

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

**May 10, 2005  
Radisson Hotel Old Town  
Arlington, Virginia**

## **ATTENDANCE**

### **Board Members**

David Pierce, Massachusetts DMF  
Bill Alder, Massachusetts Gov. Apte.  
Mark Gibson, Rhode Island DEM  
Gil Pope, proxy for Rep. Naughton (RI)  
Eric Smith, Connecticut DMR  
Fred Frillici, proxy for Sen. Gunther (CT)  
Lance Stewart, Connecticut Gov. Apte.  
Gordon Colvin, New York DEC  
Pat Augustine, New York Gov. Apte.  
Bruce Freeman, New Jersey DFG&W  
Ed Goldman, proxy for Asbmn. Smith (NJ)  
Tom Fote, New Jersey Gov. Apte.  
Roy Miller, Delaware DFW  
Pete Jensen, Maryland DNR

Howard King, Maryland DNR  
Bruno Vasta, Maryland Gov. Apte.  
A.C. Carpenter, PRFC  
Jack Travelstead, Virginia MRC  
Kelly Place, proxy for Sen. Chichester (VA)  
Louis Daniel, Chair, North Carolina DMF  
Damon Tatem, North Carolina Gov. Apte.  
David Cupka, South Carolina DNR  
Spud Woodward, Georgia DNR  
John Duren, Georgia Gov. Apte.  
Gil McRae, Florida MRI  
Anne Lange, NMFS  
Jaime Geiger, USFW

### **Ex-Officio Members**

Jim Uphoff, Maryland DMF, Technical Committee Chair  
Desmond Kahn, Delaware DFW, Stock Assessment Subcommittee Chair

### **ASMFC Staff**

Brad Spear  
Julie Nygard  
Ruth Christiansen

Bob Beal  
Vince O'Shea

### **Guests**

Dick Brame, CCA  
Bill Windley, MSSA/RFA

Ray Rhodes, SC DNR  
Perry Plumart, Plumart Strategies

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

**TABLE OF CONTENTS**

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

**BIOLOGICAL SAMPLING..... 5**

**STOCK ASSESSMENT DISCUSSION..... 25**

## INDEX OF MOTIONS

1. **Move that the board approve for public review and comment Addendum I as drafted and presented with the addition of an option that would implement the required sample collection via support from the ACCSP program.** Motion by Mr. Colvin; second by Dr. Geiger Motion tabled. (Page 15)
2. **Move that we include an alternative in this addendum that requests comment on elimination of the plan compliance requirements for mandatory biological sampling.** Motion by Eric Smith; second by Pete Jensen Motion tabled. (Page 21)
3. **Move to table both of the motions until such time as the staff has had time to flesh this out and we bring it back at our August meeting.** Motion by A.C. Carpenter; second by William Adler. Motion carried. (Page 25)
4. **Move on behalf of the board that we amend the weakfish plan to reduce fishing mortality by 50 percent consistent with the consensus recommendation of the technical committee.** Motion by Dr. Pierce; second by Mark Gibson. Motion Failed. (Page 30 )
5. **Amendment to read: Move to initiate an addendum to the Weakfish FMP to reduce current fishing mortality rates by a range of options accomplished through various management measures developed in consultation with the technical committee.** Motion by Mr. Travelstead; second by Mr. Carpenter Motion carried. (Page 35)

**ATLANTIC STATES MARINE FISHERIES  
COMMISSION**

**WEAKFISH MANAGEMENT BOARD**

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

**May 10, 2005**

---

The meeting of 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 10, 2005, and was called to order at 2:40 o'clock, p.m., by Chairman Louis Daniel.

**BOARD CONSENT**

CHAIRMAN LOUIS DANIEL: Good afternoon. I'd like to call this meeting of the ASMFC Weakfish Management Board to order. Everyone should have had an opportunity to review the agenda.

We will first be going through, get a report from our stock assessment subcommittee chair on the draft addendum related to data collection and then go into the stock assessment report and recommendations and then we'll have time for other business. So is there is any discussion on the agenda? Without objection the agenda is approved.

Also on the CD are the proceedings from our February 2005. Are there any corrections or changes to the minutes? Seeing none, the minutes are approved. Moving on in our agenda then we'll come to public comment.

Is there anyone in the audience from the public today that would wish to address the board on issues related to weakfish? Seeing none, we'll move into the first item of business, Draft Addendum I. That should have been circulated at this meeting.

It's coming around right now. I'll turn this over to Brad at this point to give you a brief introduction on the addendum and then we'll turn it over to Des Kahn to go over the specifics of the addendum.

**BIOLOGICAL SAMPLING**

MR. BRADDOCK J. SPEAR: Thank you, Mr. Chairman. At the last board meeting in February

the Weakfish Board discussed the biological sampling requirements of Amendment 4. If you recall, the plan review team recommended that several states be found out of compliance for not fulfilling the requirements in Amendment 4.

That sparked a whole discussion about the actual program that was set up in Amendment 4 and several problems came to light. The board asked the technical committee to look at the issues that were discussed at the board and tasked the plan review team to put together an addendum for this meeting.

The addendum that you just got is that and today it's in front of you for your consideration to vote on whether it should go forward for public comment or not.

Prior to receiving or prior to this board meeting you received in a supplemental mailing a memo from Des Kahn, the stock assessment committee chair, just providing the board general guidance on what states should be sampling. That was a precursor to the addendum and I'll go into more details of what the committee discussed right now.

Some of the issues that came up in Amendment 4, the sampling requirement was based on tiered landings. If you recall, the minimum was if a state landed 150,000 pounds combined commercial/rec then they were required to sample X amount of lengths and X amount of otolith ages.

The problem with the tiered landings was this minimum of 150,000 was put in place in a time of relatively high abundance of weakfish and because of a recent drop in landings that number became somewhat obsolete.

Other issues in the Amendment 4 program was it was unclear whether to use state or federal landings as a basis to determine what level of sampling each state was supposed to conduct. It was also unclear what years to use, basically a reference period to determine what sampling intensity states should conduct.

Also, it is suggested that states revise their sampling level every other year. And again because of the changing in weakfish landings from year to year this every-other-year revision was not, did not accommodate the changes.

Also, there was little guidance in Amendment 4 for states to show them how to stratify their samples between gears, seasons, market categories. So this addendum is attempting to address these issues.

Some of the general needs from sampling for weakfish are broken down into commercial, recreational and otoliths. These come from the needs of the stock assessment for weakfish. For commercial we need length data from different gears in different areas and seasons. To date the biggest gap is from New York/New Jersey.

And in the recreational fishery we need length data from different areas and again in the MRFSS data there appears to be a less intense sampling in New York and New Jersey.

And for otolith ages the committee can take otolith ages from any catch so it can be from commercial catch, recreational catch or even fishery independent surveys. And it is suggested that they come from different general size or age classes as general as small-medium-large. And to date there has been a lack of larger weakfish sampled for age.

And as I said this is the general needs of the assessment. Des Kahn will be going into more detail as to the specific numbers that the committee is asking the states to collect through this addendum.

A couple of the requirements that are now in Draft Addendum I is for states to use the most recent landings data to determine that current year's sampling intensity. So it is suggested that because most states collect commercial landings for weakfish that they will use that data to determine their sampling for the current year.

For example I know at least Maryland usually has their commercial landings compiled by February of each year and then can set their sampling based upon the previous year's landings.

If state landings are not available as is the case in New Jersey and New York the addendum suggests that they query the NMFS commercial landings database, whether it be send in a request for preliminary numbers, to get their landings. And if that's not possible then use the last year's landings as a proxy to determine the level of sampling for the current year.

Other requirements in the addendum in regard to states submitting a commitment at the beginning of each year, each sampling season, to include the number of samples that state will be required to collect that year. It is suggested that states submit that commitment in writing by April 1<sup>st</sup> of each year.

And it was discussed at the technical committee to have de minimis states required to do sampling or not. I believe there were committee members on both sides of the fence as to whether it should be a requirement or not so I present that to the board as two options, whether to require de minimis states to collect biological information or not.

The third requirement in the addendum is how to calculate the intensity of sampling and again Des will go into more detail but an example is states will be required to collect four commercial lengths per metric ton of commercial landings.

And just a few outstanding issues that were not fully addressed in the addendum. It was the plan review team's impression that it was more of a board issue and most likely would not be able to be dealt with through an addendum and it may even be broader than the Weakfish Board issue, possibly a Policy Board, but how to determine out of compliance for the sampling requirements. And if a state were to go out of compliance, what are the ramifications and how do they get back into compliance.

A couple of other issues that came up at the technical committee regarding biological sampling were personnel, funding and logistics. And it's clear that money and personnel is often an issue.

But when posed the question, "What if it was not an issue?" a couple technical committee representatives suggested that even if they had the manpower and the money that logistics would stand in the way of them collecting biological sampling, biological samples.

New York and New Jersey specifically said that it's difficult to know when, speaking about the commercial fishery it's difficult to know when and where these weakfish are going to be coming in so that they can go sample.

They also cited that they aren't able to get into the fish houses often to sample just because that relationship hasn't been established. But these are again issues that should be addressed if the biological sampling program is to be successful.

CHAIRMAN DANIEL: Thank you, Brad. I had Bruce. You had a question, Bruce.

MR. BRUCE FREEMAN: Well, it's more than a question. The concern we have is that we're looking at additional budget cuts, additional manpower cuts in our state. We have not been able to do the biological sampling to date and the

possibility of doing that in the future looks even more drastic than it has.

And it almost comes down to an issue, this addendum is superfluous. We probably will not be able to do the sampling, period. And the issue then becomes, well, what do we do. And other states may have the same problem.

And it's not that we don't want to do the sampling. It's simply if we do this then we're going to give up something else. We're obligated, for example, to collect information for striped bass. Do we stop collecting striped bass and now collect weakfish? Is that what we want? But that's what we're faced with. I mean that's the reality.

We indicated that when we essentially looked at the amendment to this as to the biological samples. And we were very apprehensive about finding a jurisdiction out of compliance because it couldn't meet the sampling.

But we're seeing this problem in our other fisheries and it has certainly manifested in weakfish. We believe the sampling is extremely important, even for de minimis states if we truly want to understand -- and Des Kahn is going to tell us what the problem is. He promised me that before the meeting.

But short of that we definitely need -- there is a real problem with understanding weakfish. As the chairman knows, we're going to hear in the technical committee report that doesn't seem to be due to fishing but there are other causes we're not quite certain.

