

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

**May 25, 2004  
Radisson Hotel Old Town  
Arlington, Virginia**

## **ATTENDANCE**

### **Board Members**

Paul Diodati, Massachusetts DMF  
Vito Calomo, proxy for Rep. Verga (MA)  
Bill Alder, Massachusetts Gov. Apte.  
Dave Borden, Rhode Island DEM.  
Eric Smith, Connecticut DMR  
Fred Frillici, proxy for Sen. Gunther (CT)  
Gordon Colvin, New York DEC  
Pat Augustine, New York Gov. Apte.  
Brian Culhane, proxy for Senator Johnson (NY)  
Bruce Freeman, New Jersey DFG&W  
Dick Herb, proxy for Asbmn. Smith (NJ)  
Tom Fote, New Jersey Gov. Apte.  
Roy Miller, Delaware DFW

Michael Ruggerio, proxy for Sen. Venables (DE)  
Howard King, Maryland DNR  
Bruno Vasta, Maryland Gov. Apte.  
A.C. Carpenter, PRFC  
Jack Travelstead, Virginia MRC  
Kelly Place, proxy for Sen. Chichester (VA)  
Pres Pate, North Carolina DMF  
David Cupka, South Carolina Gov. Apte.  
Patrick Geer, Georgia DNR  
Kathy Barco, Florida Gov. Apte.  
Anne Lange, NMFS  
Jaime Geiger, USFW

### **Ex-Officio Members**

Jim Uphoff, Maryland DMF, Technical Committee Chair

### **ASMFC Staff**

Brad Spear  
Nancy Wallace  
Bob Beal

### **Guests**

Dick Brame, CCA  
Bill Windley, MSSA/RFA  
Martin Deafenraugh, USN

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

**TABLE OF CONTENTS**

**BOARD CONSENT ..... 5**

**NOMINATION OF CHAIR/VICE CHAIR..... 5**

**PLAN REVIEW TEAM REPORTS ..... 6**

**TECHNICAL COMMITTEE UPDATE ..... 7**

**ADVISORY PANEL PILOT PROGRAM..... 15**

**ADVISORY PANEL NOMINATION ..... 17**

**OTHER BUSINESS..... 17**

## **INDEX OF MOTIONS**

**None**

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION**

**WEAKFISH MANAGEMENT BOARD**

**Radisson Hotel, Old Town  
Alexandria, Virginia**

**May 25, 2004**

---

The Weakfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Suite of the Radisson Hotel Old Town, Alexandria, Virginia, on Tuesday, May 25, 2004, and was called to order at 4:00 o'clock p.m. by Chairman Robert E. Beal.

**BOARD CONSENT**

**CHAIRMAN ROBERT E. BEAL:** If everyone can get seated, we'll go ahead and get started. The Weakfish Management Board currently does not have a chair. As you'll see on the agenda, one of the early agenda items is to elect a chair and vice chair to the Weakfish Management Board.

So in the interim, I will chair this meeting and the newly elected chair will take over at the next meeting, whenever that will be. There will be a revised agenda that is being passed around right now.

Looking around the table, we do have a quorum of the Weakfish Management Board, so we can dispense with the roll call and we'll go ahead and get started with the content of the meeting.

The first agenda item is the approval of proceedings from February of 2003. It has been a little over a year since this Board has gotten together. Do I see a motion, or is there any objection to approving the proceedings from February of last year? Seeing no objection, those minutes stand approved.

The next agenda item is public comment. Is there any public comment at this time for the Weakfish Management Board? If there is comment on any specific items, as we go through the agenda, we'll be able to afford the opportunity to take those comments.

Seeing none, we'll keep moving through the agenda.

The next agenda item and my favorite agenda item is the election of the Board chair. Are there any nominations for election of Board chair? Mr. Travelstead.

**NOMINATION OF CHAIR/VICE CHAIR**

**MR. JACK TRAVELSTEAD:** Mr. Chairman, I would like to nominate Louis Daniel for chair of the Weakfish Board.

**CHAIRMAN BEAL:** Thank you, Mr. Travelstead. Is there a second to that nomination? Bill Adler, thank you. Are there any other nominations for the chair of the Weakfish Management Board?

Seeing none, is there an objection to having Louis Daniel from North Carolina become the chair of the Weakfish Management Board? Seeing none, congratulations, Louis. You will take over the next meeting. Thank you.

Are there any nominations for vice chair for the management Board? Mr. Geiger.

**DR. JAIME GEIGER:** Yes, Mr. Chairman, I'd like to nominate Pat Augustine as vice chair of the Board, please.

**CHAIRMAN BEAL:** Thank you, is there a second to that nomination?

**MR. VITO CALOMO:** I'll second it.

**CHAIRMAN BEAL:** Vito Calomo, thank you. Any objections to having Pat Augustine as the vice chair of the Weakfish Management Board? All right, seeing none, congratulations, Mr. Augustine. Pat, welcome back to the room and congratulations on becoming the vice chair.

**MR. PATRICK AUGUSTINE:** Thank you, I'm going to leave now. You guys are in trouble now.

**CHAIRMAN BEAL:** Thanks, Pat. Then next agenda item is the plan review team report. Brad Spear is going to go over the state compliance and the FMP review.

## PLAN REVIEW TEAM REPORTS

MR. BRADDOCK J. SPEAR: It has been a while since the Board met last, so these reports were submitted, I believe, September of last year, but this is the first time we've met since then. The plan review team looked at state compliance for 2002, that fishing season. This is the last review that is under Amendment 3.

Massachusetts, Connecticut, South Carolina, Georgia and Florida all requested de minimis status for 2003, and the plan review team determined that those states met de minimis requirements. There are a few issues that came up with the PRT.

Maryland and Virginia in the previous year had been landing a fairly large percentage of sub-legal fish, and in the 2002 season that number was reduced. The PRT recognized that as an okay level at this point, and that issue was something that has been addressed with Amendment 4.

Also, Rhode Island no longer qualified for de minimis, and as a result had to implement a commercial program to reduce fishing mortality and has since done that, and I think has now possibly popped back into de minimis, but that's for next year's report.

The law enforcement report showed that there was a high degree of compliance with the recreational and the commercial measures. One suggestion or one recommendation that the law enforcement committee had was that there would be improved compliance or less confusion if all states went with the same size and bag limits for the recreational measures.

To conclude, the plan review team report and the state compliance report, the PRT found that all jurisdictions were in compliance for the 2002 fishing season.

CHAIRMAN BEAL: Yes, Bill Adler.

