can get good year classes and a recovery of this stock in something less than a 30-year cycle.

So, Mr. Chairman, I favor some additional conservation even if it is a token conservation effort of the 25 percent reduction. I think that sends the right message to the angling public. It says we care about this resource.

We recognize this resource has drastically declined, and we don't think that the responsible position is to just sit back and wait for it to recover on its own at time uncertain. Therefore, I am inclined to do something.

Perhaps it is not as drastic as some of the fishing community apparently fears, but we ought to do something in the way of additional conservation. I am leaning at this point towards the 25 percent reduction. Thank you.

CHAIRMAN DANIEL: Thank you, Roy. Mark.

DR. MARK GIBSON: Thank you, Mr. Chairman. I'll be the third to jump on this bandwagon, hopefully not reflecting the trio that Jim Uphoff showed several times on the screen.

I would frame my discussion and refer the board to Figure 3 in the draft addendum. I like where Jim and group is going on these models that allow for the exploration of these high and low abundance domains.

He and I have talked about that before, and I think that's what we're seeing here. Usually the Holy Trinity that leads to those are in changing environmental conditions, ecological interactions and fishing mortality rates, and they can serve to drive populations into low abundance bottlenecks and then either fortuitous changes or strong reductions in fishing mortality can lead them out of these bottlenecks.

In that Figure 3, one thing that troubles me about the striped bass hypothesis is that the natural mortality rate was actually falling at the same time we were rebuilding to recovered status of striped bass biomass along the coast, aside from the two obviously anomalous values that went from about 50 percent on an annual basis down to about 30 percent.

And, of course, the fishing mortality was driven down strongly in the late eighties and mid-nineties as well. I am having trouble understanding how striped bass alone could be the keystone predator. There is a suggestion that natural mortality rises even further after that, so there are probably other things involved if we accept this level of increasing natural mortality.

The other interesting part is that fishing mortality is going up. When we maximized our abundance of weakfish recently, we were at about an order of maybe 20 to 25 percent fishing mortality. It is creeping up. I don't think that can be allowed to continue in the face of the uncertainty that we're dealing with today.

I would suggest that the 25 percent option is probably the way to go because that would take fishing mortality down to the base levels that we have seen in the past that allowed for high weakfish biomass.

That's probably where I'm going to come out on in this debate. I agree with my colleagues, we can't stand pat and allow fishing mortality to creep in the face of uncertainty regardless of what is happening with natural mortality. Thank you.

CHAIRMAN DANIEL: Howard.

MR. HOWARD KING, III: I was just curious with even a 25 percent reduction in harvest mortality, then I assume based on what Jim has presented, that bycatch mortality will become the dominant mortality, other than natural?

MR. UPHOFF: Without really breaking down the landings, it is difficult to say, but this fishery, with the bycatch allowance in a number of areas -- of course, I'm most familiar with Maryland. I mean, it is a bycatch fishery in our state. I can't vouch for other states because I don't have the breakdown of their landings.

It does appear that the trend is for -- there is, you know, kind of a converging trend of the harvest going down while the discards are kind of remaining stable or maybe slightly increasing, so if you want to project that into the future, they would meet at some point, the discard losses, not necessarily the bycatch.

With weakfish you actually have a legal bycatch, you know, under the bycatch provision, and then you have either the discard losses in some cases an illegal bycatch where people keep more fish than they should under the bycatch regulation.

MR. KING: I was referring, though, to discard losses.

MR. UPHOFF: They're converging. I mean, at this point we have done a little bit work, just some very, very, very preliminary stuff trying to look at an assessment through 2004 and '05, just with some data on hand, and essentially the convention I said was that the discards are equal to the harvest.

That doesn't mean that is true, but they do appear to be converging that way. Oh, by the way, one of the problems, my understanding is, is that observer program that we derived our bycatch estimates from may be discontinued, which would put us in a bid of a bind, but I am not a hundred percent certain about that.

CHAIRMAN DANIEL: Robert.

MR. ROBERT H. BOYLES, JR.: Thank you, Mr. Chairman. I make these comments with full recognition I say these things somewhat sheepishly. We are the only state in the Commission that does not have a recreational limit on weakfish.

There is something different in the South Atlantic. Part of our reasoning in South Carolina has been we do not have a directed fishery here. I struggle with this.

I agree with the comments that have been said earlier about not wanting to stand idly by, but I am also struggling with the issue of credibility in going back and telling our fishermen that the management board has mandated going down this road when we are de minimis for a reason.

I am just struggling with this, quite frankly. Brad, correct me if I'm wrong, but the proposal would have the recreational limits apply regardless of de minimis status; is that correct?

CHAIRMAN DANIEL: That is correct. Rob.

MR. O'REILLY: It's interesting, Robert, on the South Carolina situation, because I guess in 2004, looking at the landings, probably one and a half times Virginia and in the past New Jersey. It's pretty even to New Jersey in 2004; and in 2005 probably seven

times Virginia, and, of course, New Jersey had that big year.

So, there is definitely something about the South Atlantic. I think the technical committee pointed it out. I think it will be a challenge to the Board as to how they grapple with the management regimes.

I think that Gordon and Roy certainly spoke very well on behalf of what we always talk about, the Public Trust Doctrine, and I think that is something to be considered. I think it is accurate to say that we are trying to do what is best for the resource, Number 1; and, Number 2, we hope benefits fishermen and anyone else who wants to enjoy that resource.

I mean, that is the standing rule. At the same time, I am a little concerned about two things. One, we've had a conservative management regime. It wasn't anything else. It was a conservative management regime; it was a 32 percent reduction in the fishing mortality rate, which has been in place since 1995.

So, although if at the end of the day it is the consensus of the Board that there needs to be a 25 percent cut, I understand that. I do want to remind you that has been a pretty conservative management regime throughout. Also, this discard situation is something to expect with mixed-species fisheries.

You know, what will happen, other than the spring and fall, when you may be able to direct actually or target weakfish in some cases, depending on where you are? For the most part you are talking about discards.

So, on a minor kind of approach, there are details to be worked out, and I know that last meeting I did ask that we get to know our fisheries up and down the coast again, because we do see graphs and charts, which are summaries, but we may not really see how fisheries have progressed or digressed.