But we need more biological sampling, not less. And it seems to me that we need to work out a strategy of how we get these samples on a coast-wide basis so that the technical information can be much more rigorous than what it is.

And so I'm really concerned we're going to go through this motion or we're going to go through a lot of discussion and a motion and to my way of thinking it's not going to be productive. It's not going to get us to where we need to go for weakfish and I just want to make everyone aware of the dilemma we're facing.

CHAIRMAN DANIEL: All right, and I certainly understand your concerns. Let's go ahead and let Des -- Gordon, do you want to address that?

MR. GORDON C. COLVIN: I have a

comment on what we're looking at here, Mr. Chairman. One of the things that we seem to spend too much time doing with draft addendums and draft PIDs is debating them, the contents of them, before we've issued them for public comment and I'm not going to do that today.

But I am going to suggest that something be added here as an additional, I don't know if it's an option, alternative, different way of getting the job done. One of the standard programs elements of ACCSP is biological sampling of commercial fisheries.

Why don't we put an option in here that suggests that the board and the commission will reach out to ACCSP to provide support for the comprehensive coast-wide program of collecting commercial samples in the commercial fishery which is part of ACCSP for the weakfish program.

Then when we get to talking about tautog we could do the same thing. It seems to me ACCSP ought to be serving these unmet data collection programs that are part of our core fishery management needs. Thank you.

CHAIRMAN DANIEL: Thank you, Gordon. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. That seems to make a lot of sense to me but I just had one question on how you vision this. Would you then envision that sort of requirement driving the ACCSP grants process when we go every year to prioritize disbursement of ACCSP funds? That's the first question.

Then the second question is, how do we deal with the impacts to the states that are already collecting the data? So in other words, would ACCSP sort of fill in the deficit from the states that aren't collecting the data and take over from the existing programs for the other states? And, again, just a question of clarification on your approach.

MR. COLVIN: Thank you. I think with respect to the first question there are different ways to do it. One way that I might envision would be that the Atlantic States Marine Fisheries Commission might apply for a grant for comprehensive support for a port sampling or a dealer sampling program in support of the interstate fishery management program and that could have certain components and that would be a priority.

You see what happens is we go through this process with ACCSP every year where we comment on priorities for commercial sampling. I'm never quite sure what happens to it. It seems to get conveyed to somebody and maybe it's to each of us or each of the many partners and there doesn't seem to be anything that pulls it together and gets it done.

Now, with respect to the second question, Vince, that's a common problem throughout the statistics programs and you know many elements of the ACCSP program have been addressed at different levels of funding by different partners over time.

And as the program makes funds available to support some of these things then the approach to implementation leads to that very question. If you know if we were to provide financial support to all the states for weakfish then the states that are already doing it would do what?

Well, they would have the option I guess of using that money for something else and I'm sure everybody has got something else they'd like to spend a few bucks on. And if the commission undertook a comprehensive port sampling program then you know some of the states might want to actually carry that out with support through ACCSP in exchange for the funding they're paying for it now.

I mean to some degree this is an ACCSP discussion that I'm introducing. I'm well aware of that. But I think it's still important in the context of this because you know all of us completely and fully understand and sympathize with what Bruce said.

And what I'm trying to suggest is there may be another tool that's readily available to all of us that we're not using that can address this need and why not explore it and why not explore it in the addendum.

CHAIRMAN DANIEL: Roy.

MR. ROY MILLER: Thank you, Mr. Chairman. There is a statement made in the draft plan concerning recreational length sampling and reference is made to the MRFSS survey in New Jersey and New York sampling at a lower rate than the MRFSS survey in Rhode Island, Delaware, Maryland, Virginia and North Carolina.

Is that solely a reflection of how much that particular jurisdiction puts into the MRFSS program by way of augmentation? Is that the reason there is a difference?

CHAIRMAN DANIEL: I believe that's the case. Yes, that's our understanding, Roy, is just they're not putting in the additional supplemental sampling that the other states listed there do, for whatever reason.

MR. MILLER: Then the follow up question would be can that similarly perhaps be addressed through the ACCSP program or is that not appropriate for their sphere?

CHAIRMAN DANIEL: As I understand ACCSP, that would definitely be able to be augmented through that funding as well because there is a recreational module as well as a commercial module so, yes, I would see that as being — Gordon may have some comments about it.

MR. COLVIN: Well, sure, ACCSP does supplement MRFSS. Every year a portion of the budget goes to supplementing MRFSS to enhance the base as much as can be afforded in the direction of the ACCSP standard. And there has never been enough to get all the way to the standard.

In the meantime, above and beyond that funding many individual states supplemental the baseline MRFSS. New York and New Jersey do not. And of those states who do, some supplement sufficiently to reach the standard all by themselves; some make up the difference between the ACCSP supplement and the standard and some exceed it. There are all different combinations.

MR. MILLER: Thank you.

CHAIRMAN DANIEL: Yes, sir. Let me go ahead and turn it over to Des and let him go through his portion of the presentation and then perhaps we can take some action on this issue.

MR. DESMOND KAHN: Thank you, Mr. Chairman. I want to first briefly outline one of the main points in the general memo that was sent out to the board members on sampling and what we need. What we need for catch at age sampling is to get two components.

One is length frequency distributions that are representative of the landings, particularly landings by gear and for weakfish by state. We have different state regulations, different minimum sizes and some of these defer by specific gears.

So the first step is to get a length frequency that is



representative of the landings in different gears and different states. Once we have the length frequency we need to develop what we call “age length keys” and that’s composed of age length data.

In other words, we collect fish, we determine their age and their length. We use that to make a key that will convert lengths into ages. So for a given length we say, well, 50 percent of those fish are age 4; 25 percent are age 3 and 25 percent are age 5.

We have that. That’s essentially what the key looks like. For a given length category it converts it to different proportions of different ages. We then apply our age length keys to our length frequency distributions and convert that length distribution to an age distribution.

So then we have essentially proportions at each age and we raise that to the total number of fish landed which we also have to estimate because the landings are in pounds and then we get our catch at age, we sum those.

So, if we don’t have representative length distributions for the landings we are faced with a prospect of trying to somehow come up with something from some other source that we hope will be representative of the lengths. That’s the basic requirement is lengths.

In our case what we have done is take length frequencies from similar gears in Virginia, Delaware, primarily -- in some recent years we’ve had some Rhode Island pound net, trap net lengths -- and we have to use those to try to substitute them for, say, New York/New Jersey landings, especially.

However, as I mentioned before, they have the 16-inch minimum size in New York. New Jersey has a 13-inch for some gears some part of the year so that it becomes a substitution that is really, raises increasing possibilities of bias in our estimation of the catch at age.

That’s just a brief summary of what we need in the process of developing catch at age estimates. Now, we discussed at our technical committee meeting trying to revise the recommended or actually require lengths and ages that had been set up in Amendment 4.

And after the meeting I started working on the numbers and to start off with I wanted to focus for a few minutes on the number of lengths. If you remember, or maybe you don’t remember, in

Amendment 4 what we did is we set up three levels of landings: 150,000 pounds or greater was required to sample, let’s see, I believe it was 300 lengths and 100 ages.

Then the next step up was half a million pounds. States above that were required to sample 600 lengths and was it 200 ages? And then we went to states over a million pounds were required 900 lengths and 300 ages. So it was a step approach.

I went back and looked at a different approach which Doug Vaughan had in some of his reports which he said was recommended by the SARC at the Northeast Fisheries Science Center back in previous years.

They recommended a criteria of what it amounted to was one length for every two metric tons landed. Now, I am aware that some people from the Northeast Fisheries Science Center disavow that. They say that’s inadequate but it was a recommendation at one point so I looked at that. And that would result in very inadequate length samples.

Perhaps in a groundfish fishery where you’ve got maybe one or two gears and you’re, you’ve got a different situation than we have with weakfish -- we’ve got several gears disbursed up and down the coast so that for some gears in some states you have relatively small numbers so that when you break it out we felt, I sent that out. That was really a very low number of lengths. We would not be able to adequately represent the catches.

Then I looked at some other criteria and we finally settled on a criteria of recommending four lengths measured per metric ton landed. Now, I want to say right now that several states -- let me tell you what.

I’ve averaged the last 2001 through 2003 for various states and I want to give you the number of lengths they have actually measured per metric tons. This per metric ton is a good, flexible approach. “It’s a good way to gauge things depending on your particular landings” was the kind of feedback I got from the committee.

North Carolina which averages around 40 percent of the commercial landings on the coast samples at a quite high level. They averaged over the three years 18 lengths per metric ton landed. That was the highest of any state.

Virginia also has a very intensive sampling program. They are the second. They averaged about 23 percent of the commercial landings on the coast.

They averaged 12 lengths per metric ton landed.

Delaware, which averages about 5 percent of the commercial landings, averaged about 15 lengths per metric ton landed. Rhode Island which started sampling, they were sampling in 2001 for their floating trap.

They sample only their floating trap. That's an important gear. They average five lengths per metric ton. And Maryland averaged seven. So when you average this over the coast for those that are sampling it comes out to eleven now, eleven lengths per metric ton.

We're commending a minimum of four because we calculated that if we did get four lengths per metric ton disbursed over the coast we would have acceptable although a minimum acceptable level. So that's what we came up with for a recommended sampling criteria for commercial landings.

However, that being said we would hope that states that sample above that would not feel they can just reduce their sampling to that level because we would lose a lot of valuable data if that happened.

So, again, and several people on the committee responded saying they felt there should not be a minimum like this, that this was a very minimum level, that states should sample adequately to adequately represent their landings, their different gears, different seasons.

And the philosophy that if you land them you should measure them was expressed by some people on the committee. So, we have some trepidation about recommending a minimum level because right now very important states do sample well above that level. But that's what we recommend for a minimum.

Now, on recreational landings we found that the actual numbers of fish measured result in a much lower sampling intensity than the present commercial level. And you know I discussed this with Roy and that's understandable in the sense that recreational landings are inherently more difficult to sample.

They're more widely disbursed. You can't go to a fish house and encounter thousands of fish or hundreds of fish. It's a more difficult task to sample recreational landings.

And when I took the actual numbers of weakfish measured by MRFSS and looked at them over the last three years, again we had levels such as ranging up to

on average over the three years: 2.5 for North Carolina; let's see, Virginia 1.3; New Jersey, .5; New York, .3. Those were the lowest of the de minimis states or non-de minimis states.