MR. WILLIAM A. ADLER: Mr. Chairman, I'm checking on something right now, but you mentioned Massachusetts was de minimis, and I think we were, but I was just talking to Paul earlier, and he said now we're not, so they're checking on that right now.

I don't know whether he -- we bumped into de minimis, but then I think something about he wanted to get out of it or something like that so could we stand by on -- I'll get back to you on that?

CHAIRMAN BEAL: Sure, I think the issue, if I remember correctly, and I may not -- we'll check with Paul when he gets back, but I think the issue is the way Amendment 4 is written if a state is granted de minimis, they are no longer able to have landings from the EEZ, or fish caught in the EEZ can no longer be landed in that state.

The Commonwealth of Massachusetts was interested in being able to land fish from federal waters within their state so they no longer wanted to be classified as de minimis for this species.

MR. ADLER: All right, because you mentioned that Massachusetts was de minimis, and that's what struck me because, as I said, I know we were, but maybe what you said, Bob -- so we're checking on that, but I don't know how you change that.

CHAIRMAN BEAL: The status of de minimis is granted every year by the Management Board, so if a state wants to opt out of de minimis, it's up to the state and the Board. The Board actually doesn't have to take action to remove the de minimis status from a state.

A state can just no longer declare de minimis status, and they can implement all the necessary measures that are in the fishery management plan. With that said, are there any questions for the plan review team? David Borden.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. Not on the plan review, I agree with the characterization, but when we get to the end of the agenda, I'd like to just talk about the de minimis status, the 1 percent value, if I might, rather than delaying the discussions right now.

CHAIRMAN BEAL: We'll put that under other business, David?

MR. BORDEN: Yes, that's fine.

CHAIRMAN BEAL: Okay, we'll do that. Any other questions on the plan review team report? Are there any objections? I think the only action item within the plan review team report is -- are there any objections to granting Connecticut, South Carolina, Georgia and Florida de minimis status?

Seeing no objections to that, those states will continue their de minimis status within the Weakfish Management Plan. The Commonwealth of

Massachusetts will no longer be granted de minimis status unless — and we can take that up at a later point in the meeting if the Commonwealth would like to discuss that. But as of right now, we'll defer action on the Commonwealth. Dr. Pierce.

DR. DAVID PIERCE: Yes, thank you very much. Paul is coming down. He will be sitting in for me. He didn't realize the meeting was starting an hour early so he was caught off guard, as was I, so, thank you.

CHAIRMAN BEAL: Thank you, Dr. Pierce. Brad, the FMP review? Okay, we can move into the FMP review section of the PRT report.

MR. SPEAR: Yes, quickly, a couple highlights from the FMP review. Commercial landings in 2002 were 4.8 million pounds and these were the lowest reported landings in the past 20 years. There has been a consistent decrease in landings since 1998.

Similarly, the rec landings for 2002 are 2.2 million pounds, and these were the lowest landings in the past six years. However, they're higher than the landings that we saw in the early-to-mid 1990s.

The last stock assessment was an update done by Des Kahn, and in that assessment he used data through 2000. Using the Amendment 3 reference points, it was determined that weakfish was not overfished, and overfishing was not occurring.

The 2004 benchmark assessment for weakfish began a couple months ago. We had a data workshop to kick off that process. We'll be coming up with new findings, and the conclusion of that process is expected in fall 2004 with a SARC review. That's the FMP review. Any questions?

CHAIRMAN BEAL: Are there any questions on the FMP review? Seeing none, is there any objection to approving the FMP review? Seeing no objections, the FMP review is approved for the Weakfish Management Plan.

Paul, now that you're here, I know this meeting snuck up on you a little bit, we had a discussion earlier about Massachusetts and the de minimis status for Massachusetts. Bill Adler mentioned that Massachusetts no longer wanted to be declared de minimis for the Weakfish Management Plan.

I think what was of issue with Massachusetts is in the Weakfish Management Plan, if a state is de minimis,

they are not allowed to land fish caught in the EEZ. I think Massachusetts wanted to opt out of being de minimis, even though you had low level landings, to be able to land fish caught in federal waters. Is that the status in Massachusetts?

MR. PAUL DIODATI: Yes.

CHAIRMAN BEAL: Yes, okay, so then the Board will not take action on granting Massachusetts de minimis, but obviously you can come back at any time and request again. Okay, moving on through the agenda, the next agenda item is technical committee update by Jim Uphoff.

#### TECHNICAL COMMITTEE UPDATE

MR. JIM UPHOFF: Thank you. Boy, it has been a long time. I think the last time I was here for anything was February 2003. Since then we've had two face-to-face meetings of the technical committee and one phone conference and really not a huge amount of business.

But probably just going back to October 2003, we had a meeting to tidy up a few items, one of which was left-over business from Amendment 4, putting together Amendment 4, that is, and this was a creel analysis that was done by Desmond Kahn, and I think they're handing out copies now.

This is kind of the final version of the different — we had quite a few permutations of the bag and size limit tables at that point in time. I think there were at least four versions that I recall prior to the adoption of Amendment 4.

The actual version that was adopted was not any one of the four. And so Desmond -- yes, I was having surgery. Desmond's mother died so neither of us were there to really be able to do much about it.

But, just to give you a brief overview, again, Des put this creel analysis together. It's a continuation of basically a very long series of bag/creel analyses that date back to at least the beginnings of Amendment 3.

We adopted for Amendment 4 a new reference period for determining the bag and size limits. This was the 1981 to 1985 reference period. This was selected as a period where big fish were present in the fishery and the fish were relatively abundant.

It was thought that the bag and creel limits would be more representative based on these data. This analysis also assumes equilibrium conditions of

growth and recruitment and so on.

Essentially one of the big differences between this and the previous analyses that have been done was that Desmond had made a direct estimate of the recreational F for the reference period based basically on the percentage of the total landings.

He estimated that the baseline fishing mortality rate for this 1981 to 1985 reference period was about 0.08 as an instantaneous annual rate.

Since Amendment 3 used 12 inches and four fish as its baseline, that was essentially assigned the value of F of 0.08, and then the new bag limits for Amendment 4 started at 12 inches and seven fish was determined that the F for that would have been 0.09.

These are kind of arcane details and you can read this in here, but essentially the difference in the bag limits between Amendment 3 and 4 with the baseline value was that the F went up by 0.01, which is a very small number, but it's about a 15 percent increase in F for the analysis.