I think there is probably a little bit of both, so I am asking that if we do go forward with any type of reduction, we do our best to make sure there is some equity, not only in the commercial and recreational sectors, which I pointed out earlier – in other words, we do want to make sure -- we can easily reduce the commercial harvest because you can close a day, you can do things that are fairly straightforward -- that the recreational sector is also subject to the same type of reductions.

But also it may be impossible, but I think we ought to know or at least have information, as we go forward on this, what our fisheries look like. I mean, I can

tell you very briefly that since 1990 to '92 on average, which is our reference period for most of the states in the commercial fishery, we have had a 47 percent decrease in our pound net fishery, a 78 percent decrease in our gillnet fishery, and a 24 percent decrease in our haul seine fishery.

We don't have a trawl fishery since 1989 in Virginia, but we do have trawl landings. They are down 58 percent. I think we at least need to look around, if we go forward in this reduction, and know a little bit about equity and how we're reducing up and down the coast, but, more importantly, again, let's make sure that the recreational and commercial reductions are equivalent.

CHAIRMAN DANIEL: Thank you, Rob. I have Jaime.

DR. GEIGER: Thank you, Mr. Chairman. I have heard some very persuasive arguments on this one so far, and, again, I think it's clear from the arguments that have been made so far that, quite frankly, status quo is not an option.

Certainly, I think weakfish is rapidly becoming the poster child of an ecosystem approach to management. I think this is going to be a bellwether species to show what we can do outside of classical fisheries management.

I particularly like Mark Gibson's analogous of the trinity affecting this particular species, and I would hope that we can bring all available tools to bear to again tackle any and all solutions to this particular issue.

It is complex. I think it is going to be challenging, but I do agree with some of the arguments that have been made that some modest reductions are going to have to be made within our sphere of influence and what we can, indeed, control. Certainly, I think fairness and equity has to be brought into bear, but status quo, quite frankly, is no longer an option. Thank you.

CHAIRMAN DANIEL: Thank you, Jaime. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. What we have gotten into is a debate as to which option we should be looking at. My understanding is that this is strictly a draft for the Board discussion to determine whether we're going to develop a PID to go out to the public.

Did I miss something along the way? My understanding was this document was to present all

of the possible variations and issues, particularly all of the options that may be considered to get to where we're trying to go and not that it was the time for any one of us to individually support any one particular option.

It just seems to me that if there was any option here that was totally off the wall, if I use that expression, that shouldn't be considered, then I think that's what we should do. It appears folks have taken sides and said, "Well, I want this" or "I want that."

One follow-on point. In line with what was just said by Rob O'Reilly, under the commercial fishery management measures, it appears that the language that was selected in here to describe what each state would be required to develop an implementation plan to achieve the reduction in fishing mortality chosen by the Board, it does not clear state, as I see, that any state is obligated to put major restrictions on any one particular gear type.

I believe that would incumbent upon the states to decide that. Do I misunderstand that? It appears that is very clear as to what the options will be at the state level, Mr. Chairman.

CHAIRMAN DANIEL: Yes, I think there is a lot of flexibility in the addendum, as it stands, to come up with varied management regimes that may be not closed seasons; for example, looking at perhaps size limit changes, mesh size restrictions and the like.

To Robert's point, I think the technical committee recommended that the bag limits apply to all states, whether they be de minimis or not, but the Board certainly would have the opportunity to change that if it was persuasively argued for, say, de minimis states.

But, I'm in a position right now where I do feel like I need to make some comments on this, and so I would like to give Pat Augustine the Chair to lead us through the remainder of these addendum discussions.

(Whereupon, Mr. Patrick Augustine assumed the Chair of the Weakfish Meeting.)

CHAIRMAN AUGUSTINE: Thank you, Mr. Daniel. Eric Smith.

MR. ERIC SMITH: My, that timing is impeccable, because I wanted to disagree with the person who is now our chairman, and that is always bad form. Only briefly to Pat's point, I had a different understanding of where we were here, and it is going to lead into where my comment will take us. I don't

think we're in the realm of doing a PID because we're not going to do a plan amendment, and I think we had Addendum II, which was hanging fire while we got the science settled down.

I think we've got the science settled down pretty well in most people's minds. We're in a position of making a decision today or deciding what the right course is to make a decision based on the Addendum II document with whatever enhancements we may or may not want to make.

I think my understanding is that's where we are in the process. My comment is going to be briefer than normal, because I thought Gordon uncorked a whopper there. I hate complimenting him; it just empowers him. The fact is he really had a good point and a good analogy to lobster.

Then I appreciated Roy's comments and Mark's, and I am not going to belabor the point. I agree with them. We have two courses of action. We can say fisheries didn't cause the problem and reducing F may not help, so don't do anymore regulation; or, we can say the stock has declined substantively and the prudent course of management suggests leaving more in SSB the water in the hope that it will help recover the stock.

I no longer care why stock declined. It's just we have less SSB out there, and we really need to leave more in the water. My whole sense of the rest of my comment, though, is what is the proper course of action for us to take to get there?

If I'm comfortable deciding today, I agree with Roy that the 25 percent option is something that moves us deliberately towards protecting more SSB, and it is probably consistent with the kind of advice we got.

I also wonder, though, having seen hornet's nests created in the Commission process in the past and having been the catalyst of some of them, so I appreciate that and I hope you do, too, if we make a final decision today on a document that we last really talked about last October, with the way the agenda described the issue, which was to review the options and discuss them and take possible action, I wonder what kind of a hornet's nest we create?

We had public hearings on this addendum. We're under no obligation to do anymore, but I wonder if we wouldn't be more prudent in the long run if we embarked on a written comment period between now and the annual meeting and made our final decision then?

That has pros and cons. As I say, I know how I would decide today. Is it the best thing that the Commission could do is to make this decision today because we're comfortable making it, and then have to suffer through three months of criticism that we flew under the radar and nobody saw it was coming and create that hornet's nest; or, do we empower a whole lot of written comments that say, "Please don't do anything," and we have to contend with that, and either way we face it the next time we meet?