I'm excluding the de minimis states here but Delaware averaged 1.8; Maryland, 1.2. So most of these, many of the states were over two or close to two lengths per metric ton landed recreationally with the exception of New York and New Jersey which were .3 and .5.

So we settled on a criteria, a minimum recommended criteria of two lengths per metric tons. That's half the level for the commercial samples. And when you total that up we felt it would be adequate representation.

One thing about the recreational catch at age component, what we do is we take the whole region from Virginia north and from North Carolina south. We don't do it by state; we pool them. And so it's not quite as difficult to get representative samples we feel when you pool the landings.

However, it has been stressed by some members of the committee that we're not getting adequate representation in the northern area. For example, in New York for 2003 there were five weakfish measured by MRFSS. And you do not have a representative sample.

Let me just see here. New York landed it looks like over the three years somewhere on average of about 25 metric tons a year recreationally and yet, well, in 2003 there were 17 metric tons; we had five measurements to represent those.

And this is a state with a 16-inch minimum size so that is a problematic area it was pointed out by at least one member of the committee. Now the ages we, again, age data is much more costly to collect, particularly when you're using otoliths so the whole idea between using age-length keys is that you don't need as many age samples as you do length samples.

And we would recommend -- again we're pooling for the age samples. They can come from recreational, survey, commercial -- we recommended two ages per metric ton. And that's the criteria we came up with. It's a more flexible approach than the three levels we had in Amendment 4. And I guess that's what I wanted to say at this point. Thank you.

CHAIRMAN DANIEL: Thank you, Des. I've got a lot of hands up. Bruce.

MR. FREEMAN: The thing that concerns us — and I, you know, don't disagree with what Des says but on the recreational side for example if we're catching on the average a four or five pound weakfish, and at times we do that, and you look at it on a poundage basis you're probably sampling a considerable number; yet, if you get down to some of these smaller sizes — let's say a 12-inch or 13 or 14 inch on the commercial, when you look at the tonnage we probably should be sampling even more than what Des indicates.

And I think the message I'm getting is, look, if we really want to understand some of the things we're going to be faced with, particularly in weakfish, we need to do much better sampling across not only gears but as he indicated time periods.

Our fishery on the gill net is quite different depending on time of the season as opposed to large fish at certain times and much smaller fish. And for us to truly understand or give the information to the technical people so that we can understand what the heck is going on here, we're going to need much better sampling than what we get.

And I like Gordon's suggestion where we devote some emphasis on a program to collect what we need in order to get the technical analysis. And we may use these numbers as guidelines but, quite frankly, I'd like to see even higher because the issues facing us are going to be very frustrating unless we do this.

And I think we all agree we need to do it. The question is how do we do it. How do we get this done and how do we get it done so we can answer the questions that we need to know for management and the public is going to demand.

CHAIRMAN DANIEL: Thank you, Bruce Gordon.

MR. COLVIN: I appreciate the technical committee's analysis and recommendations on the proposed or offered guidelines for sampling. I don't really have a problem with the commercial side. If that sort of thinking got incorporated into the addendum it wouldn't bother me.

I have a big problem on the recreational side. I don't think we can. We can set a goal in terms of the number of lengths per metric ton landed but to put it in a requirement form on the recreational side is extremely problematic.

If we only got five lengths intercepted by MRFSS in New York in 2003 what would we have had to do to catch up or what would MRFSS have had to do to catch up with enough anglers to get enough intercepts to meet a two per ton standard?

The answer is we have no idea, none. None of us does. You can't know. We have a pretty good idea I think what level of effort it might take to go into fish houses and shipping docks and whatnot and try to meet a commercial standard.

I think we could probably budget that out and try to do it. But when you're getting to numbers like this on the recreational side it's just a mystery. And we haven't done it this way in other things.

The analogy I think of and the approach I'd much prefer to see us take is this, when we laid out the original recommendations that became binding requirements, compliance requirements for monitoring in the striped bass management program, we said we had to come up with an estimate of catch that achieved a certain minimum coefficient of variation and if we didn't achieve it with base MRFSS the states would be obligated to expand the MRFSS sampling by a certain time. I think it was three times which is I think now the standard. It wasn't then. It became the standard.

And that was the obligation and what you got at that level of expansion because we knew we couldn't expect the states to be obligated to do more than plan to deliver, budget to deliver and deliver a level of effort under MRFSS to collect this basic information.

In that case a catch estimate, in this case corresponding with it a number of successful intercepts that result in a measurement. So I would much prefer to see us try to frame this in that context.

I'm not sure what the numbers should be or alternatively just set this as a goal, something you'll try to achieve but recognize that to make anything firmer than that just doesn't work.

CHAIRMAN DANIEL: Thank you, Gordon. Anne.

MS. ANNE LANGE: I think mine was just an issue of clarity or clarification. When you say "four lengths per metric ton" you're talking about four individual fish as opposed to four length samples for the commercial?

MR. KAHN: Right, yes, four individual fish

measured, four measurements.

CHAIRMAN DANIEL: David.

DR. DAVID PIERCE: Yes, clearly length frequency information is critical for recreational and commercial fisheries. We're not getting it and it doesn't look like we are going to get it.

And four fish, a minimum of four fish per metric ton, that, I mean I appreciate the efforts, Desmond, but that's awful low and I would have no confidence myself in any age length key that was created with that kind of sampling in light of the variations we have between area and between seasons in the different areas along the coast. So, clearly we need a solution. And Gordon is offering up one, I think, that is not a solution but at least a step in the right direction.

You mentioned the National Marine Fisheries Service indicated that they felt the level of sampling that is being proposed by the technical committee is inappropriate/inadequate. Is that what you said, Desmond? I need to quote you correctly.

MR. KAHN: I'm not sure about your question. I mentioned that the first thing I looked at was a recommendation that was attributed to the SARC at the Northeast Fisheries Science Center and their criteria there was half a length per metric ton.

However several people from NMFS I've talked with have disavowed that but that is on record at one point. And Doug Vaughan who is a member of our committee had put that in some of his reports as a criteria. And we evaluated that and felt that was definitely too low. Is that what you're referring to?

DR. PIERCE: Well, yes. I assumed that they had recommended a much higher level of sampling in order to get a good age length key and what you're telling me now I think is that they are recommending, at least through the SAW, the past SAW, less sampling.

MR. KAHN: Now this wasn't for weakfish specifically. This was a general recommendation for adequacy of length frequency sample, length sampling. Okay? And I think it applied primarily to groundfish which is what they primarily deal with. I'm pretty sure of that but I'd have to go back and check with Doug more extensively about it.

DR. PIERCE: Okay, but what level of sampling does the service do now for weakfish coast

wide? Do you know?

MR. KAHN: They don't sample weakfish.

DR. PIERCE: So they rely totally on the states to do the weakfish sampling.

MR. KAHN: Well, it's not a NMFS responsibility, as I understand it. Being under ASMFC, NMFS is not -- my understanding is it's not one of their responsibilities for sampling. Now, I inquired about whether that would be a possibility if we could ask NMFS to assist. I don't know.

DR. PIERCE: Okay, I think you're right, that it is an ASMFC species therefore they would put all of their eggs in the baskets for you know federally managed species so that that makes sense.

All right, so it's our responsibility as a group of states to do the necessary sampling for acquisition of stock assessments that we can use and we're not fulfilling that responsibility clearly because of a lack of monies within our states and it's troubling, especially in light of the fact that the last report that we received regarding the status of the stock, if I recall correctly, indicated that we're quite far away from where we need to be with the expanded size composition, age composition of what's out there in the stock now.

So, more so now than before we need the sampling in order to determine if indeed we're meeting our objectives of widening this age structure within the population. I certainly don't have any solution.

We don't do much sampling in our neck of the woods because weakfish has declined in our waters significantly because we depend on the bigger fish and if the bigger fish aren't there because they're not migrating up then there is not much to sample.

So, if indeed it's through ASMFC we can take the necessary steps to get some sampling at a minimum of four per metric ton which I still think is pretty low; then fine enough, let's put it in the document and move it forward and see how it, what kind of a response we get.

Although, why do we need to put it -- Gordon, you said that. This is through the chair, Mr. Chairman, if I may -- Gordon you indicated that we should probably include it as an option within this particular document and isn't that premature? Shouldn't we work within the ASMFC structure to determine how we might be able to get these ACCSP funds for the biological sampling?

Why does it have to be in this particular document? It seems that the document need not go forward now, that we need to fix the problem as soon as we can and that's just to figure out where the funds will come from in order for us to do the necessary sampling.

I look to you, Mr. Chairman, for some guidance as to how this board should proceed. Should we move this document forward with another option that relates to ACCSP funds required for the sampling?

Or should we first have some intensive discussions you know within this organization with Vince to determine what funds are available, can be made available for us to get this important information? Otherwise, we'll be continuing to move forward with weakfish management with no stock assessments for us to use.

CHAIRMAN DANIEL: Well, I'll give you my opinion on how to move forward. I think that this addendum was precipitated by the problem that occurred this past year with folks not meeting the sampling requirements for submitting compliance reports in the timely manner.

So we're dealing with a compliance issue with this addendum. So, I guess it's my opinion that that's an issue that needs to be addressed and needs to be addressed right away through this addendum process. That's my opinion.

But I go back to the reported numbers that Des provided us and there appears to be quite a bit of sampling going on, particularly for the states that were mentioned that make up 80-plus percent of the landings.

We've got sampling levels at the order of eleven per metric ton which is almost three times the level that is being recommended for a large percent of the coast wide landings. We have SEAMAP samples with lengths and ages.

We have NMFS Inshore Fall Survey data with lengths and ages. We have a lot of independent surveys where we have lengths and in some cases ages. So I don't think we're in the crisis stage of not having enough data to do analyses.

The problem that the technical committee has had, speaking as a one-time chair and member, is the problem that Des discussed and that is trying to pigeonhole some of the data that we do have for maybe the Virginia pound net fishery for the Rhode

Island trap fishery and recognizing that the sizes of the fish in the Rhode Island trap fishery are likely not similar to the length frequency distributions of the fish in the Virginia pound net.

So in order to get the most accurate portrayal of the stock and be able to not shortchange ourselves in terms of accounting for the larger, older fish in the population which I think we're doing right now by not having the samples from the more northern area, that is the principal problem here.

And so you know I think we need to address it some way, shape or form. I think the way that Brad has structured the addendum and the recommendations that we have from the technical committee are scientifically sound. But I particularly like Gordon's idea.

And recognizing the problems that Bruce brought up that we could add another option in this addendum to pursue the types of situations that Gordon suggested to try to move this thing forward and try not to be overly burdensome with these compliance criteria.