Essentially the final evaluation was that under the bag limits selected for Amendment 4, the 12 and 13-inch size limits and bag combinations would probably increase the fishing mortality rate somewhat and result in approximately a 5 percent reduction in the spawner biomass per recruit.

The 14-inch size limit was roughly neutral with the bag limit that was selected for it. And at 15 inches and above, because a cap was put in place, you had a net gain in spawner biomass per recruit.

Now, what the actual combinations are going to be depends on what size and bag limits combinations the states selected. But, anyway, that was the gist of the analysis of the size and creel limits selected for Amendment 4.

The technical committee approved basically the analysis. You know, the consensus was it was a good, solid analysis and as likely as good as we were going to get on the effects of these size and bag limits. So, that was kind of a fairly important piece of business there.

Lance Garrison came and gave a nice presentation on the multi-species VPA to the committee. We were all fairly impressed and reasonably enthusiastic about applying it in the future. We were also given a question from the Board to address.

And to make the question, boil it down very shortly it is essentially under the Amendment 4 -- well, actually Amendment 3 as well -- for reporting bycatch, when a fishery uses a smaller than allowed mesh, but does not have a closed season, should that be reported, and the technical committee said yes, because we just want a count of the dead bodies. That's for doing the types of stock assessments we do. So that was it for that meeting.

On the 17<sup>th</sup> of February 2004 we had a conference call to gear up for the upcoming stock assessment, and we are basically gearing up to add in 2001, 2002 and 2003 into the assessment. The 2003, it looks pretty good that we'll be able to do it, but some of the data is still pending and that could be a holdup.

Some states that rely on the National Marine Fisheries Service reporting don't necessarily get their landings until later in the summer, so that may be a consideration. The assessment is going to be pursued under the SEDAR process.

We've held our first workshop for data in April in Baltimore. We had every state represented. The nice thing was is we had two AP members, one of which stayed for the whole thing, and he should be given an award for having to sit through that.

The two members -- well, one was Bob Christianson from New Jersey who came for the first day, and Fred Kinard. My handwriting is so bad on this I'm afraid that I really butchered it.

And he gets extra credit for actually staying through the whole thing. None of us actually wanted to stay for the whole thing, and he did it and didn't have to.

We'd like to really have members of the AP on all phases of the assessment hopefully to head off some of the headaches we had the last time where unfortunately the AP had not met for quite a while and so everything was a surprise to them.

I think this is a much better way of at least hopefully keeping them informed and happier with the results of the assessment. Unfortunately, I got here two hours early to put my notes together, got sidetracked and then you moved the meeting up an hour, so now I have to fumble through my notes and see what we're going to do.

I think one kind of key aspect of the assessment is that we are going to attempt to include the discards. It is a very important component of the management of weakfish. The southern states made a tremendous

effort to reduce the shrimp bycatch.

I think we generally need to acknowledge that this is a very important feature of the management and attempt to do the assessment. We're going to try and take the same approach that was done for some of the other assessments that were accepted. The last time we tried to include the discards in a stock assessment, the SARC did not approve of it so we had to remove them.

One of the interesting sidelights that you guys just might like to know, it's not particularly important, but in Florida some of the work that's being done down there, they're not so sure that a lot of what in the past were being called weakfish weren't in fact sand trout or a sand trout-weakfish hybrid.

That's kind of interesting. They're doing some genetic work to figure that out. There is also some suggestion from otolith microchemistry that we could in fact have different stocks of weakfish, but we really don't know that, so essentially we're stuck with the one unit stock concept for the weakfish population.

We did have a little discussion about perhaps changing the background recreational discard mortality. It has currently been I believe 20 percent in the past assessments. We were going to try, based on some studies that had been done in shallow water, cooler weather, perhaps dropping that.

Actually the AP members recommended keeping it a little bit high, and I think we may try some sensitivity analysis with that, but we're probably going to keep it at 20 percent.

And probably the main item that involves the Board are the terms of reference and your approval of them, and they are on the back. A draft version is in the back of the agenda.

I'll go over them, and I guess if you guys want to discuss it now, and then what I'd like to do after that is finish up with  
-- I have some slides that are somewhat related to some of the information that we put together.

I'd like to give you a little bit of a heads up on some of the possible things you might be seeing in this weakfish assessment. It's not that we have anything that's -- the assessment obviously has not even really begun, but we did go over some information and I think it would be of interest just for you to see it, but, anyhow, the weakfish terms of reference.

The first was to characterize the commercial and recreational catch, including landings and discards. Actually, these were actually a combination from the previous assessment at the SARC, which was the 30<sup>th</sup> SARC. I think that was done in 2000.

I believe it was up through '98 so these are pulled from that and also somewhat from the generic terms of reference I think that the ASMFC is using. We kind of went around, Desmond, Brad and I a little bit, so that's kind of where these have come from.

The second is to evaluate the adequacy and uncertainty of fishery-independent and dependent indices of relative abundance. The third is to estimate fishing mortality, spawning stock biomass, and total stock biomass for 1981 through 2003 and describe the uncertainty of the estimates.

The fourth is to evaluate and update or re-estimate the biological reference points as appropriate. Make stock projections, if feasible. And then make research recommend-ations for improving data collection and the assessment.

CHAIRMAN BEAL: Okay, thanks. Let me interrupt you real briefly, Jim. Are there any questions or concerns about the draft terms of reference for Jim?

All right, seeing none, is there an objection to establishing these terms of reference for the weakfish stock assessment that will be completed this year and for the peer review? All right, seeing none those are the terms of reference.

Jim, if you want to go ahead with your kind of preliminary read on what you're seeing in the assessment or may be seeing in the assessment, that would be great.

MR. UPHOFF: Yes, again, this is quite preliminary, but I think, in talking with some people, because we have not met with any regularity or anything, it might be useful just to see what at least some of the data looks like.

This is kind of a general presentation that I usually give to fishing clubs and stuff, so I'm only going to pull some slides out of it. I'm not going to go through the whole thing unless you guys really wanted to. I can't image at this time of day that you do.

Okay, we'll go over a little bit of the previous

assessment just to kind of refresh your memory about how great things look. This is the assessment that Des and the rest of the committee, the last one that we put together.

These fishing mortality rates do have a bias correction applied to them. One of the constant features of the virtual population analysis for weakfish has been a pretty significant retrospective bias.

That is, the estimates always seem much more optimistic in the first year you see them; then as they proceed down the time series, they seem to go -- the estimates of fishing mortality, let's say, will go up.