I know how I feel, but I wanted to plant that seed and see how the rest of the Board felt as to how we can be most effective in the process as well as doing the right thing for weakfish. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. Smith. We will hold response to that from Board members. We have Mr. Duren.

MR. JOHN DUREN: This is a real enigma, and we were to decide to take some action today, we're going to have to give really serious thought to the management options that might be available and pull some more out of the hat than are currently in the draft.

The reason I say that relates somewhat to the comment that Robert made. While I am not part of the administration that has to create and administer the laws in Georgia, I look at our state, which is a de minimis state, has no directed commercial fishery, has not permitted pounds nets or gillnets in years and has a minimal recreational catch, and I say what rationale would the people who would have to administer the fishery laws in Georgia present to the angling public if we adopted any one of these current draft amendments?

It would be very difficult. I know that similar issue has been faced with other species at times around the table, but I think in this case it needs very particular consideration, especially given that the stock data we have, the abundance data shows that the South Atlantic stocks are not in decline. So, to move forward right now represents a real conundrum for us.

CHAIRMAN AUGUSTINE: Thank you, Mr. Duren. Dr. Daniel.

DR. DANIEL: Thank you, Mr. Chairman. I do feel like there's some points that I need to make from the North Carolina perspective that I think the Board needs to take into consideration.

I go back to my colleagues that brought up lobsters and striped bass. We had identifiable reasons for those declines, diseases or overfishing. We were able to monitor the impacts of the measures that we took in order to see those stocks restore.

That's not the case here. We don't know what is going on. The technical committee has done an admirable job trying to explain to us what is going on, but the clear response from the technical committee is that it is not F.

So we are in a situation now – for example, in North Carolina where during the reference period we were landing 10 million pounds, when we implemented Amendment 3, we were landing 4 million pounds, now we are landing 400,000 pounds on the commercial side.

So what is a 25 percent or a 50 percent reduction going to get us, a savings of 100,000 pounds of fish? I mean, that is a drop in the bucket in terms of the bycatch mortality that's going to be associated with those types of closures.

So, I don't think we're going to get the types of savings that we think we might get or jump start any kind of recovery. If for some reason these natural circumstances return to more normal periods, we have the measures in place, we have the minimum size limits, we have the mesh size restrictions, we have the closed seasons, we have the closed areas, particularly in North Carolina with gear out of the water, which I think we have talked about earlier today.

So we've got the measures in place if the stock starts to rebound. Now, taking some precautionary measure that may or may not have an impact, it will have an impact on the fishery, a significant impact on the fishery.

But we're in an untenable position where we have no assessment to determine whether or not impact to impact had any bearing on the stock and what we did made any difference at all. I think it is very important to look back at some of the graphics that Jim presented of the historical landings and know that we are in positions of waxing and waning.

When we first started this process in the early nineties, we knew that we had an F problem. There was no doubt about it, and we resolved that F problem. Well, now we have got a declining stock and we don't have an F problem, and so we're just going to throw more F reductions into the mix and hope that it has an impact.

In the meantime, we're going to have so many unquantifiable discards from these measures that we may put into place that we won't know if we had any impact at all. So, without a means to determine what the impacts are going to be, it seems to me that the only alternative that we have is to go with status quo, ask the technical committee to develop some suite of empirical, quantitative stock measures that we can try to track and see how the stock responds to the measures that are currently in place with a stable F.

CHAIRMAN AUGUSTINE: Thank you, Dr. Daniel. A question back to you, would suggest a date certain as to when that empirical data would be prepared for the Board? After listening to Mr. Smith and his comments, he has a different view, so would you have a plan on that?

DR. DANIEL: Well, I had instructed staff and felt that our public comment on the addendum was not stale, that we had received the public comments, and that we could act as soon as possible.

The reason I stepped down the Chair was because of my request to the Board to take some action today, but I do believe that we could have that done by the annual meeting; and as some have suggested, allow the written comment period to extend until some time before the annual meeting; and take some final action during the annual meeting. I would certainly be comfortable with that, but that would be my response, Mr. Augustine.

CHAIRMAN AUGUSTINE: Thank you, Dr. Daniel. Mr. Carpenter.

MR. A.C. CARPENTER: Thank you. While I have realized that our responsibility here is to the resource first, the proposed actions or any combination of proposed actions I am not convinced in my mind are going to (a) be measurable and (b) be effective.

It is my understanding that the 25 percent reduction would go to a four-fish creel limit for the recreational catch. I don't know where -- the NMFS data shows, but I am willing to guess that the number is well less than four right now, so that you have put in place a regulation that truly has no effect on the harvest.

On the commercial side, I am philosophically opposed to converting live market fish to dead discards, and I think that would be the outcome of any further restriction on the commercial harvest.

I am really torn between moving forward with this, and I think I am going to come down on the side of a

status quo until the technical committee has had the opportunity to look at other empirical data that they can develop some type of index.

As Dr. Daniel has said and others have said, we already have a very conservative program in place that has not gotten us where we needed to go.

While I recognize that a four-fish creel limit does have a psychological effect and does have the hope of being able to rebuild this thing on a quicker time scale, we have seen dramatic evidence of cycles that have rebounded without any kind of regulation in place years ago, very dramatically, very quickly. That is where my mixed message is right now is I don't know exactly what I am going to do on this issue.

CHAIRMAN AUGUSTINE: Thank you, Mr. Carpenter. In response to Dr. Daniel's point about empirical information, Mr. Uphoff would like to respond to that.

MR. UPHOFF: I just want to let it be known that we actually have a good bit of index-based data that we should be able to track changes in the stock. Some of these are fairly robust. Of course, we have juvenile indices. You saw the scatter in that, but, nonetheless, we have those.

We have two trawl indices that we consider to be reasonably reliable in New Jersey and Delaware. We have the MRFSS index. We have developed some indicators of commercial catch per unit of effort. We have this proportional stock density, which is a length index, from the Delaware data.

It actually is quite a good predictor of commercial landings, recreational harvest and trophy citations. So, we have some data in place that we could offer up very quickly. I guess, really, where the problem lies is in finding a suitable model to treat it with, but the underlying data is there, is present.