So that's kind of where I see us at this particularly point in time and I think we could very simply move forward if we were to, if everyone agrees with Gordon's suggestion, if we add that to the addendum and then let's give the other technical committee folks who haven't had an opportunity to fully comment on the addendum yet as well as the public to have their opportunity to comment on it and then we can come back and have the final deliberations on that at our next meeting. I've got Tom.

MR. THOMAS FOTE: I am sitting here and thinking of why we're having such a problem collecting length frequency data on recreational fish. And every club I know in New Jersey, every tournament I know, as a matter of fact the Governor's Surf Fishing Tournament, we have 25 judges on the beach measuring every fish that's caught from weakfish, blackfish, tautog, I mean summer flounder, whatever comes in and they're all on charts.

The problem is we collect the cards, the division helps tally up the numbers, but nobody uses those cards to basically go into the database. We did a survey during our fluke tournament. We have 487 boats sampled, catch figures, all this.

Now we're going to have that, we're putting that information available. We're turning it over to the National Marine Fisheries Service but nobody is taking that disconnect and giving it over. Every

tackle store that I know of along the coast takes fish, weighs it.

Now years ago when we needed striped bass information we used to go pick up the log books from a lot of these tackle stores that kept, you know, the scales with the pictures and everything else and basically used that information.

That information is available. Yes, it means somebody has got to put the information together but there are enough tournaments. There is a tournament down in Delaware Bay, a weakfish tournament that goes out of Fort Askew that they bring in all these weakfish.

They bring in a couple of hundred. Nobody is doing that length. And does it need to be different times of the year or can it be done as a tournament? And, again, one of the reasons we did this survey of the fluke tournament is to find out if people fish differently during a tournament than they do regularly and without bias of sampling.

But if you just need length and age frequencies why aren't we asking the recreational sector to supply that? The stuff that we had from New Jersey was because, one, Bruce mentioned to one person that we needed some samples so he gave 60-something length frequency and gear of large fish because they said that's what you needed so he went out and got it.

And if that was out there people would go. Somebody has got to collect it in the end and somebody has got to put it in the freezer but I'm just saying we could get the information from the recreational sector we've just got to look a little bit outside the box.

CHAIRMAN DANIEL: Well, I mean just the problem that crops up immediately is the bias of the sampling if you're sampling primarily tournaments and you're just getting larger fish then that will tend to skew your length frequency distribution and not be an adequate representation of the population of the catches. But I mean that's just the first thing that comes to mind.

MR. FOTE: We were told you wanted larger fish so we went out and directed people to bring in the larger fish because you wanted to test for age to make sure the age wasn't biased so we basically did it.

But if you just want a sample of what people caught that day all we have to do is give a logbook to the

tournament and the guy can record every fish he caught and released that day and give you all the samples you want, length frequency.

CHAIRMAN DANIEL: Right. No, I understand the reasoning. Des.

MR. KAHN: Thank you. It's a good point that that's a potential source of length data for recreational. I'm just trying to think how it could be integrated because the MRFSS is a complex sampling design and they, you know they sample by mode.

And they integrate this to give a picture of a representative length frequency distribution you know over a year by — or we use half years, actually, by integrating samples from various modes, locations and times.

So it could be a tricky problem to take some of the data you're talking about and integrate it with that. I'm not saying it couldn't be done, you know; but MRFSS has got a complex system that produces a product that is supposed to be representative, that's one point.

MR. FOTE: But as Gordon basically explained, if we only got five samples going through MRFSS we're never going to get the number of samples going through MRFSS with the add ons so if you want to basically get a larger sample size of length frequency data the only way you're going to do it is to go out and target those fish because you're not going to do it with MRFSS even if you add on a number of add ons. That's what I'm trying to figure out here.

MR. KAHN: Well, okay, that's a point. And I'm just saying we'd have to figure out a way to incorporate it to make it representative. Could I add one more point here? I forget when I was talking about the sample size, the commercial, you know the recommendation of four lengths per metric ton.

Where that came from was in the Amendment 4 plan that's the level at 150,000 pounds. It works out to four lengths per metric tons. As the landings go up and we get to the higher numbers it's actually a lower sampling intensity than four. It works out to less than four. So that's why we started with that four and it seemed to be a good way to go.

CHAIRMAN DANIEL: I'm looking to you, Gordon. (Laughter)

MR. COLVIN: Well, sure, I will but let me

just add one other suggestion and that is that David Pierce's comments prompted me to think of another possible way of implementing or an alternative for implementing the option I suggested and that is that in the northeast at least where the National Marine Fisheries Service Northeast Fisheries Science Center maintains an ongoing, annually, carefully crafted, stratified sampling program of fish in commercial fisheries that another option through ACCSP would be to explore the possibility of incorporating weakfish into their sampling program.

But it is limited to the northeast and I quite frankly don't know what goes on in the southeast. But it's another way of doing it, operating with one party rather than a number, just to think about it.

Then, Mr. Chairman, I'll offer a motion -- I hope it's helpful -- that the board approve for public review and comment Addendum I as drafted and presented with the addition of an option that would implement the required sample collection via support from the ACCSP program.

CHAIRMAN DANIEL: I have a motion from Mr. Colvin.

DR. JAIME GEIGER: Second.

CHAIRMAN DANIEL: Second from Jaime Geiger. Discussion on the motion. Des.

MR. KAHN: Gordon, I thought your idea about using an alternative criteria for recreational of acceptable proportional standard error and requiring a possible add-on to three tons at base level, I thought that's a very valid alternative approach and I thought you were going to incorporate it in your motion. Is that possible?

MR. COLVIN: Well, thanks for that suggestion. Here is the thing. The motion didn't get to the sampling frequencies, Mr. Chairman, and I wasn't sure if the addendum, if that needed to be added to the addendum or whether it was covered by the addendum's provision that the PRT would identify the sampling requirements annually.

If we're going to add the issues of the -- I mean I don't see the, for instance, on the commercial side I don't see the recommended minimum of four lengths per metric ton in here. Is it your desire that those matters be addressed in the addendum or in this annual PRT direction pursuant to the addendum?

CHAIRMAN DANIEL: It would be my

hope to do it through the PRT, Gordon. I mean, but if that's not the feeling of the board -- but I think that's going to change. I think if we are able to get an add on through ACCSP to assist us in our sampling design then we may be able to address some of David's concerns and increase that level of sampling.

But I don't want to box us into anything at this particular point in time. I think your motion deals with what we're trying to do here. If we do approve this motion, though, we don't deal with one issue that we have discussed at the ASMFC level -- we discussed it yesterday at the South Atlantic Board -- and that was the ramifications of non-compliance. And so that is really at the pleasure of the board as to whether or not they want to deal with that issue in this addendum or wait.

MR. COLVIN: I'll let somebody else suggest how to incorporate that one into the motion, Mr. Chairman. And I appreciate your clarification. And then my response to Des would be and my suggestion on further resolution, we have the technical committee's recommendations and I would agree that rather than incorporating those details into the addendum that we continue to work with the technical committee to further elaborate on the guidance that they're developing that presumably if this is adopted the PRT would incorporate into its annual direction.

And I would hope that my thought about working on the recreational side in terms of how to address this with some references to MRFSS performance would be incorporated in our guidance as it's further refined.

On the other hand, the commercial side I thought the recommendation was also something I heard some discussion we might want to work on a little bit more in terms of the four samples per metric ton perhaps being a minimum standard with some further recommendations for maintenance of higher frequency of sampling where it is presently occurring.

CHAIRMAN DANIEL: And thank you for that Gordon. And I didn't mean to get into your stuff, either, but I just wanted to make sure that before we voted on this motion that we took all the issues that have been discussed into account. Pat Augustine.

MR. PATRICK AUGUSTINE: Yes, thank you, Mr. Chairman. I wasn't sure whether you

wanted to incorporate the non-compliance in this or not. I mean we had the discussion earlier because, back to the motions that we had at our last meeting, we had moved to recommend to the ISFMP Policy Board that New York, New Jersey and Maryland be found out of compliance with the provisions of Amendment 4 for not collecting sufficient biological samples.

In order to come back into compliance they must sample the appropriate level in 2005. And as you may all recall that motion was postponed indefinitely by the board. So how do we want to handle it? Should it now come up? Okay, that's the right answer. Thank you.

CHAIRMAN DANIEL: Roy.

MR. MILLER: Thank you, Mr. Chairman. Before we vote on this motion I want to make sure I understand exactly what the motion includes and doesn't include because the addendum that's before us is pretty general without a lot of specificity to it.

It makes a reference to a memo from stock assessment chair Des Kahn. Is all of this going to be wrapped together with more specificity the next time we see it? You know it's sort of like Ragu. Can I take it on faith that it's going to be in there because I'm not sure what I'm voting on now other than the general gist of this particular wording.

CHAIRMAN DANIEL: The document that you have before you is obviously a draft for our review and comment in terms of what we want in it in the options. A lot of the references in here will be fleshed out. You will get the completed, you know, copy as soon as it is available. But right now in terms of the review that we were undergoing this is the best we could get to you at this short, at this notice.

MR. MILLER: Then what are we voting on today?

CHAIRMAN DANIEL: You're voting on this addendum to take to public hearing.

MR. MILLER: The addendum that is before us or the addendum with the memo added on? What exactly are we approving?

CHAIRMAN DANIEL: Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, the way boards have dealt with this sort of

issue in the past is at this point in the process the board either accepts what is in front of them as is or they do as you've started to do here to modify the addendum and then direct the staff to incorporate that modification then send the document out.

If it is extensive revision the board has said work on it some more and bring it back to us at the next meeting. And the other option that you have -- and I think this might address Mr. Miller's concern -- is that the staff could clean this up and if there is an angst about it we could then circulate it to the board to look at and give you a period of time to ensure that we've incorporated what your concerns are with the understanding that if there are no objections it would go out to public review. So you have basically that whole range of options depending on how complex the guidance is that you're giving the staff. Thank you.

CHAIRMAN DANIEL: Is that satisfactory, Roy? My hope would be that we could have this document fleshed out after our recommendations are made. We'll submit it to the board members for one final review and without substantive comments take it to public hearing.

MR. MILLER: So basically you're recommending the third of the three options that Vince just articulated. Is that correct?

CHAIRMAN DANIEL: Yes.

MR. MILLER: That would be satisfactory to me. Thank you.

CHAIRMAN DANIEL: I've got Anne.