So we attempted to do some simulation modeling and came up with some adjustments. Essentially after the imposition of Amendments 2 and 3, essentially the fishing mortality rates dropped and have been quite low -- the estimates have been quite low.

And the spawner biomass estimates were quite high by 2000, you know, at least highest in the time series. And older weakfish were becoming -- these are older and supposedly larger weakfish were becoming increasingly abundant in the assessment.

And one of the things, in Amendment 3 we did have a table that was used to judge restoration of the age and size structure, and it is now in Amendment 4 more in an advisory capacity. We did some modeling and some arguing and so on and came up with a percentage for suggested recovery of the age structure.

And then you look at the fish that are six years old or older and apply that towards it. We were making what appeared to be fairly decent progress. But, this is the thing that has been most inconsistent and most worrisome for some members of the technical committee is the stock was going up but the landings were not.

The 2003 commercial landings in particular are preliminary and may be 30 to 50 percent too low. The rec landings are likely to be fairly close to what they are, so we supposedly have had a stock that has been increasing in abundance but by and large the harvests have plummeted.

This is very inconsistent with what you might expect with a stock with an expanding age structure, expanding biomass and expanding abundance.

One of the things, our assessment relies on three

fishery- independent indices. In here I have been doing some work trying to get them in terms of just as biomass indices for a biomass dynamic model.

I was able to put together -- the three time series are the Northeast Fishery Center's fall trawl survey, New Jersey has a very nice survey that's conducted and that produces good information on weakfish, and then the Delaware large trawl survey as well.

These three time series, what I've done here is essentially standardized the indices so that they're all on the same scale to give you some idea of the uncertainty that we're dealing with in trying to view from these data where the stock is going.

There is some consistency kind of in the middle of the time series where the indices seem to be saying about the same thing. The stock was probably higher in the early '80s, went to a very low level in the mid-'80s through maybe the early '90s, started to rise, and the indices were fairly consistent.

Probably in the last five years the indices have been bouncing all over the place. Generally the Northeast Fisheries Science Center's index is usually the most optimistic, but not always. And then the Delaware and the New Jersey surveys have been bouncing up and down as well.

So, there is a trend line that's kind of just put through there. It doesn't necessarily follow that that's what the assessment is going to show or anything else, but this is just some idea that when you're looking at the raw data what we're going to contend with within the assessment, kind of a conflicting signal from the different surveys, and then it has an aggregated index.

They are going to be reasonably optimistic while the landings are going down. We don't know how this thing is going to turn out yet, but it's possible that we may be looking at a situation that isn't necessarily fishing mortality driven.

You know, this is very early in the process, but it is a possibility for people to think about a little bit. A little bit of Maryland's -- just one or two things that are Maryland specific data, but I think that they are generally applicable to the situation at least throughout the Mid-Atlantic.

We've had a pound net survey that occurred in the '80s, and then we picked it up again in the '90s, and it gives us some nice size structure information, and essentially within the samples we've kind of -- this is

just indexing the proportion of fish that were 16.5 inches and larger.

And, again, we were seeing some nice progress in the late '90s, and now we seem to see a deterioration of the size structure of the fish at least in Chesapeake Bay. These are Maryland's weakfish landings.

They're poor, probably the lowest in the time series for both. I think that's not an uncommon feature up and down the coast probably this year.

And, finally, our sport fishing citations, just to show we had a considerable number of very large weakfish up into the '80s; and since the implementation of the more severe management restrictions, those things have only nudged up a bit.

One of the things that's -- I'm going to show one more and then that will be it. I probably should have shown this one first. One of the interesting features that has been going on in the assessment is the amazing shrinking weakfish.

Essentially in the early '90s, weakfish were maxing out at a much higher size than they are now. Probably since about '93, on average they're a good bit smaller than they used to be. So that's the kind of things that are probably going to be features of the assessment and things that we're going to be looking at.

And, again, this is not the assessment. It's not even close, but it's a heads up that there are some things that we need to pay attention to. I think I'm done if you guys have any questions.

CHAIRMAN BEAL: Great, thanks, Jim, there's a number of questions. Let's go around this way. Bill Adler.

MR. ADLER: Is there any possibility that the downturn in landings and harvest has something to do with the restrictions that were placed on the weakfish to bring them back?

MR. UPHOFF: Yes, I mean, that's a possibility, but they were only geared to really produce a fairly mild reduction in the harvest. I mean, gees, I don't even remember what it was anymore. Was it 15 percent, Louis, or something like that?

DR. LOUIS DANIEL: Thirty-two percent.

MR. UPHOFF: Thirty-two percent. I mean

we certainly -- I guess it's a possibility, but that wouldn't explain the decreased growth rates and some of the shrinking size structure and things like that.

MR. ADLER: No, but, I mean, I was noticing the optimistic, you know, the fact that the spawning stock biomass is up, fishing mortality is down, then the harvest went down and you couldn't explain why the harvest was down. I was just wondering if, you know, if you don't allow them to take any because of the rules, then, yes, the harvest will be down.

MR. UPHOFF: Yes. Well, the harvest would be down, but the harvest has plummeted far greater than the anticipated reduction. It's a possibility. I mean, if the fishing mortality rates are very low, then that's really what it's going to say.

CHAIRMAN BEAL: Good, thanks. Roy, and then we'll move around the table.

MR. ROY MILLER: Thank you, Mr. Chairman. I appreciate your comments, Jim, especially in regard to the heads up for the group as to what may be a pending problem. The perception in our state and in New Jersey is that weakfish stocks have plummeted over the last few years.

And, in fact, when I ran the MRFSS estimates of our recreational landings over the past six or seven years, it affirms what I've thought was going on. In fact, our 2003 landings were so incredibly low I have to wonder if the MRFSS estimates were complete. I ran them a week ago.

I think there is a perception of a real problem out there, even though perhaps when Amendment 4 was passed, everyone was more than willing to declare the weakfish stock restored. It seems to me that since Amendment 4 has passed, the public perception has been quite the opposite, that perhaps there are signs of trouble with this stock.

And, of course, Delaware Bay historically was the epicenter of the range of this species, and they've dropped to fifth or sixth in terms of our recreational harvest or even lower. Most people aren't even fishing for them any more. Thank you.

CHAIRMAN BEAL: Thank you. Bruce.

MR. BRUCE FREEMAN: Just to add to what Roy had indicated, we have seen over the last three years a precipitous drop in the harvest, first in

the recreational and then eventually in the commercial.

Speaking with our recreational fishermen, particularly for Delaware Bay, which weakfish has been the mainstay of that fishery, it's become a rare species to catch. I mean, it's not just declined. It's just that they don't see them.