CHAIRMAN AUGUSTINE: We have Mr. O'Reilly. MR. O'REILLY: Thank you. I think both A.C. and Louis had comments, which I've talked about a little bit today, with the conservative management regime we have. And, really, in listening to Des Kahn at the last meeting and to Jim this meeting a little less so, let's recall that management regime did produce effects.

If you look at the stock status of weakfish going through after the 1995 period up until -- if that downturn is '99, '01 or '02, that is debatable, but

there were effects from Amendment 2. Amendment 2 is really no different than Amendment 4.

I think at the very, very least this needs to have the written period. I don't find it a quandary if the comments are don't take any action at all. I think we need time. I think it might be okay, Jim, to take the information you have, the indices, and work with those, but here are a lot of practicalities here.

One, we're heading into Wave 5. Wave 5 is not, from the recreational aspect overall, going to determine the season if we go forward with reductions. More importantly, we don't know how to make the reductions yet.

I think we can think about it, and the technical committee certainly can think about it, but it takes work to get those in place. There has to be a new bag-and-season analysis. The technical committee has to decide which is most appropriate on that.

Given the several comments, mine included, about you don't want to have potential reductions for the recreational fishery and actual reductions for the commercial fishery, it takes time to get that together.

No one has brought up bycatch. I'll bring up bycatch. In 2002, with the adoption of Amendment 4, this Board voted to increase the bycatch for the commercial fishery from 150 to 300 pounds. To give you an idea of how the bycatch is going, in Virginia there were 1,697 trips in 2005.

92 percent of those had a bycatch of between one and fifty pounds, so that gives you a pretty strong idea that if you want to continue the conservative management regime, since there was debate on the technical committee back and forth and not a real strong consensus, but slight one to increase the bycatch, maybe we need to look at some details about what we have in the plan that we can do whatever we can to make sure that if there is a decrease in natural mortality, if environmental factors are more suitable, that we have the conservative plan we started out with in 1995.

I am not willing to think that a 25 percent reduction makes an impact, but I'm certainly torn – maybe that's my mixed message – that generally, when a stock is in decline – and that's what the technical committee indicates – we usually try to turn that around.

I think we are all faced with that, but I don't think it's a good idea to just say today -- 25 percent today or whatever the magic number is, I don't think today

makes a lot of sense because we don't have the mechanism in place for the states to be able to know what they can do.

We need to have that. We had that in the past. We had everything laid out very clearly. We had an evaluation manual. We had components that we knew what we were getting into. Thank you.

CHAIRMAN AUGUSTINE: Thank you. Before we go any farther, I would just like to remind you all we're now getting to that point where we're back and forth, back and forth, defending our positions, and I haven't heard any new information come to the table yet. So, after Mr. Miller, Mr. Colvin, and Dr. Daniel, I would hope we would have either Board consensus to take the next move or a motion to do something, even table it if we have to, but let's move forward with this. So, with no further ado, Mr. Miller, please.

MR. MILLER: Thank you, Mr. Chairman. Since it appears that Gordon and I perhaps have initiated our progress on this path thus far today, let me just summarize a little bit by saying I'm convinced, from everything I've heard over the past couple of years, that we've left no potential smoking gun in regard to this perceived stock decline unexamined.

Having said that, apparently our existing recreational measures, as Rob pointed out that we instituted in the mid-1990's, there are indications that these measures may not be sufficient to restrain landings, and I would like to use the North Jersey Recreational Fishery from last year as an example, and this is not New Jersey's fault.

Fishermen are opportunists. Word spreads; the fleets are mobile; everyone knew there were fish to be caught off of Sandy Hook; and they went there and they caught a lot of them.

To my mind, it's a typical case of a declining stock aggregating and people find these aggregations, and the most efficient fisheries fish on these aggregations. Our commercial fleet is certainly more efficient than our recreational fleet.

So what we're suggesting is probably going to hurt the commercial fleet more than the recreational fleet. Having said that, the average recreational fisherman in Delaware is not catching four weakfish a day. They are catching a lot less than that, I can assure you, in recent years.

So the recreational sector is not going to feel very much pain from this. If anyone feels pain from this,

it's probably going to be the commercial sector, and I fully recognize that and don't take that lightly.

However, I'm not troubled by the suggestion of Rob and others that we wait until the annual meeting to take any final action, because it will still leave time to address implementation for the '07 fishing season.

And, finally, the one thing I have to say in regard to my colleagues from the south is I would remind them that red drum – we get more manatees in Delaware visiting than we do red drum, yet we still implemented the Red Drum Management Plan and the necessary size restrictions thereof. So, with that, I will be quiet. Thank you.

CHAIRMAN AUGUSTINE: Is that suggesting, Mr. Miller, that you should have a manatee take of one a day per fisherman? Mr. Colvin.

MR. COLVIN: Thanks. Roy just reminded me that we had a manatee swim up the Hudson River here recently. It got up to Albany and disappeared, as many things do, mostly advice from the Marine and Coastal District and budget proposals, you know, things like that.

I'm glad Roy just spoke again, because I find myself in agreement with much of what he said, and I can understand folk's difficulty with the notion of taking a final action today. I think Eric's points earlier were well made, particularly with respect to a simple across-the-board percent reduction.

That's a toughie. This is a little bit more complicated situation and probably requires some more thoughtful work and maybe a little bit more targeted and well-explained series of responses to the management. Just a few points that I gleaned from the conversation. Mark spoke earlier of evidence of some increasing fishing mortality even in the context of the larger increase in overall mortality rates. He quite correctly made the point that in light of the decline that ought not to be overlooked, that management, at a minimum, should act to intervene to prevent any increase in fishing mortality and probably to try to reverse the increased that's occurred since our last set of management actions were implemented.

Now, that may suggest, itself, some percent decrease or something along those lines, and I think a little bit of thought and examination of those numbers would help us get to resolution there.

Secondly, I'm hearing a lot of talk about discards and bycatch from the technical committee's presentation

to this discussion, and I think some targeted management actions that focus on reduction of discards would be appropriate for us to at least think about. We've got to manage what we can manage here, and maybe discards is one of the things.