MS. LANGE: Well, I have two questions, one again for clarity. You had indicated add ons for ACCSP. My understanding was that we're setting the priorities or with this board submitting a request that it be considered a priority to do the needed weakfish sampling in MRFSS as opposed to anticipating potential add-ons.

CHAIRMAN DANIEL: Yes, when I talk economics I get in trouble. I didn't mean an "add on" in the true sense of an add on. I mean prioritizing the sampling programs for ACCSP to address the weakfish problem.

MS. LANGE: Okay, and then the other thing is as far as using Option 3 of Vince's scenarios, we do need to give guidance to the technical committee on exactly what I think more to include in



this amendment, I mean to staff.

As Roy pointed out, the very last paragraph it says, "required levels of sampling are separated. Please see Des Kahn's presentation for details." I guess you know we need to make a decision on is it the four?

Is it the suggestion that Gordon had relative to the precision for the recreational sector? I guess I'm not sure that we're ready to go forward without additional guidance to the staff.

CHAIRMAN DANIEL: Well, if you want to put in the specific details of the sampling levels we can do that. I think it boxes us in to a low level of sampling, that we may be able to do better than.

And so for that reason I suggest that we leave that part of it open and give the plan review team the opportunity to review and look at the annual landings information and make recommendations on the appropriate level of sampling on an annual basis to the various states.

You know like we said at the beginning of this presentation, though, this addendum, we've been trying to get it through review as quickly as we possibly can. It's not in its most complete stage and we recognize that and explained that.

It has not undergone the full review of the technical committee, although it has undergone review by the majority of the folks on the technical committee. It was my feeling that we needed to go ahead, we could go ahead and take care of this issue because it was an issue where we had some findings of non-compliance at our last meeting that we tabled indefinitely.

We do have some issues with needing to get these samples as soon as possible and not delay it any longer for some minor technical reasons, to go ahead and get this thing moving so that we can start to collect these samples.

That's the key to me. So, you know, we can wait and delay this thing and come back in August and look at the final document and then move forward. But I think we all want to just get this information collected for the technical committee.

And so I think because we're in the public hearing stage of this thing we can send out what we've got, get the public comment. I doubt there is going to be an auditorium filled with people to talk about this issue.

And then that would give us the insight and the ability to go back and talk to our technical people and then come back in August after we get public comment and make any necessary changes that I think are in our purview to do. So, that's kind of where I'm coming from on this thing.

I'm sorry it's not in its most complete form at this particular time but I hope the approach that Vince outlined in his Option Number 3 would satisfy folks in terms of being able to make sure that this thing is okay with them before we send it out for public review. Yes, sir.

MR. ERIC SMITH: Thanks. I've listened to all of this debate with great interest. Since we're just a major player in the weakfish fishery along the coast, commercial and recreational (Laughter) I've listened without commenting.

And I believe we ought to try and get the best data we can and this is one of those assessments we really need it. I buy that argument. And I don't want to be a stick in the mud. However, I really oppose mandatory sampling as a compliance criteria. I've felt that way on all of our plans. And we heard the discussion the other day about scup and striped bass.

I wonder what we're actually going to ask the public to comment on when we go out with this addendum. It seems more properly directed at the state agencies to say here is the train coming at you.

The light in the end of the tunnel is the headlight of the train and do you want to adopt this and require yourselves to do something that, as Bruce Freeman pointed out and other states I'm sure would agree with, you may not have any basis to do if it requires a substantial amount of labor, even though the need is important.

I think we need to find a way to get these samples but I don't think an addendum is the way to do that. So, I'm leaning toward saying even Vince had a very helpful suggestion on trying to get this through a review phase that then we could send it out to the public. But I still have the question in my mind, what's the public going to say to it?

You're right. You won't have an auditorium worth of people commenting on it but even those few who show up won't have any basis to comment on this because it's really a mandatory requirement of a state agency to do and whether they get the money or not to do it is a big deal or whether they shift their priorities and use their staff differently.

So this kind of leaves me in an uncomfortable mode of wanting to see us get the data and thinking that the vehicle we're trying to do it with is the wrong tool.

CHAIRMAN DANIEL: Thank you, Gordon.

MR. COLVIN: The difficulty is of course that Amendment 4 as it stands incorporates a specific data collection requirement as a compliance provision, so absent an amendment to the plan that is in place and that's what we're dealing with.

A question, the current amendment does have a requirement, a compliance based requirement for acquiring lengths. Is that limited to the commercial fishery? Is the compliance requirement — how does it relate to the recreational fishery?

CHAIRMAN DANIEL: Des.

MR. KAHN: Thank you. Well, the current wording is, "includes recreational and commercial" in the statement about how to acquire lengths. And it's rather unfortunate. It's vague. It's not spelled out.

And you know the original need that we identified that brought about that wording in Amendment 4, that requirement, was that we were lacking significant commercial samples from significant areas.

And we had the MRFSS, you know, which at least was coast wide although it's apparently lacking in sampling intensity in some areas. And that's part of the problem. That wording is so vague and disbursed that it really is not adequate. But as it stands it does say get your lengths from stratified commercial/recreational gear so that's the way it is in there.

MR. COLVIN: Okay.

CHAIRMAN DANIEL: Bruce.

MR. FREEMAN: The question was raised as to what value this would have to the public and I think the presentation to the public as we had discussed I think will bring the public to realize that much more needs to be done.

And from the recreational side it may well be that people would be able to come up with information they have in their existing records so I think there

may be great benefit to this. But as I understand the discussion, Louis, that you, working with the technical committee, would come up with more detailed information that we would put in this document.

I'm more interested in seeing from a technical standpoint what samples we need. We can compare that with what we're getting and I think the public will understand there is a great disparity.

But I think the real value of this going to the public is going to — and perhaps we should discuss this after Des gives us his technical report of more emphasis but we're going to see the need for this information, as much as we can get.

And in order to answer the questions that are unknown at the present time this type of information is critical. I would hope that the data would be presented so the public would understand the need for much more than what we're collecting.

I think that's the critical element of this and how we get it. We need to make that determination of whether it's ACCSP which I think certainly has very high merit. And it may well be we see groups coming forth providing that information which they're not at the present time.

And I think that would be extremely helpful. So I see this as being a very good exercise dealing with the public, not simply asking them which option they would like but perhaps being involved in providing that information in any one of the options.

CHAIRMAN DANIEL: Thank you, Bruce. I'll see if that gets answered around the table and if not I'll address it. A.C.

MR. A.C. CARPENTER: Thank you, Mr. Chairman. I'm a little uncomfortable with any one of the options that has been presented so far in this document. As much as Eric may object to having mandatory sampling requirements I'm even more hesitant to sign on to a deal where the PRT annually sets a compliance issue for a minimum standard.

And the way that I read this now it says the PRT will send to every state sampling requirements for that year and they can vary from year to year. I'm real uncomfortable with that. If I know it's four fish per metric ton at a minimum then I can kind of plan for that.

I don't have a problem with the PRT saying the

minimum is four and looking at the data maybe Virginia should be six and North Carolina should be eight and Connecticut should be four. But I'm real hesitant to sign on to the idea of being able to have the PRT annually set a compliance issue and with that objection I'm going to have to vote against the motion.

CHAIRMAN DANIEL: Thank you, A.C. Eric.

MR. SMITH: Thank you. A quick follow up. I want to thank Gordon of reminding me of something I meant to mention and I forgot until his first point. A potential cure of the compliance defect here where there are states who perennially are out of compliance and yet they have no capability of actually doing the work to get in is if we're going to go with this addendum maybe we ought to add an alternative that says we're going to take the compliance criteria that require the samples out of this and get comments on that.

And if Bruce is right and this is a tool to provoke discussion -- and I'm not sure I agree an addendum is a good way to do that -- but if we do that then you're going to get the public realizing that, okay, we either have to take this off the boards because it can't be done or we have to find a way to do it and are you guys going to step up and help us do it.

All things considered I'm still uncomfortable with the addendum but perhaps other people if they want to pick the ball up on this can decide whether you think an alternative ought to be in there, if it can be done by addendum -- I'm not sure it can be but if so take the requirement, take the mandatory requirement out of there and then just work with the states to say, look, this is really what we need; it's a high priority. Can you guys reposition your staff to do it. Thanks.

CHAIRMAN DANIEL: Des.

MR. KAHN: Thank you. First off I want to say, Bruce, I agree that we should have some numbers worked up for the public that will show them where we are and where we want to be. And we have that, it just hasn't been pulled together because it has been reviewed by the committee through e-mails and so forth so I apologize for not having that for you.

But the other thing was in answer to what was brought up about the PRT, the way I read this, and I haven't seen this before, but I thought that there would be a criteria, say four lengths per metric ton.

The PRT then will go and look at the landings, the most recent landings and say, okay, the landings were such and such. That would be times four would be so many. You know, you landed this many metric tons in the most recent landings times four lengths.

There would be a total of 200 lengths required and send that out to the states, from one state, for example. And they would send those actual numbers required, not that they'd be deciding, "well the criteria for this state is six and that is." We'd have a uniform criteria but how it would actually work out in terms of numbers of sample size, that's the way I understood this.

CHAIRMAN DANIEL: To that point, A.C.

MR. CARPENTER: Mr. Chairman, didn't you say you didn't want to lock us into a number, that you wanted the PRT to be able to set that number each year? Because I'm confused now. I don't have a problem with Des' answer to this problem. If the four is put in the document it solves it. Then it's a proportion and I understand that.

But what I understood you to say earlier was that you did not want to lock this document into the number four per metric ton and that you wanted the PRT the ability and flexibility to set that each year.

CHAIRMAN DANIEL: With the PRT setting it each year that would be based on your annual landings and there would be a set number that you would sample, as Des suggested. My concern about locking us into the four, two and two -- four commercial, two recreational, two otoliths, all right -- was that if we were to get additional monies through ACCSP we may be able to expand that.

If it provides the board with more comfort to say that this minimum number needs to be in the document then I'm fine with that if that's the wish of the board. And that way you'd have a minimum standard.

But if you do end up having an opportunity to take more then you do that. But certainly not having the PRT say, well, you need to take ten this year because, ten per metric ton because of some circumstance and another state takes four.

MR. CARPENTER: I'd be more comfortable with a set number and then it's a function of your previous landings based on that the way that Des explained it. And I'd be more comfortable seeing the number in the document.

CHAIRMAN DANIEL: Well, without objection we'll add those into the document. Gordon.