And this includes all sizes. Originally they started to see a decline, a rapid decline in large fish, and now they don't see any fish of any size, even sub-legal.

We do have some locations where people that are very knowledgeable about fishing weakfish can consistently catch a few large fish, but it's becoming extremely a passing fishery. It's almost non-existent.

The one thing we do see, though, in our surveys, our ocean surveys, in the fall we do see young of year fish returning southward along the beach, which they historically have done. I'm not sure where they're coming from. Pat must have some fish up there that are spawning somewhere, but no one can seem to find them.

And, our gill net fishery that exists in both the spring and fall, which historically has been an important component of the catch, particularly of the larger sized fish, although they're still catching some fish, the duration of which those fish are taken is about a third it was several years ago.

We're just seeing a decline in every fishery on every size weakfish. I cannot believe that we're seeing an increased stock size with a decreasing F with the catch rates we're making.

I mean, it's just totally diametrically opposed to what we're experiencing. I'll be very much interested in seeing what the 2004 benchmark stock assessment shows because it just seems we're going to fall right off the scale.

CHAIRMAN BEAL: Thanks, Bruce. Tom, you were next on the list.

MR. THOMAS FOTE: One of the first species I actually caught when I was growing up was not striped bass as some people think. It was actually weakfish in the Paconic Bay. I used to make a lot of trips. There was a lot of weakfish there.

When I came back from Vietnam, I was fishing Long Island by Captree, and, again, we'd watch the Shinacock Canal, again there was big weakfish. I mean, they were nice size and we'd have a great

time.

When I started looking at this plan and we started rebuilding, I would say I was waiting for those fish to start showing up in the Paconic Bay and the Hamptons.

And, you know, as the years progressed, we had them in Delaware Bay and then all of a sudden they appeared in great droves in Barnegat Bay. And over the last three years something has happened.

At first it was in the Delaware Bay we weren't seeing the fish, but the Barnegat Bay had a lot of fish. People could go out and actually catch 100 of them and release them or do what they want. They weren't keeping all the 100 fish, of course.

What has happened in the last year, last year they saw big fish. They had fish 9, 10, 11, 12 pounds. But they were very small -- they were small schools of them. There wasn't a lot of fish. And they did have smaller fish coming later and they're in the Raritan Bay.

This year we're not seeing that many fish at all. In Raritan Bay you're seeing 14 pound fish, thirteen, there's been a couple weighed in at 14, 15 pounds. But, again, you're not seeing any small fish inside the bays.

We've seen them along the coast. I've seen them along the coast when we're snapper fishing or when you're chasing schools of mullet and everything else. It's a serious concern.

Now as I said, when we started this rebuilding, we thought by this time we'd be seeing them up in Connecticut and Massachusetts in the numbers that we saw during periods of time, and basically that's not happening.

I have real concerns here, more so in the last two years than I had three years ago. I figured maybe it was something in Delaware Bay that was happening with the water quality or something like that or some other -- maybe it was croakers went in, and looking at that, but it's more than that right now. When you start seeing it along the whole range, then it's something else going on.

CHAIRMAN BEAL: Thanks, Tom. David Borden.

MR. BORDEN: I won't repeat everything. I agree with most of the points that have been made. Rhode Island landings are absolutely following the

same types of characterization that Roy just made relative to his area.

I mean, if you look at our landings by year and then compare those to the predictions we were getting from the scientists, they track pretty well. The stock was at a low rate and our catches were low. And then they built basically to 2000, both the commercial landings were the highest in the last 10 years in 2000, and since that time every year they've gone down.

Now, keep in mind -- and I'll talk about this later when I get into de minimis -- the primary gear type in Rhode Island is fish traps and they fish pretty much fixed sites. They fish the same sites every year.

Logically, if we had a building stock, granted, we're at the extreme extent of the range of the resource, but logic would pretty much dictate that our catches should pretty much mimic what was going on with the stock, and yet it's just the opposite.

And our recreational landings, in the early '90s we were catching 20,000 fish, and they were eight or ten pound fish. Now we're down to two or three thousand. So, I mean, there is a real disconnect here between the science and what the industry is basically stating.

The Commission has to be fairly aggressive about pursuing a resolution to this. I mean, we've staked out some PR grounds a number of years ago about the restoration of the weakfish resource; and if that's not taking place, we ought to do something to reverse course here.

CHAIRMAN BEAL: Thanks, David. Louis.

DR. DANIEL: Thank you, Bob. First I'd just like to thank the Board for their confidence in me. I hope I can help figure out this problem. I don't know that we'll be too successful. I don't know how successful we'll be but, Jim, back to your report.

I think one of the things that I've heard talked about is maybe a redirection of effort in this fishery, and that maybe that some of the successes, gains we've seen in summer flounder, striped bass, maybe there's not as much effort directed towards weakfish as there was in some locations.

I don't know the answer to that, but certainly we can look at the MRFSS directed trips information and try to get some handle on what that may look like. I know in North Carolina, where we have been one of

the dominant commercial harvesters, they continue to gear towards croaker.

They're easy to get to. They know where they are. They can go out and catch huge quantities. I mean, some of these trawl net trips are 100,000 pounds in a 25-minute tow. So when you can do that, you're not going to go up looking for weakfish at the same price, so I don't know.

I'm hearing the same thing you guys are hearing in North Carolina, though. A lot of my gill netters, where are these recovered trout? They're not seeing them. But we did see -- in North Carolina we've been bumping along with our trophy citations of zero to three a year since we started Amendment 3.

And last year we had 178, the largest number we've ever seen, so I don't know. It's confounding to me as well. But one of the things that we may want to get the technical committee to look at is a new model that National Marine Fisheries Service has been using in the SEDAR process down in the South Atlantic which is called the forward-projecting model.

It uses AD model builder. We used it very successfully with red porgy, vermilion snapper, black sea bass. One of the very nice things about that model is there is no retrospective bias. You have the most certainty in the later years of your assessment as opposed to the problems we've always had with weakfish where we've had real significant retrospective bias.

And in many instances if you recall some of the graphs that we've shown you in the past from the technical committee perspective, we might have to go back six or seven years to get that stuff to converge.

And with this new model the terminal years are pretty reasonable, so that may be something we might want to ask the technical committee to explore that model, Jim, and just see if we've got the technical abilities to use it. I know the Beaufort Lab has all that software.

CHAIRMAN BEAL: Thanks, Louis. Jim, do you want to respond to Louis?