The third thing is that I had the same thought Roy did about the situation that occurred in Sandy Hook Bay and Raritan Bay last summer. One of the things I think we want to prevent in the present circumstances any opportunistic situations that result in very high exploitation.

I think we need to create sideboards that prevent that sort of thing. I'm not pointing fingers at anybody. It could happen anywhere. It could have happened Paconic Bay, and it would have been just as much of a problem for all of us.

I am sympathetic to the point of view of some of the southern states, notwithstanding the manatee situation, of preserving the de minimis tradition that we have around here, I would like us at least to give some more thought to that one.

I think the step may be to find a process that enables us to take the input that we got when we took this addendum last out to public hearing and the very voluminous scientific advice we've had from peer review and technical committee discussions since then and the deliberations today and try to craft an action document for the October meeting and probably – and I think this would be useful, as well – to find an opportunity to have our advisory panel weigh in during that period of time as well.

I'm not quite sure, Mr. Chairman, exactly what all the procedural implications of that might be for the Commission is something we need to think about, but kind of where I end up at the end of the day is I would like to see us take some action that addresses the problems that I have outlined in October and to find a way to get us there between now and then. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. Colvin, for all those points very articulately said. Mr. O'Shea or Mr. Beal or Brad, what would be your reaction to the comments that Mr. Colvin made relative to putting together one advisory panel meeting, putting together a more clearly stated document that will serve as a better tool for us that we could put out to the public, and what does our timeline look like?

MR. SMITH: Mr. Chairman, could this possibly be the time for a ten-minute break?

CHAIRMAN AUGUSTINE: Eric, I'm afraid if we take a ten-minute break and get back, we will be way beyond our time. In the meantime, Dr. Daniel, to that point, and then any Board members other than that, and then I want to get to the public.

DR. DANIEL: I don't want to get us too bogged down, and I think I can save us a little bit of time here. I agree with much that has been said around the table. I mean, there have good deliberations. I felt it was important to provide the North Carolina perspective on this, because it is a significant issue, and particularly to me.

One of the issues that came up, though, were some of the discussions about the landings data, and, certainly, in North Carolina as was, as Rob pointed out, in Virginia, there have been a lot circumstances, notwithstanding scallops in New England, and croakers and various other things that have resulted in declining landings, declining CPUE for weakfish.

I think that needs to be explored. I don't think it necessarily addresses the dramatic decline in Delaware Bay, but it certainly does have some impact. Also, I think a critical component that we have been working on for eleven years is trying to get good representative age-and-length sampling from all the jurisdictions, and we're still not there.

So, what I would recommend is that we have to do a bag-and-size analysis to make sure that we don't have disproportionate measures on the commercial and recreational fishery. We can have a written comment period, as Eric suggested, look at the reductions in the discards that may perhaps be bycatch allowances.

I think there needs to be some de minimis reconsiderations for the southern states. We can then address the BRD protocol. It would mean we would not have to deal with that today. We could bring in the AP.

I think what may also help us in terms of just some continuity and also simplicity of the document is what I've heard around the table, is essentially a minority status quo and a majority 25 percent. If we could have the technical committee focus on the 25 percent, unless there is objection to that around the table, then that might help us sort of pinpoint our focus a little bit more.

So if that is acceptable to the Board and acceptable to the staff, then it may be the best approach to table

this until the annual meeting, and I would make that motion when it's appropriate.

CHAIRMAN AUGUSTINE: Thank you, Dr. Daniel. Mr. Colvin, the wrapup that we just had from Dr. Daniel, did anything come out in that different than what you were suggesting?

MR. COLVIN: No.

CHAIRMAN AUGUSTINE: Okay, fine. Mr. Beal, would you please tell us what your take is on all of this?

MR. ROBERT E. BEAL: I will take the easy question first, which is the advisory panel. We do have the resources to get them together between now and the annual meeting. We can do that; that is pretty straightforward.

As far as reworking the document, I think, going down the list of items that Louis just mentioned, the bag-and-size analysis in particular will take some additional technical committee work to get that one.

I guess I'm unclear as to whether you want to rework the addendum and have that come back to the management board at the annual meeting and call it Addendum IIA, or whatever we would call it, with the new information; or, is this something that we will rework the document, including all these five or six additional points that Louis made, get that approved by the management board for a public comment period prior to the annual meeting, and take final action at the annual meeting. That's clearly the more expedited approach. I think the other information that needs to – you know, we could put it on our web page or do something, but somehow we need to get out the word on the scientific information that Jim Uphoff presented today.

I mean, I think there is a lot of valuable information in there that, if nothing else, lets the public know the quandary that the Board is trying to deal with and the status of the science in the weakfish world.

The bottom line is obviously we can rework the document. The question is how fast does this management board want to see the results of that reworking and what do we call it? Are we initiating a whole new addendum process or is it just kind of polishing up the current addendum with new scientific information and some new analysis and then having a public comment period?

CHAIRMAN AUGUSTINE: It would seem the latter would be more appropriate. We could call it “revised”. “Polish”, we don’t want to put that word out to the public. Mr. Colvin, does that address all your concerns, and does the timeline make sense?

MR. COLVIN: It makes sense to me; I’m not so sure it makes a lot of sense to Bob.

CHAIRMAN AUGUSTINE: It didn’t. It sounds like a lot of work for Bob and staff. Dr. Daniel, was there any of those line items that you threw out in a cafeteria list of about 15 items – well, maybe only six or seven – that really had to be added?

You probably have to answer it now, but I would think that maybe you should get together with staff to determine if there were one or two issues in there that we really don’t need that will be a value-added to this?

DR. DANIEL: Well, the BRD protocol is done. We would only deal with the 25 percent. The de minimis considerations are pretty simple, I think, and we can talk with our colleagues to the south and see what it is they’re concerned about.

The discard reductions, I think Rob’s point was excellent about bringing the management program back to the ’95 period with the discard allowances, so that’s not a huge analysis. I think the principal analysis that’s of concern to me and I think everyone around the table is the bag-and-size analysis.

The way it currently exists, I don’t think we’re going to get much of a reduction from the recreational side if we move forward with the analysis we have right now because of the catch rates.