MR. COLVIN: Well, this might be kind of an objection because it comes back to the point I raised before that on the recreational side I don't object to the incorporation of the two samples as a guidepost or a target but I think there needs to be something in there that makes it clear that what we're talking about in the length samples because of the need to randomize distribution is we're basically talking about what we get from MRFSS and that in no event are we going to be asking or demanding that a state expand MRFSS beyond the ACCSP standard.

I'm even uncomfortable going that far to be honest with you because what that implies is that for — and I'll pick on New Jersey because I think it has potentially the greatest ramifications there — the implication is that we could be demanding that New Jersey expand MRFSS times three in their state which is something that they'd obviously be doing now if they could afford to.

And it's potentially very, very costly, much more costly than getting the commercial lengths. I would think that they're already having a hard time figuring out how they'd handle it. So even recognize that is potentially very difficult.

And I don't know that I'd vote for it at the end of the day. But I'm sure not going to vote for something even now that just says that you know by God we're going to insist that states get two lengths per metric ton recreational landings, that's it, because it just can't happen. I don't know what you're going to — you're going to get what you get from MRFSS. That's it.

CHAIRMAN DANIEL: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Our quick read of the plan I would summarize to the question you asked Desmond, collection is the must. The distribution is the should. So the states must collect samples. Distribution should reflect the recreational and commercial.

The second point that it seems to me listening to this discussion is I think you put this in Amendment 4 as a compliance requirement or criteria because getting the samples at the time was viewed by the members of the board as an important thing that you needed to

get done to manage the fishery and you wanted to make sure it would happen and it would get a high priority among the states.

And everything that I've heard today and I think you're going to hear later in this board meeting is that the scientists still need this information. So, you know you've put a sort of thermonuclear device in here to ensure that the states collect the data, which you've all admitted you need, but you're not prepared to pull the trigger on the penalty so the penalty isn't effective to you.

The only alternative that has been suggested so far in terms of getting at the samples which you all admit you need is to put an option in that says we'll somehow incorporate it into the ACCSP process.

You know I think the other issue that you've raised is trying to walk away from this compliance, forcing compliance issue and say is there another way to build a penalty into this to keep it on the states' radar screen but not totally ignore it.

So if people say I don't think I ought to be found out of compliance one question would be if you are a state that doesn't land many weakfish and you choose not to collect the samples, how do you feel about voting on the management measures would be one question I think you might want to ask. And then the second is how do you feel about opening the fishery? Thank you.

CHAIRMAN DANIEL: Thank you, Vince. I've got Pete Jensen.

MR. W. PETER JENSEN: I like Eric's idea if we're going to clean up the mess we've gotten ourselves into. We do have a motion tabled on non-compliance and we can't just sit here and ignore it. We've got to dispose of it.

It seems to me that we need to go with a fairly straight-forward amendment that takes out the mandatory requirement, particularly a numerical mandatory requirement. We might have in our requirement to collect data but if we did that then we could settle the numbers around this table.

Those are what I consider just good faith efforts among state members to settle those kinds of things without it being mandatory and a penalty attached to it. So I like the idea of just going with a straight amendment that says take out the mandatory requirement and then we'll talk about it.

CHAIRMAN DANIEL: Eric.

MR. SMITH: Since we're going for public comment with this addendum and not withstanding the vigor of the Executive Director's comments -- which seemed to be directed at this geographic direction of the table, maybe it wasn't -- I'm going to offer that motion to have this in the addendum and at least we'll generate some more discussion on the pros and cons. Maybe we decide not to do it and maybe we do.

I would move that we include an alternative in this addendum that requests comment on elimination of the plan compliance requirements for mandatory biological sampling.

CHAIRMAN DANIEL: Is that a friendly addition?

MR. SMITH: No.

CHAIRMAN DANIEL: Okay, then it needs -- well, we've got a motion on the floor right now.

MR. SMITH: This is a motion to amend, to add an alternative.

CHAIRMAN DANIEL: All right, we've got a motion to amend and a second by Pete Jensen.

MR. SMITH: I want to get the words up. Add an alternative to the addendum that requests comment on elimination of the plan compliance requirement for mandatory biological sampling.

CHAIRMAN DANIEL: Thank you, Eric, I thought it was up there already. And we have a second. Is there discussion on the amendment to the motion. Pete Jensen seconded. Seeing no discussion -- Jack Travelstead.

MR. JACK TRAVELSTEAD: Well, it's a very clean motion that gets to the heart of the problem but in the next 15 minutes we're going to be talking about a recommendation to cut the fishery by 50 percent and I'm just wondering how our constituents who rely on that fishery to some degree will react when they learn that we're just going to give up on the states collecting the kinds of data that we need to manage this fishery.

It just amazes me that if the board isn't going to be an advocate for collecting the kinds of information that we need to properly manage this fishery, who is? Over and over the last two days we've heard nothing

but comments about you know states not wanting to be put in a position of being forced to collect the kinds of information that we need.

And if we don't force ourselves to collect this kind of information who is? When is it ever going to get collected? When are we ever going to have the information we need to understand these fisheries and manage them properly? I don't understand it. I don't know, I guess I'm alone in my feelings on this.

You know one way we can get these data is to force the states to collect them. Find them out of compliance if they're not collecting it. That has worked with Virginia in the past. We go back home.

We go to our General Assembly and say, hey, look, our fishermen aren't going to be fishing on this species because we aren't collecting the information. And guess what happens, we usually find the money to do the collections to collect the kinds of things we need. So you know based on this I can't support the amendment to the motion.

CHAIRMAN DANIEL: I've got Bruce then Eric then Gordon.

MR. FREEMAN: My suggestion would be to table both these until we hear the technical committee report. I think that would have tremendous bearing on what we may do here. And I do this in the sense of trying to speed the process because I think most of us have been briefed by our technical representative and some of what Jack Travelstead says indicates I think it's very important.

Let me just make one observation, concern. I agree, Jack, with what you're saying is we need the information. But if we carry this through, if it's a requirement of the plan and the state doesn't come up with it and there is a moratorium -- let's just carry it through -- then that information is not going to be collected in that state because there is no fishery.

And then my question is, well, where does that get us? What we all need and what I think we all understand and we all support is collecting the information. How do we do that?

What's the best mechanism for collecting the information we need short of compelling a state on this compliance issue? And I would suggest that we table these two, the motion and the amended motion, until after we hear the technical report. It may resolve a lot of issues.

CHAIRMAN DANIEL: Well, I'll respond to that. I think there is a conspiracy against me on these tabling motions. (Laughter) I swear there are. I think Jack makes a good point but I also think that this addendum with the amendment and Gordon's motion provides the range of alternatives that we want to consider at the public level.

And I mean we've got a good staff that's going to go out and explain to the public what it is we're trying to do here. But we've got everything from de minimis states sample or they don't sample, it's mandatory or it's not mandatory, you know it's based on CVs or it's based on a minimum sampling requirement that the technical committee has come up with. So I see that we've addressed all the ranges of alternatives.

Now I personally have my own feeling but you know I think we've covered everything that we need to cover here with what we've got. It's not that by accepting Eric's amendment that we're not going to sample or we're not going to require people to sample.

I mean coming from a state that samples a lot, I mean I agree, I think we need to collect this information and if we're not the folks that support that sampling who will. But, you know, I'll get off the soapbox but I think we've got the range of alternatives that we need to take out to public hearing. I've got Gordon then Eric then Bruno then A.C.

MR. COLVIN: Now withstanding the pickle that I'm in here I agree with Jack. But I think maybe the issue is not so much in whether or not there is a compliance requirement to collect data.

Maybe it has more to do with the fact that a compliance requirement and the consequences of non-compliance and the timing of those consequences with respect to a data collection requirement has got to be different than it is for a compliance requirement to adopt a rule by a date certain.

We tend to think of, you know, we've got to set a minimum size limit by July 16<sup>th</sup> or we're on July 17<sup>th</sup> in non-compliance and the machinery starts in motion. And there is an urgency associated with that because we all need to have our regs in place so that we're controlling the removals from the population through the fishery consistently and equitably.

And theoretically the ability of state governments to do those things is pretty prompt, either through the regulatory process or in some cases through

legislation which takes longer. And we generally acknowledge that latter issue in working with states who have had difficulty getting in line because of lengthy regulatory processes or the need to accommodate a session of their legislation or whatever.

I think when it comes to budgeting and getting money appropriated, getting contracts in place and whatnot, that's something that takes even longer than legislation. But I think being in a position at the outset to say when you go back home, look, it has been determined that we are not compliant with this requirement and there is an ultimate consequence to us.

And I think this needs to be a case where that consequence isn't five weeks from now but maybe you know some time removed, that, you know, eventually if we just shun this requirement and continue to disregard it and ignore it there will be a non-compliance consequence. And I think we need to think that out and somehow incorporate it.

The other problem is, and this is something that I think Pete was alluding to and I very much agree with, if we were to set a requirement and this is exactly what has been happening to us, that the state has to have you know XYZ number of samples from the recreational fishery and ABC from the commercial fishery for calendar year 2005, and the state in good faith goes out and tries to collect those, whether it's through MRFSS or a port sampling program or what have you and for reasons beyond their control such as the fact that the fish just disappeared they can't collect them, the commission can't in good faith be finding a state in non-compliance.

So, you know, our program for dealing with the consequences of compliance needs to deal with did we have a good faith effort that targeted the standards in place and make a good faith effort to execute it, not necessarily whether or not we actually got the number. I think that's really the issue.

And maybe the problem is all these things need to be in here and we're not here yet. And I think different members clearly have a different concept of how far we need to go to get there but I'll bet you just about everybody would agree with what I just said in terms of this whole issue of the manner in which we would handle a non-compliance situation.

So, you know I'm not sure where this leaves us but maybe it does leave us with a little bit more work to

do on this, Mr. Chairman. And you know I'll leave it at that and see if others agree.

CHAIRMAN DANIEL: Well, for fairness I mean we did indicate in the presentation from staff that the non-compliance issue was one that we needed board direction on so I mean that's not in there because we needed the direction but I agree, I mean, it is a complicated and difficult issue to deal with. I've got hands up everywhere. Eric first.

MR. SMITH: Very quickly. I agree with Jack Travelstead's sentiment on this but I have a hard time with the process that will close a state's fishery because the agency could not lever the general assembly to give it money for a technician. If this were a final decision date I might vote differently but on this motion I think it ought to be in the addendum.

CHAIRMAN DANIEL: Bruno.