MR. UPHOFF: Yes, I do. Actually we have a large shopping list of techniques that we're going to at least look at. One of the really great members of the technical committee, a younger guy, Janika DiSilva, he has this boundless enthusiasm and this seemingly endless ability to pull up all kinds of techniques, so we have -- well, by virtue of the last stock assessment, we did had to use ADAPT and we

will probably use it.

We have not been happy with it, as you recall. We are going to pursue probably a forward-projection model, an age-structured production model, a regular surplus production model, and there may even be a couple of others.

We're open to really consider some different things. One of the problems may be with at least some of the techniques is that these assessment techniques were developed to detect fishing problems. You hold natural mortality constant.

If there is something else going on, you may not pick up that signal with some of these models. You don't generally get necessarily feedback for predators, even in a multi-species VPA, things like that.

But the gist of it is we're going to try some other things as well to really explore this thing. We are not necessarily sold that the only thing we have to -- in fact, I think the thing we want to do least is the thing that we did last.

CHAIRMAN BEAL: Thanks, Jim. Howard, did you have your hand up?

MR. HOWARD KING: Yes, thanks. I just had a question, Jim. The index produced by the Northeast Fishery Center seemed a little more consistent than the state indices. Do they overlap geographically or is the Northeast Fishery Center entirely EEZ and states are state waters only?

MR. UPHOFF: Yes, the fall survey, the Northeast Fishery Center's fall survey does overlap. It is run from North Carolina to Massachusetts, but it's kind of a bus route type thing where they start at one end and work their way down.

There is at least some thought that it would be possible for them to miss weakfish either coming or going or have spotty catches, and there are some inconsistencies in there that are hard to explain where the abundance will just plunge one year or two years and then shoot back up. It should be a lot smoother than that.

Now the New Jersey and Delaware surveys -- well, the Northeast Fishery Center survey primarily catches small fish, small weakfish. The larger weakfish are kind of consistently represented but not well represented.

The New Jersey and Delaware surveys are more

geographically limited, but they do a pretty good job of getting the bigger fish. You get a picture of the extended size and age structure from them. The trouble is which view is the right view?

You have kind of a regionalized view that is, you know, pretty good, and you have a broader survey, but the gist of it is the two -- the New Jersey and the Delaware surveys do a very good -- they catch bigger fish consistently than the fall survey does.

CHAIRMAN BEAL: Thanks, Jim. Tom, did you have your hand up again?

MR. FOTE: Yes, I mean, I'm sitting here trying to think this through and I've been trying to think it through for a couple of years. I mean, we basically took care of a lot of the shrimp bycatch that we thought was the serious problem.

We did away with the small fish fishery that basically went for pan fish, that basically they were harvesting an 8-inch or 9-inch trout, so, you know, we did what we were supposed to have done.

We put in regulations and the stock seemed to rebuild and all of a sudden it plunges. It reminds me of bluefish. You can do all the management measures we want, but it seems to be something else playing out a role here, and that's what makes it so difficult. You know, we think you've got models that work and can project out.

The other irony of this is what we have now is the Atlantic States Marine Fisheries Commission the way it's really acting was because of weakfish. I mean, it was Carpenter's bill from Delaware that was kind of the driving force that wanted to make it the same thing as a striped bass bill for weakfish.

And we took it and basically expanded it out to what the act is now, the Conservation Act. So it was the cornerstone and I hate to see this going down when we really don't know the reasons why.

CHAIRMAN BEAL: Thanks, Tom. Any other questions for Jim on the preliminary data or preliminary read on the stock assessment? All right, seeing none, just a couple comments on the stock assessment, to get everyone kind of up to speed on the timeline or the intended timeline of the assessment.

As Jim mentioned in his presentation, the assessment group is going to follow the SEDAR model which will be -- and they've already completed their data

workshop, which is where they get together and just pull all the data together that's needed for the assessment.

I think they're still pulling some 2003 landing information together, but they're getting pretty close from what I understand.

The next step in their process is to have a modeling workshop, essentially the assessment workshop where they get together, crunch numbers, explore all the models that Jim talked about and then they will decide on a model or a group of models that they'd like to bring forward to peer review.

The stock assessment, as it stands right now, is scheduled to go through the SARC review at the December SARC, so it will be I think – actually, I think it's in November, the last week in November or the first week of December.

That will be the timeline or the backstop that Jim and his group has to work against to figure out all these confounding questions that you folks around the table have just presented to him.

The assessment is underway. I think progress is being made. It seems like we're on track for a December peer review. That's just to get everyone up to speed on what the plans are. Jim, do you have a comment?

MR. UPHOFF: Yes, can I ever go to Woods Hole when it's not winter time?

CHAIRMAN BEAL: I thought it was always winter time there. It's too expensive in the summer, Jim. We've got a tight budget around here.

Seeing none, are there any other comments on the assessment or the process or timeline or anything along those lines? Yes, Louis.

DR. DANIEL: Has the assessment workshop been set up yet, the date for that?

CHAIRMAN BEAL: It hasn't been finalized. We're discussing some dates and we'll get the word out pretty quick on that. It may be in late June.

MR. UPHOFF: For at least some of the states, for their paperwork process, you're really pushing the envelope if you're talking end of June.

CHAIRMAN BEAL: Yes, we'll sort that

stuff out, Jim. Seeing no other questions on the assessment or the technical committee report, the next agenda item is the advisory panel pilot program update from Tina Berger.

## ADVISORY PANEL PILOT PROGRAM

MS. TINA L. BERGER: Thanks, Bob. I'm going to be very quick. Toni's passing around a summary of the Weakfish AP Pilot Program.

Last summer, last June, we sent out surveys to both the Weakfish Advisory Panel as well as the Weakfish Management Board to get their feedback on the pilot program that we performed for the Weakfish AP.

We got very low response rate back from both groups. Out of 17 advisors, we received 5 surveys back. Out of 38 Board members, we got 3 back. So, you're going to have to take your conclusions and make them loosely based on the feedback we got.

We surveyed the advisors regarding level of participation, information on the meeting process, communication, as well as an overview of the AP panel process.

You can see from the results that Toni is handing out they were sort of divided in terms of the level of participation with a couple of respondents having at least four years in the process and a couple others being very, very new to the process.

They felt in terms of the meeting process that the type and timing of the information that they received was sufficient in both the amount and content, and it was received in a timely manner.