That’s the main one, Mr. Chairman, and I think if we can get that done, I think we would satisfy many of the issues and concerns around the table.

CHAIRMAN AUGUSTINE: Thank you, Dr. Daniel. A question to the Board. Is focusing on the 25 percent going to do the job for us; do we want to leave those other options out there the way they are without any further analysis? I am only asking it for clarification purposes.

If we agree with Dr. Daniel’s suggestion about focusing on the 25 – well, we would want to leave the status quo in there as an option. We want to leave the 25 percent in. Is there anything else that we need backup or detailed additional information on? Mr. O’Reilly.

MR. O’REILLY: Well, without having explored it, the commercial fishery is a 25 percent harvest reduction. In the past what we did is we had an open season, and then we made closures. So, at the present time we have open seasons and bycatch seasons.

A lot of the reduction of the 25 percent could take place in the bycatch seasons. That’s one thing we’ll have to consider or the technical committee will have to consider. In fact, the bycatch landings or harvest are greater than the open season landings in some cases, especially in the summer in Virginia, I can tell you that.

So, the commercial end is fairly straightforward because you’re reducing harvest. The only thing to look at is how everyone wants to look at the bycatch season and the open season. Will the Board eventually want to say, no, you already have – you know, here’s is one way of looking at it, you already have bycatch in certain times of the year.

In the case of our gillnet fishery, probably two-thirds of the season is bycatch – keep it that way and work more on the open seasons a little bit more. So there are a couple of opportunities there.

The only other thing to add on the recreational side has been mentioned a couple of times. It’s really going to take bag-size-season analysis, which has been done before. Because, states, when they find out that they are going to be limited to perhaps two or one fish, may want a closed season to boost their allowable bag limit.

That work has been done before by Doug Vaughan from the National Marine Fisheries Service. The technical committee will have to grapple with that. As they grapple with the best time period, is the best time period 2003, 2004, and 2005, for example, as a base period? I mean, that’s a technical committee decision.

CHAIRMAN AUGUSTINE: And Bob will respond to that.

MR. BEAL: Not directly to Rob’s point, but more to Gordon’s point. I am not exactly sure, still, what is going on. I think that is still the case. But, I think the signal is that the Board wants to be in the position to do something at the annual meeting. That’s kind of what I’m getting out of it.

So, I think we will go back at the staff level, rework the document based on what Louis is saying, that the BRD protocols are in place, and some of the other pieces of this new document are existing.

We will need to do the bag-size-season analysis that Rob mentioned, but we've done that in other species. I think we can kind of, I think, apply that template to the weakfish analysis. We could probably do it via conference call and internet discussions or e-mail discussions with the technical committee to get that part of the document done.

What I'm trying to say is I think we can get document polished up. There is not going to be a whole lot of slack time in this process between now and the annual meeting. It's going to have to go pretty quickly.

We can get the advisory panel together pretty close to the annual meeting, most likely. We will give them the new document, the public comment and the updated scientific information, if it's available.

CHAIRMAN AUGUSTINE: Thank you for that. With no further ado, before I call on the public, I would like to get a consensus around the table on the course of action we're taking. Is there anyone opposed to the action we have asked staff to do? Seeing none, we will assume that's the way we're going to go with it. Now, I'll go back to the public on the issue. Mr. Fote, please.

MR. FOTE: Just in looking around the table, I felt we – and I hate to do this, but I just think we need a little history lesson on weakfish and where we started from and where we go. People have started equating weakfish with striped bass.

If we look at what we did with striped bass, we protected a year class until it spawned at least once. Then we opened up a fishery and allowed fishing on pre-spawning fish. We allowed a fishery in a large way in 18-inch fish in the Chesapeake Bay. We allowed fishing on the coast on a 28-inch size limit.

We did not do that with weakfish. If we remember when we started this plan, I was looking around the table, there was Duane Harris sitting here from Georgia. There was Jim Joseph sitting here from South Carolina, and a lot of those people who aren't sitting here.

We blamed our southern neighbors on weakfish because we said you were killing 50 percent of the weakfish stocks in the shrimp fishery. That's where we were back in '93 or '92. Bill Hogarth, who was then in North Carolina, was very courageous and basically implemented those restrictions in, and so did South Carolina, Georgia and the other states.

Probably that's the reason we have this huge croaker population is because, basically, when they did that for weakfish, they also increased the spot population and the croaker population. I think that is important to note.

We also were fishing on nine-inch fish, and we were fishing on six-inch fish, which was a large fishery. It was a dragger fishery. There was a lot of bycatch and discards, and some of that fishery went for cat food. That is no longer in existence; that doesn't happen.

We're fishing on 13-inch size fish that have spawned at least once. We are fishing on fish that have all spawned at least once, unlike we are with striped bass at this time. We have eliminated, again, the flynet fishery, a whole bunch of fisheries, and yet we still haven't recovered the stock.

Now this is frustrating to you sitting around this table, it's frustrating to us, and it's frustrating to the fishermen. That's all I am asking to do, because sometimes we forget the history of where we started from and where we are going forward to.

When we review this, we've taken huge, dramatic steps in the last 15 years on weakfish, and it's a crying shame we're not seeing the recovery we thought. I mean, I thought we'd be sitting here in 2006 and we would have fish going in all over New England and everything else.

It has gone the exact opposite way. The frustration that you share is the same frustration the anglers share. I listened to New Jersey's catch last year and eliminate New Jersey's Raritan Bay catch because even if you think there is some reality in the number – and Gordon and I have had this little discussion.

He said, "Well, you have a smaller size limit." I said, "Gordon, when we looked at the statistics, 10 percent of our fish were over 16 inches, and that still accounts for 90,000 fish, and you only had 7,000 fish, and you're fixing to say it was us."

There has got to be something wrong with the numbers, the same way the fluke numbers have wrong in New York for years. Let's not hammer on that point. Yes, we need to protect the species, we need a breakdown, and we might need a little ratcheting of bag limits to do that to ensure what goes on.

Some of that I don't think is going to give you any results because people aren't taking that many weakfish home. But it's also perception. The

perception out there is we're going to do a 75 percent reduction of summer flounder. We're now going to do a 25 percent reduction on weakfish.