MR. BRUNO VASTA: Thank you, Mr. Chairman. One thing that I think that maybe I'm missing some of the things here but when you think in terms of taking this to the public, the public is like a recreational fisherman and others are going to be coming to these things.

They're going to ask the major questions that you had on the board in the very, very beginning, what's causing this decline and what are we doing about trying to take care of it. Those two major points, that's what they're going to be asking with regard to, for instance are we doing anything in looking at what is happening with recruitment over this period of time, these last couple of years. And those are my comments.

CHAIRMAN DANIEL: Thank you, sir. A.C.

MR. CARPENTER: Thank you, Mr. Chairman. I think I agree with Gordon that I don't think this addendum is ready for public review just yet. I think the concepts that we've been talking about are clearly not fleshed out.

I think one of the things that if you're going to take this to the public you're going to have to have a fairly good explanation of what the consequences of the first part of the motion and what the consequences of the second part because it's going to be very easy for the public to say, well, simply don't take any biological sampling if you don't want to.

But I think the public has to understand that if we

don't take the information we cannot manage the fishery and we can't project what's going to happen in the future. So, I think that this, you've got the range of things but I don't think that I'm comfortable yet with the document that I see, the motions that are on the table, and the other things.

It's just not ready to go to public hearing and I'd rather wait until the next, have the staff develop this a little further, present us with another draft and then let's look at it again in August.

CHAIRMAN DANIEL: Thank you, A.C. Anne.

MS. LANGE: I think I agree with A.C. and Gordon that, again, it's not quite ready, primarily because of the issues that Gordon raised relative to the states trying to get the data and the fish just weren't there.

And I guess part of my issue is a question. Is this similar to a rare event for those states that weren't able to meet their sampling levels? And is there a way for those states to work together and maybe spread the sampling over?

If we're looking at the recreational fishery, our northern fishery where the adequate sampling isn't occurring, are those similar fisheries across several states where sample levels could be merged or the state samples could be merged to meet the criteria or to meet some sort of level that's adequate?

Is it the recreational fisheries in three states that are using the same gear, fishing the same time of the year, and the fish just aren't there? Could those samples that are available be pooled? And again I think it's a matter of working together and we're not quite there yet.

CHAIRMAN DANIEL: Jim.

MR. JIM UPHOFF: Just a little bit of clarification on the MRFSS. The design of the MRFSS is for a coastal survey so in that regard the precision is quite good. But we really have multiple concerns. One is the precision. The other is the accuracy.

And what we have is a gap. This is both commercial, really, and recreational where we have a pretty high fraction of the harvest. I know for the commercial it's around 30 percent of the harvest that has pretty different size characteristics and regulations. That's New York and New Jersey that have fairly different

size regulations than a lot of the other states.

So there is a potential there of having uneven sampling among states say in the MRFSS, to introduce some bias into your landings data which is the basis of a lot of these age structured models that we're using.

But the MRFSS really hasn't been designed and hasn't been used particularly on a state-by-state basis so there is kind of an issue. To me there is an issue there of it is designed to be coast-wide but by supplementing it, it kind of tilts the playing field to the states that are sampling more in terms of the effect of the data.

I don't know if that helps any but that's just something that I think I need to clarify. I think that's the same issue with the commercial sampling as well is it's not just precision, it's also an accuracy concern by having such a substantial fraction of the landings not very well represented.

CHAIRMAN DANIEL: Thank you, Jim. John Duren.

MR. JOHN DUREN: I have a comment and a question about process. I feel that if we were calling this document a public information document and going out for a PIM to try to get input from the public we would all be comfortable but my concern is that it's got so many options and we're not sure which way we want to go and we're calling it an amendment to the FMP and going out for a hearing.

And if anyone can shed light on the right, you know, where we are in the process and which is the right step it would probably be helpful for me.

MR. SPEAR: You're right that the board is voting on whether to take this out to public comment. It's being proposed as an addendum to the amendment. And the normal process is for the board to vote for moving the document to go forward for public review and then at the next meeting you'll get the comments and vote to approve or disapprove the addendum.

The amendment process adds an extra layer with the PID and an extra layer of public comment. That is not happening with this document. That's the way Amendment 4 was set up, to allow for changes like this to go through an addendum process and not the full amendment process.

CHAIRMAN DANIEL: Thank you, Brad.

Tom.

MR. FOTE: I would feel more comfortable if we were going out to the public and saying, "We have a problem. We are not getting enough samples from MRFSS. We are not getting enough commercial samples put in. How do we address the problem? How can you help us with the problem with no extra money?"

I mean I'm sitting here looking at two documents that I went down to the car and got. One is the survey we spent about, the Jersey Coast and NMFS spent about \$30,000 to \$40,000 to put it together.

In that one day at twelve different ports, twelve different locations, there were 1,600 weakfish caught. Now it would have been very simply besides putting your landings there to get length frequency on those and we would have the information.

The other one I got was one of the clubs that belongs to Jersey Coast has been doing a tagging study. They've tagged 10,000 fish since 1988 and they have it all broken down by age, length, tag returns, where they came from, where the returns come.

That information is there. The problem is when I go to the state to try and give it to them or the club goes to the state we have nobody to compile the data. We can't look at the data. Now they haven't seen this survey here but that information is available.

If we have a problem, how do we solve the problem if there is no money available at the state to do that. I don't think by doing add ons to MRFSS you're going to get the number of samples on weakfish.

I just don't think it happens the way that MRFSS operates. I think what you really need to do is find another system of basically getting those samples. And we could do it with the recreational community.

You know, I know in every state people would walk up -- it's a club, organization, CCA, RFA -- to basically give you that information, to come up with a program and work with the state. But if you don't ask the question, they're not going to volunteer.

And I mean that should be part of this document that goes out if you're going to go out: how can you help us with a problem since we have no money and we can't do it. And they will come up with solutions.

CHAIRMAN DANIEL: Thank you, Tom. Let me get one more comment from Roy and then



we're going to dispense with this one way or the other.

MR. MILLER: Mr. Chairman, having listened to all of this discussion concerning this particular motion and its amendments I think their intentions are laudable even if I'm still uncomfortable with what we're actually approving once we get down to voting on this.

However, what concerns me much more is what we haven't heard about yet in our agenda and that is status of stocks. When we take this particular motion or some iteration thereof to public hearing I think it was Bruno made the point that the public is going to say, well, this is all fine and good that you're getting our input on improving your monitoring but what about the weakfish stocks.

I mean our state landed 6,500 last year recreationally. That's a pittance compared to what we used to land so it's a little like fiddling while Rome is burning. In other words we're sort of ignoring the bigger picture issue by spending what I feel is an inordinate amount of time on this particular problem. Thank you.

CHAIRMAN DANIEL: Thank you, Roy. We've got a motion to amend and a motion to approve with some additions. I've heard you loud and clear. So we've got two options. We can vote on this motion or we can table it. We can flesh out all the discussions that we've had around the table today and bring it back at our August meeting. A.C.

MR. CARPENTER: **I'll move to table the motion, both of the motions until such time as the staff has had time to flesh this out and we bring it back at our August meeting.**

MR. WILLIAM A. ADLER: Second.

CHAIRMAN DANIEL: Motion and a second to table. Motion to postpone, sorry. I get in trouble with that tabling thing every time. No discussion? All in favor signify by saying aye; opposed, same sign. Okay, boy we went in a big circle. Jim, tell us something.

#### STOCK ASSESSMENT DISCUSSION

MR. UPHOFF: If I could get the slides, please. I forgot what I was going to say now that you guys did all that. If you give me a second. You were staring at the slide for some inordinate amount of time anyway so it's not like it's perhaps a huge surprise to you.

At the last board meeting I gave you the results from the assessment so far. One of the things that we had some discomfort with, both from the board and the technical committee, is that we hadn't really had a face-to-face meeting about the stock assessment results.

And so early last month or in the middle of last month, the 13<sup>th</sup> and 14<sup>th</sup>, we had this meeting to go over the results of the assessment and reviewed everything pretty much in detail and you had charged us with answering four questions and so we did the best we could to try and put some answers together for you.

And this is going to be pretty -- I don't think I'm going to take too long on this because I'm sure you're still going to have plenty of questions. It's kind of a reiteration for the most part of what I presented at the last time with a little bit of additional, some additional information.

And of course the primary question that seems to have been asked several times is what is the cause of the decline in weakfish abundance. And essentially the short answer is on the slide here.

It's the rising total mortality driven largely by natural mortality. That would be the conclusion that the technical committee arrived at after reviewing the information from the previous meeting.

And it wasn't that we didn't abandon looking for information from the fishery that would indicate overfishing. We reviewed the information, some catch per effort statistics and so on in addition to the modeling that we do for assessment purposes and basically remain convinced that F was not rising.

The only support for a rise in F is the standard convention that total mortality equals or that fishing mortality equals total mortality minus a constant natural mortality.

Essentially if we interpreted the changes in total mortality with a constant natural mortality then we're going to conclude that fishing mortality is rising. And there was no one basically that supports that viewpoint and so a very strong conclusion that rising natural mortality is causing the decline in weakfish abundance.

The basic information that we reviewed at the time that we feel very comfortable with is the total mortality estimates -- and this is all in biomass

currency — from the ADAPT VPA up through 2000 and that is the green line.

We are not using the results past 2000 because of the retrospective bias. We have done that in the past, used all the results, and it has caused us much heartache and grief and we're just simply not going to support it.

We have estimates of fishing mortality and biomass that are based on relative exploitation or relative fishing mortality being rescaled into basically the VPA units. So they're fairly compatible for comparison purposes.

What we have is essentially the yellow line which is fishing mortality has been fairly stable through the mid '90s and began a slight rise about a little after 2000. We have total mortality that has been steadily rising since 1995 through 2000. And we have biomass that peaked somewhere around 1998 or 1999 and then began a very sharp decline.

And with the modest rise in F and a very sharp decline in biomass over the most recent years we're basically inferring a continued rise in natural mortality and high natural mortality. Next slide.

Other supporting information or the catch curves that we've derived from the catch at age matrix, they would indicate — the year classes now are on the X axis and the total mortality is on the Y axis and essentially they have begun to rise for the year classes from the 1992 year class through 1997.

And 1993 is not represented. It was difficult to make estimates for that particular year class. So that, again, is supporting evidence that total mortality is rising. Next slide. I have worked somewhat on an exploratory model for looking at the food web effects on weakfish and using striped bass biomass as an index.