We asked them regarding what they preferred, face-to-face versus conference call. Again, it was sort of unanimous that face-to-face is the best way for them to meet, particularly in the beginning of an amendment or addendum process so that the AP can get back together and see each other and hash out some difficult issues.

They felt conference calls should only be used for follow up or general information sharing. But if there is anything controversial or there are any technical issues that need to be addressed, they should be done face-to-face.

We asked them regarding what level of communication they had with their Board members. Again that was divided. I think three stated that they had really good communication from their Board

members, and two said they didn't hear anything from their Board member. One said that they contacted their Board representative and was in constant communication.

They all felt that technical committee representation at the meetings was very important, particularly when they were discussing technical issues. They valued the technical committee representation.

Some even felt that it would be helpful to have the Board chair or a Board member there to discuss some political issues regarding the amendment process or what would be politically viable and what would not be.

They felt that in general the AP gave their views fair consideration and that the Board considered their concerns and recommendations. They also felt that the Board's decisions were clearly explained to the advisory panel.

In terms of the advisory panel process, overall they were fairly satisfied with the AP process. They rated it on a number of different ways. But in general they felt it represented a wide range of interests, and that the AP process worked well and provided some recommendations on improving that, one of them being direct contact with the managers and inclusion in management activities, the importance of being involved in the very early stages of an amendment or addendum process so that they can be an integral part of that decisionmaking and please continue in following up on management board decisions. And that was sort of the feedback from the AP.

The feedback from the Board, I heard from representatives from New York, New Jersey and North Carolina, all of whom were in frequent communication with their AP members. They felt that the level of input received from the AP was very good.

One representative went further to state that he felt the AP input was very helpful in resolving what became major disagreements between stakeholders and states regarding appropriate recreational measures.

He felt that the AP's involvement was useful in heading off major commercial/recreational stakeholder disputes in the amendment process. In general, the three Board members felt the type of information received from the AP was useful in making a decision.

And, again, there were some general comments regarding the need for technical committee representation, information arriving in a timely way so that they can have substantive discussions, and another call for management board chairs to be at AP meetings if possible.

And then I attached the surveys for your review. The Advisory Panel Oversight Committee had been scheduled to meet on Monday to discuss this further and start making some real changes or improvements to the AP process.

Since there was limited attendance, we had to cancel that meeting. They will be rescheduled to meet in August, and they will be working on some of the recommendations from this.

The staff has also gone forward and developed templates for communicating with inactive and active advisory panels based on our lessons from the Weakfish AP Pilot Program. That will have been starting to be implemented through the winter flounder, Atlantic herring and amendment processes. Thank you.

CHAIRMAN BEAL: Thanks, Tina. Any questions for Tina about the pilot program for weakfish? All right, Tom.

MR. FOTE: I was thinking about the question of Woods Hole in the winter time, but I think advisors are basically looking at the time they should meet and a lot of times we hold these meetings in August in the times that they're fishing.

And we really should look at times that they're not fishing and we should do that. You know, I think about you want to hold a meeting in June or July or August or September, that's when some of them -- that's when they're making their money.

That's when they're doing it so I think that's probably one of the reasons we don't have as good participation. I mean, maybe we have to have it in Florida in the winter time, and actually Jacksonville is cheap going into the airport there.

But, you know, we're trying to get the meetings together and you look at it in July and August, people are fishing. I mean, that's the one time they have to do it. It's very difficult. Most organizations actually cancel their meetings during the summer time for those reasons.

CHAIRMAN BEAL: Thanks, Tom. Tina.

MS. BERGER: Just that note. I think that Carrie and Brad can probably say that during the amendment process the Weakfish AP was very active. I don't think we had a problem with participation at that level, but getting feedback from them after that was limited.

CHAIRMAN BEAL: Thanks, Tina. Overall it seems like the weakfish pilot program was extremely successful. And, as Tina mentioned, a lot of those steps have been implemented in some of our other fishery management programs.

But the pilot program is kind of resource intensive, both financial and staff resources so it's kind of a -- we have to deal with the reality sometimes of finances and staff time, but I think a lot of the things that are included in that program are going to be incorporated into our overall advisory panel program, and the Advisory Panel Oversight Committee will continue to work on these issues. So good deal.

The next agenda item is the advisory panel nomination. There is a nomination that was included on the CD-Rom. It is Daniel Dugan from Delaware.

I don't know if anyone from Delaware would like to supply any additional information that's not included in the application. He appears to be a recreational fisherman from Delaware. I don't know if Roy has any comment.

#### **ADVISORY PANEL NOMINATION**

MR. MILLER: I forget the specifics of what was in Dan's application, but I know Dan to be an avid recreational fisherman. He's also a member of the Recreational Fishing Alliance, if that's any additional guidance.

CHAIRMAN BEAL: Great, thank you, Roy. Is there any objection to having Daniel Dugan serve as a member of the advisory panel for weakfish? Seeing none, he is now a member of that panel. That brings us to other business, which is we had given David Borden the opportunity to comment on de minimis status for Rhode Island, or de minimis in general I think is more to David's comments.

#### **OTHER BUSINESS**

MR. BORDEN: Yes, thank you, Mr. Chairman. I don't have a proposal to put on the table today, but what I'd like to do is solicit input from the

Board on a concept. I think as everyone knows de minimis is set in the plan basically as a two-year average, 1 percent of the landings.

I've raised this issue before so I won't belabor it. Historically, Rhode Island has been below the de minimis standard. If you look back from 1988, between 1988 and 2003, every year, with the exception of four years, we've been below the de minimis standard, that 1 percent standard.

The only reason we haven't been below the 1 percent standard in the last couple of years is because the coast-wide landings has been declining, as we just discussed. I mean, the coast-wide landings, so everyone is clear -- well, actually before I say that, let me just characterize the problem and then I'm going to propose something that hopefully will resolve it for me.

All right, the thing that's problematic from Rhode Island's perspective is we do not target weakfish. The fishermen don't target them. The recreational fishermen target them, but our total landings, for instance, in 2003 were 2,343 pounds of weakfish. Now they're big weakfish, but it's insignificant in the scheme of things.

And our commercial landings in 2003 were 63,000 pounds, so they're relatively low when you look at it from a coast-wide perspective.

The dilemma is that because of the 1 percent standard and the collapse of the coast-wide recreational and commercial landings on the coast, what is happening is our landings have gone down by about 60 percent but the coast-wide landings have gone down at a faster rate, so we are still de minimis.

And the dilemma that caused for us is we have this trip limit. Keep in mind we don't target -- and I say "we", the commercial fishermen don't target the fish. They're setting fish traps and gill nets, so there is a bycatch, and they can't avoid the bycatch.