These are stocks that we've all rebuilt or hopefully was going to rebuild. Unlike weakfish, we have doubled the biomass on summer flounder and we have tripled the spawning stock biomass in the last ten or fifteen years.

We have accomplished something there, but we're going to basically cut that by 75 percent. Weakfish, we have a problem and we're going to cut by 25 percent. Maybe that's the wrong message to send out in one year, I don't know.

That's going to be your difficult job to make those deliberations, but keep the history of this fishery and keep where we were. Again, we were fishing in six-inch fish, seven-inch fish.

We're fishing at 13-inch fish. We've shut down the flynet fishery. We've shut down almost the otter trawl fishery. As Mr. Daniel was saying, we went from 4 million to 400,000. We took those management measures.

I wish we had greater progress. I mean, most of us all wish we were catching more weakfish, but I don't know the answer. I am sorry you don't either, because maybe sometimes we can't come up with a definite answer. Thank you very much for your patience.

(Whereupon, Dr. Louis Daniel resumed the Chair.)

CHAIRMAN DANIEL: Thank you, Tom. Sean.

MR. MCKEON: Thank you, Louis. My comments are quick and to the point. I agree, certainly, with you, Louis, in your comments when you gave the North Carolina perspective. I just wanted to say that I think the argument or the premise, really, that the status quo is doing nothing is a false premise.

As Rob and A.C. and others have stated, there is a conservative management regime in place as we speak. As the technical committee stated in their presentation, if I got that correctly, "discard estimates are a worse-case scenario right now".

I think that you would exacerbate the problem with any reductions, and we certainly still, at this point, support the status quo. I would urge you, even with the additional information, if it is not complete in time, in all deference to the work that the staff has to do, that we just don't rush into and say, well, at the

annual meeting, we still have to do something if the information is not there.

And, finally, one quick comment that I feel compelled to make, in all due respect, the comment that someone would vote to inflict more pain on the commercial fishermen -- however conservative that pain may be and however tongue in cheek the comment was -- so that they could catch fish in their retirement is a troubling statement to me in light of the continuing economic struggles and hardships of the commercial fishermen and their families along the coast. I just wanted to make that statement. Thank you.

CHAIRMAN DANIEL: Thank you, Sean. Anything else from the public? Jaime, you had a comment?

DR. GEIGER: Mr. Chairman, just a question. I know we've given the technical staff some ambitious tasks recently. I guess I would ask is there any possibility that we can have any revised document in anticipation or in advance of the annual meeting, some time certain so that we can have necessary review and opportunity to discuss? Thank you.

CHAIRMAN DANIEL: Go ahead, Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. Maybe that is a good question to ask. My understanding of what tasks the staff has been tasked to do was to flesh out the ideas that were discussed here today and craft a document that is going to go back to the Board for your review.

Then it is going to be made available to the public with a solicitation for written public comment. We will endeavor to provide a 30-day written public comment period for that, and then present at the annual meeting the summary of those public comments to that document. You should see the initial document for review I'm hoping within ten days of this meeting, unless I've gotten the tasking wrong.

CHAIRMAN DANIEL: Well, I understand from our technical chair that the bag-and-size analyses have been done, so they have that information prepared and are ready to turn that over to the technical staff, so hopefully that timeline will be close, and we will have that opportunity. Jaime.

DR. GEIGER: Thank you, Mr. Chairman, that was very helpful. I also thought I heard a suggestion that the presentation that Jim made on behalf of the technical committee be put on the website so it will be available to the general public. I think that would be

very valuable and very important as we move forward. Thank you.

CHAIRMAN DANIEL: Yes, I agree with that, we will have that available. Eric.

MR. SMITH: The thought just struck me that the use of humor is often beneficial and effective in this kind of an arena. The three stooges on the website for all to see is probably not effective. Those kind of things may be – they don't lead to the science of the issue, and maybe they might be best taken out. Thank you.

CHAIRMAN DANIEL: I think that's probably a wise suggestion. Yes, sir.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman, again. You know, I said, in response to Dr. Geiger's question, that we would endeavor to have something in draft form to you all in about ten days.

That's with the understanding that we can get that information from the technical folks, so maybe ten working days, but that's the timeline we're operating on.

I think the overall strategy here is that you've taken out to public comment already, extensive public comment, a range of strategies that the Board is contemplating from status quo to, as someone said, a full moratorium.

Now where we are in the process is giving you a refinement of options that you'd have to try to get to one of those targets should you choose to do that, and that's how we would intend to craft this document for you. If that is not correct, let us know.

CHAIRMAN DANIEL: That is my understanding and nods of the affirmative around the table. Okay, we will discuss this again at our annual meeting.

### **SHRIMP BYCATCH REDUCTION DEVICES**

I would like to just give the Board some information. There were some folks that contacted me asking about the BRD issues, and it was a pretty significant document on your CD. Really, the substantive information is on Page 145 and 146 for your review.

We won't get into a discussion now about that, but the intent is to try to relax the testing requirements from a statistical standpoint on the BRDs, to allow more BRDs to be tested and approved in the shrimp fishery. So, just for your perusal for the October

meeting, that's the pertinent sections, just to help you out a little bit on reading volume.

Anything else on Addendum II? We're going to call it a supplement to Addendum II, if that suits everyone. If not, I would like to move to some brief Other Business.

### **OTHER BUSINESS**

We've got about ten minutes, if staff could hand out the Other Business items.

A.C., you had an AP member you wanted to add on to the Advisory Panel? Would you like to go ahead and do that while staff is passing out the material?

MR. CARPENTER: Yes, we would like to have a member added to the advisory panel, replacing a former AP. The new person is Thomas L. Lewis from Reedville. He is a pound netter in the Lower Potomac and quite familiar with the weakfish fishery. We would move his acceptance on the panel.

MR. AUGUSTINE: Second that, Mr. Chairman.

CHAIRMAN DANIEL: **Motion by Mr. Carpenter; seconded by Mr. Augustine to add Mr. Thomas L. Lewis to represent the Potomac River Fisheries Commission on the advisory panel. Is there any discussion on the motion? Is there any objection? Seeing none, that motion carries.**

The other two, just for informational purposes, first, I have drafted a letter that will go out tomorrow to the technical committee and the stock assessment subcommittee thanking them for their efforts in dealing with this difficult issue that they have been dealing with. I wanted you to have a copy of that.

Also, I felt the Board should have the copy of Mr. Kahn's resignation letter as the Chair of the Stock Assessment Subcommittee and as the vice-chair of the technical committee. If there is any discussion or comment, I know Roy had something to say in that regard.

MR. MILLER: Thank you, Mr. Chairman. With regard to Dr. Kahn's resignation letter, in his absence I feel compelled to make a few comments. I don't expect any discussion on this matter, but I thought I would just lay out my impressions for the Board's considerations as they may be useful in future endeavors of this Board and other boards.

I think it is an unfortunate circumstance that Dr. Kahn felt it in his personal best interest to resign as

chair of the stock assessment subcommittee and vice-chair. I'm going to rely on an analogy again, if I may.

In the middle 1990's I was having shoulder pain, and I sought advice from a local orthopedic surgeon who said, "You have a torn rotator cuff. I can do surgery on your shoulder. I can peel your deltoid muscle back, and I can go in there and I can fix it. And, oh, by the way, there will be an eight-to-twelve week down period when you won't be able to throw a softball or cast a fly or whatever."

I received that advice and it upset me, so I sought a second opinion from an orthopedist at a major hospital in an urban area. This particular orthopedist literally has done hundreds of arthroscopic surgeries.

He said, "I can do your shoulder, and I will have you back with a fly rod in your hand in two weeks." And I said, "You're my guy." Well, it worked. Now, what if it hadn't worked? How would my physician at home have received the news that I sought a second opinion, didn't take his opinion, sought a second opinion and I was still experiencing pain?

I think if you think of Desmond's reaction to this, there is an analogy there. As a collective body, we hired MRAG to examine our stock assessment process, and I feel that was a useful exercise for this Commission and this Board, and it yielded some positive results that will head us in slightly different directions.

How was it received by some members of the Weakfish Stock Assessment Committee and the Technical Committee? Well, at least one member – and I can speak for him and him alone – it wasn't terribly well received.

And then, finally, to add insult to injury, after that exercise, the Board handed the assessment over to an outside peer review group; admittedly, a highly esteemed outside peer review group, but I think the key word is "outside".

In other words, they had roughly, I believe, a day and a half to spend on the deliberations, and perhaps some of the conclusions which the technical committee discussed today reflect the relatively limited amount of time that esteemed body had to review the assessment.

Our home-grown doctors, if you will, were much more familiar with the weakfish stock dynamics, having studied them and had close proximity to those resources for years. We went outside, and then to

make matters worse, we accepted the peer review assessment while never formally accepting the stock assessment of our own home-grown doctors, if you will. So I think, having said that, I believe some of that frustration is reflected in Desmond's letter.

Thank you, Mr. Chairman, for that opportunity to explain on Des' behalf. Now, Desmond will continue, in case you're wondering, as it says in the bottom of his letter, to do his job, of course, and be on the Weakfish Technical Committee and hopefully make future contributions to this Board and other boards. Thank you.

CHAIRMAN DANIEL: Thank you, Mr. Miller. Jaime.

DR. GEIGER: Thank you, Mr. Chairman. I really appreciate your letter to all the technical members of the technical committee, thanking them for their support. And, again, certainly, I also want to re-emphasize the excellent presentation by Jim and other members of the technical committee on the information they have provided.

Certainly, I think it's very apparent that, again, at least to me, these folks are doing above and beyond. They continue to really pull the wagon extremely hard on all management boards, and we continue to rely very heavily on very, very few.

At some point in time, I think we're going to have to really look at recruiting new folks into the population dynamics realm. The areas that I see, population dynamics, conservation genetics, we have to get key people in each and every one of our agencies to meet the challenges of fisheries management.

These folks are really to be congratulated on really doing more with less. Thank you.

CHAIRMAN DANIEL: Excellent comments, Dr. Geiger. Howard.

MR. KING: Just as one of Jim Uphoff's colleagues, I'm really proud of Jim. I am proud he is a member of the Maryland Fisheries Service. He is experiencing the same frustrations. He has kept his mind on the job, and he has gotten the job done. I applaud you, Jim.

CHAIRMAN DANIEL: Very nice. Anything else, because with that, I would like to formally thank Jim for his service as the technical committee chairman. It has been an extraordinarily difficult time for the technical committee.

I served as the technical chairman, as did Rob, so we're both very much aware of the issues and concerns, and so on behalf of the Board, Jim, as this is your last meeting, we do appreciate very much your service and excellent presentation today on everything. Thank you very much. (Applause) Paul.

MR. DIODATI: I agree with everything that's just been said; and although I am still troubled by Dr. Kahn's letter to this Board, and if I take it at face value, it gives me the bad feeling that we're treating some of our staff like political prisoners.

I hope that is not true. You know, given that Dr. Kahn makes those kinds of statements where he feels that some of their work, their comments, criticisms, or whatever, are being controlled by boards like this, I think it deserves a little bit more scrutiny. I think that perhaps at the next meeting of the ISFMP Policy Board we might have an additional discussion of this. I, for one, think that the staffs throughout all the states do an excellent job on these technical committees.

And, as Roy put it, home-grown, I can't agree more. I have been in the assessment business since the

seventies and have gone through a number of peer reviews of my own and have never once found that home-grown type of management advice being one-upped by an outside peer review.

The peer review process is there to improve our assessment and not to show whether it's right or wrong. I think this deserves a little bit more discussion and perhaps a letter from the ISFMP Board to clarify exactly the position of the Commission and the boards relative to how state personnel should be treated.

CHAIRMAN DANIEL: Thank you, Paul. Anything further? Is there any Other Business to come before the Weakfish Management Board? Seeing none, a motion to adjourn by Mr. Barbieri; second by Mr. Frampton. We are adjourned.

(Whereupon, the meeting was adjourned at 10:45 o'clock a.m., August 17, 2006.)

---