And because of the trip limit, we occasionally have discards that take place, which to me makes absolutely no sense. So, what I would like to do -- and I'm truly here soliciting input before I have our staff spend a lot of time on it. I'd like to propose that we establish an alternative to the de minimis standard.

In other words, leave the current de minimis standard in place, but basically set up another set of regulations. What I was thinking of was that we

would, as we've done twice I think at this meeting, propose a longer period of time to do the averaging. That's one thing.

And then Rhode Island is not trying to get off scott free here. We would be willing to consider larger minimum sizes than the plan requires as a compensation factor to be able to use that alternative.

In other words, what we're trying to get away from is the trip limits that essentially cause discards in truly a bycatch fishery. They can't avoid the fish. They're going to catch them. And the question is what do you want to do with them? And that's a small amount.

So, I'm seeking guidance from the people around the table. If they're generally receptive to that, we'll craft a proposal recognizing that would have to be included in some subsequent addendum. We're not asking for a specific addendum on it, so what's the reaction of the Board?

CHAIRMAN BEAL: All right, any reaction for David Borden from the Board members? Tom.

MR. FOTE: If we didn't see all this gloom before, I'd have very little, but you're probably going to -- you know, if it keeps going at that pace, you'll wind up being one of the bigger catches along the coast.

I mean, it's a problem right now. I mean, I don't know how to handle it. It's probably the wrong time to send out some kind of message like that because we're basically saying we don't know what's going on.

And if it keeps going, we're going to put in more restrictions. I mean, what else are we going to have to do? And then everybody's going to take a bigger hit, so I don't know, David. I'm sitting here trying to think about it and I'm having difficulty with everything that's going on.

MR. BORDEN: Well, that's part of the reason I didn't write this up as a proposal. I thought it would be just fairer to solicit the advice; and if you don't want to discuss it publicly with me, I'm happy to burn my ear after the meeting, that's fine.

It's just every year I get constant complaints from our fishermen talking about people throwing fish away, and it just doesn't make any sense when it's this small amount of fish. And I understand why we have to have de minimis standards and so forth.

CHAIRMAN BEAL: Louis.

DR. DANIEL: Dave, with Amendment 4, the requirement to get the length samples and that type of thing, you're doing that now? So, I mean, I certainly -- with throwing back discards, that doesn't serve us any purpose.

If you're getting the length distributions of those fish, I think we can work together to come up a proposal that would be acceptable to address that problem.

MR. BORDEN: Our staff has tried to work with the 1 percent; and if we stick with the 1 percent, I don't think there is too much we can do. We basically have to have some alternative standard.

And just so everyone is clear, it shouldn't be just for the state of Rhode Island if we're going to do this. Other states, any other states that wanted to take advantage of it should also be able to take advantage of it.

CHAIRMAN BEAL: Anne.

MS. ANNE LANGE: Well, I'm wondering if it might be worth having some sort of work group, not necessarily specific to weakfish even, but just to evaluate how de minimis can be applied with different scenarios, the weakfish scenario, but also for other species.

I know one of the questions that we had with, for instance, Massachusetts was what happens when a de minimis state has landings or catch from the EEZ, so there is a range of things that I think can be addressed by some specific review. And, again, it's not just weakfish, I don't think.

CHAIRMAN BEAL: Yes, thanks, Anne. I think there was a group at one point developed that analyzed de minimis kind of across a lot of Commission species. I don't remember exactly if that was a subset of management and science committee or who exactly handled that project.

I think there is something out there that we can resurrect and get distributed to the Board and see if any further work, given what is going on recently in the fisheries would be helpful to be added to that document.

But it appears that kind of the bind that Rhode Island is in is kind of turning regulations on and off every other year. And, I'm sure at least the administrative

commissioners, if not all commissioners around the table realize how much of a burden that is on the states and the fishermen understanding what's going on.

So, working through some proposal for the next amendment or addendum, including some options or flexibility for the states that are on the margin of de minimis probably appears to make some sense, and I don't see any objection to that around the table. Anything else on that issue, David? Okay, seeing none, Louis Daniel also had another issue for other business.

DR. DANIEL: Just to give you an update, there is not much to report on our characterization study that this Board approved several years ago.

We worked through National Marine Fisheries Service. We got some of the TED work accomplished, but I would guess the best way to put it would be that we were mostly unsuccessful.

As many of you may know, we have a fishery resource grant program in North Carolina and we have a fisherman who has developed a new type of fishing excluder device that they can actually change the width of the bars.

It's something similar to your pound net panel in a little way that you did up in Potomac River, but they have put together this proposal that was funded through Sea Grant to test this device in flynets north and south of Cape Hatteras.

I've been talking to Tom Meyer and Anne about refitting this exempted fishing permit that we really never used in the characterization study, and have that done this year to try to test that device.

And if it was to work, it may be very useful in all of our trawl fisheries in the Mid and South Atlantic and even in New England. So, Anne and I wanted to bring this up just briefly just to make you aware of this program that we're going to be pursuing and another exempted fishing permit to test this bycatch gear.

It's going to be sent down to Pascagoula to meet all of their parameters and testing, and then hopefully bring the device up with some NMFS folks, full observer coverage, the whole deal. Everything is going to be the same as it was before, we're just going to be testing the bycatch reduction device. Anne may want to add anything she may have, but that's kind of where we are.

CHAIRMAN BEAL: Anne, any comments?

MS. LANGE: Thank you. Yes, again, as Louis said, the flynet characterization study did not fly. This is an opportunity that addresses even more in that it's something that potentially is a BRD or a TED, or whatever you want to call it, could be used in any trawl, not just flynet potentially and not just for weakfish.

I think it's our agency's perspective that if we can develop gear that will reduce bycatch, it's beneficial to the fishery in general. Unless the Board has some concerns about it, I think we're planning on going forward with this EFP.

Again, as Louis indicated, Sea Grant has funded this study. Our Pascagoula Gear Technology Lab is fully involved in helping them develop it and test it at the lab level or the inside, whatever, level. Then this is just a matter of actually testing it on the ground in the fishery.

CHAIRMAN BEAL: Great, thanks, Anne. Any other comments on the update from Louis and North Carolina? All right, seeing none, any other issues for the Weakfish Management Board? Seeing none, is there a motion to adjourn. So moved. We stand adjourned.

(Whereupon, the meeting was adjourned at 5:15 o'clock p.m., May 25, 2004.)

- - -