I want to emphasize this is exploratory. The technical committee has seen the results but it's not something right now that's in the arsenal of information; but we have included it in the presentation just as an indication or a support for the concept that natural mortality has continued to rise. That's the red line there for the last three years that would be some estimates that were made from this.

In terms of reversing the decline, one of the things that we want to emphasize is that we are managing total mortality. You know, it's the equation. It's kind of simple. It's the total mortality equals the

natural mortality and the fishing mortality.

But in this case both of them are changing not just fishing mortality. So you have an extra analytical problem built into making any kind of projections of what is going to happen as you have to anticipate what natural mortality is going to do.

And one of the trends in this information, both in terms of the VPA which again is based on a technical committee consensus running through 2000 is that fishing mortality is a decreasing fraction of the total mortality.

It's down to, by 2000 in this estimate it's down to about 20 percent of the total mortality. The exploratory model indicates that by 2003 it's about 20 percent so essentially the trend is there that fishing mortality is not all of the problem.

Again a little bit about what to do or what not to do, what are the implications of action or not implications of action, the question we have to ask is first of all what about the Amendment 4 triggers.

Again, these biological reference points assumed basically an equilibrium situation, particularly with the constant M, and that we believe is obviously wrong. The M is high and it has been changing.

And the Amendment 4 biological reference points have been heavily influenced by the output of the previous assessment and now contains different tuning indices. The F currency has gone from numbers to biomass and from Ages 4 and 5 to Ages 1 through 5 and also the previous, essentially the estimates of all these parameters from the previous assessment were just biased. That is our conclusion.

So, in that case the F targets and limits in the plan are not likely to be appropriate for judging the status of the fishery. But one biological reference point that we may be able to salvage to judge stock status is using stock biomass as a substitute for the spawning stock biomass.

The biomass estimate that we now have from the assessment that we've done is for Age 1-plus weakfish. And only a very small percentage of that biomass is immature so there is not a very large bias built into using that as a proxy for the spawning stock.

And in that case you can use the 20 percent of the unfished biomass as a proxy for the SSB limit that is now in Amendment 4. And we can use an external

production model to estimate the unfished biomass.

And if you do that essentially what has happened is in a period from 1999 to 2004 the biomass has tumbled below what could be a proxy trigger. In 2002 we were at 20 percent of the unfished biomass and in 2003 we're at about 10 percent of the unfished biomass.

Management actions, we had quite a bit of debate about this but to shorten it up you can cut F to reduce the total mortality. But what happens next is going to be tricky depending on what the natural mortality does.

And the technical committee, essentially we talked about this, argued, discussed. We had a full range of positions from taking no action to a moratorium. The no action would say be justified by the proponents because you know fishing mortality is not the majority of the problem.

The moratorium was justified by its proponents because it's the maximum that you can do. The consensus was to reduce fishing mortality by half. It was somewhat of a reluctant consensus but it was a consensus.

There is some concern or ambiguity because of what reference period you might want to use to determine the cuts. The existing reference period that is in Amendment 4 which is based on 1990 to 1992 fishery, well for the commercial fishery, and I think it's '81 to '85 for the recreational -- or do you want to use something that's more current and more reflective of the situation since the stock has been declining even with regulations in place?

And essentially our ability to rebuild in the six-year timeframe that is in Amendment 4 by managing the weakfish fishery alone, I don't think anybody was comfortable with saying whether that could be done or not. And I'll take questions.

CHAIRMAN DANIEL: I've got Jack.

MR. TRAVELSTEAD: Could you go back to your -- I think you had a graph that showed the fishing mortality rates over time. Any one of them that shows what the Fs were during the reference period. The reference periods were '90 to '92.

MR. UPHOFF: It's '90 to '92 for all the states except for Delaware and New Jersey. Delaware has an '89 to '90 or '91 reference period because they -- and New Jersey has an earlier one as

well because they had already instituted regulations at that time. So the reference period was to reflect an unregulated fishery so that you could judge what kind of cuts in fishing mortality you needed.

MR. TRAVELSTEAD: Okay, well, my question is if you look at the yellow line which is F during the reference period it looks like the Fs are up around .8. So are you suggesting, I mean if you cut that in half you're at .4 which is about where we are now.

MR. UPHOFF: I'm sorry. It's not clear. What we would use is the reduction in F schedule. I knew this was going to get me in trouble. The reduction in F schedule is set up on this reference period and was essentially a schedule for instituting a step series of reductions in fishing mortality in Amendment 3 and it is carried over to Amendment 4.

It's not that it is going to cut F from -- it's not that you're cutting F from .8 to .4. It's just a mechanism for setting up regulations that based on that reference period will cut F in half. And actually it's a little more complicated than that but at this point --

MR. TRAVELSTEAD: So what is F now and where do we need to take it?

MR. UPHOFF: It's about .4 so we would need to take it to about .2

CHAIRMAN DANIEL: Mark.

MR. MARK GIBSON: Thank you, Mr. Chairman. It's becoming quite popular to invoke changing natural mortality rates for stock problems. My question is, is there direct evidence that natural mortality rate has increased?

And the reason for asking that is it's one thing to estimate rising total mortality rates and lacking compelling evidence of increases in fishing effort which would translate to fishing mortality then introduce changing natural mortality rates to reconcile your population dynamics.

That's entirely different, though, of having for example long-term tagging studies with estimation of long-term reporting rates which would allow you to disentangle the two and get a direct estimation of an increase in natural mortality. And I'm pretty sure you don't have that and I'm wondering what the basis is for you know the direct evidence for a change in natural mortality rates, particularly an increase.

MR. UPHOFF: You're right. We don't have the direct evidence. What we have is an accumulating pile of circumstantial evidence, a series that we have been kind of taking a direction in looking at trends in forage and in predators and so on but at this point I don't think the technical committee would want to conclude that it's just one, you know one factor.

But we have taken a look at striped bass, Atlantic croaker, summer flounder, spot, Atlantic menhaden and bay anchovy and we have at least some series for some of these species correlations that are suggestive of rising natural mortality or support the concept of some kind of food web dysfunction. But we haven't looked at everything.

And I think the technical committee has been pretty clear that there could be other things going on but these are the things that we've looked at. But there is no direct evidence from tagging or anything else. And unless Des is aware of something that I'm -- I think I saw his hand up but I'm not sure whether.

MR. KAHN: It's a good question, Mark. The way we arrived at our conclusion is we have analytical evidence that total mortality rate has increased significantly. We have analysis that indicates fishing mortality rate has not increased significantly.

And because total mortality is composed of natural and fishing mortality if you subtract the fishing mortality from the total mortality you're left with the conclusion that the increase must be due to natural mortality. That's the logic of it.

MR. GIBSON: And, again, that presumes that you've estimated directly fishing mortality which, you know, it's a loop. It's a circle.

MR. KAHN: It's not a circle. I don't see it that way, anyway, because we have a method for estimating fishing mortality which does not depend on some assumption of what natural mortality is.

When you use a VPA there is a built-in estimate of natural mortality. We're not doing that. We estimated fishing mortality by an independent method that does not make assumptions about what natural mortality or even total mortality is.

CHAIRMAN DANIEL: Tom.

MR. FOTE: When I look at this it reminds me of bluefish a couple of years ago. We put a

management plan in place and all of a sudden the stocks of bluefish went all the way down. And basically the question I asked then because there was a decision that we were going to go to a two-fish bag limit on bluefish and almost eliminate the commercial fishery and the simple question I asked is, if we shut the fishery down completely would it make any difference in rebuilding the stock.

And we went around and around on that question for a long time and nobody could answer the question. As a matter of fact they said probably not. And that's why I want to make sure where I am.

If I'm going to cut mortality in half is it really going to make a difference or is it going to correct the problem that's out there right now? Or is it a naturally occurring occurrence that basically is beyond basically managing fishermen?

I mean and we decided on bluefish not to go that way. Yes, we haven't rebuilt the stocks. The stock, we're now transferring quota of unused quota over to the commercial fishery every year in the neighborhood of 6 million pounds and trying to do that.

And if we had gone the way back then we would have been at a two-fish bag limit in the commercial fishery, about 3 million pounds. So, I want to make sure when we're going through this pain and effort that I can see that there is going to be a result from doing that if we're not sure exactly what's happening.

Because I'm looking at we're down to .4 and we started all the way up there on a high mortality rate and we've actually dropped that all the way down and we're just not seeing the results. Because I thought we were on the way to recovery and I can't see why it's going the other way otherwise something else is going on. That's what I'm trying to figure out.

CHAIRMAN DANIEL: A.C.

MR. CARPENTER: Is there any speculation on the part of any of the committee members as to why natural mortality would begin to change so dramatically in the last four or five years?

MR. UPHOFF: That's a loaded question. Any member speculating, and that's probably me. I see some quite strong -- well, I'm not the only one. There is at least some sentiment, I wouldn't say it's something that the majority of the committee is comfortable with but are listening to is basically the term that Vic Crecco has coined, food web or trophic

dysfunction.

We have declining trends, as I showed you in the previous assessment in February a declining trend in many of the principle forage species in the South Atlantic and also quite a substantial rise in striped bass biomass.

And there appears to be a long-term correlation, negative correlation, of striped bass and weakfish suggested in 50 years of landings data and supported by even, you know kind of at least by inference from some of the earlier years where these species have an awful lot in common in terms of their diet and habitat occurrence and so on that they would probably be very much competitive with the striped bass, apparently having quite an advantage because in the diet studies — I'll wrap it up — the diet studies weakfish do show up commonly in striped bass diet studies but striped bass don't show up commonly in the few weakfish studies that have been done.

MR. CARPENTER: One more question, is there any young of the year index or any kind of possible recruitment failure that's going on that we can document?

MR. UPHOFF: There are multiple Age 0 indices and they set off quite a confusing signal, although when we had the technical committee meeting one of the things that we kind of pointed out was that the recruitment indices in the Chesapeake Bay region seemed to be falling off where they weren't necessarily in other places.

That said, if you just simply average them all together because it's quite difficult to really know what the real signal is they're at about an average level. However, the recruitment estimates from the VPA that we get indicate that recruitment has been declining.

In this case that would be Age 1 fish versus the trend in Age 0 fish. So it would suggest, you know to speculate, that the Age 0 recruitment has been adequate but something is eating, basically that recruitment is disappearing within the next year. That would be a suggestion from these data but not necessarily a conclusion.

CHAIRMAN DANIEL: Jack.

MR. TRAVELSTEAD: Jim, will the multi-species VPA that is due out at the end of this year shed any light on this issue at all?

MR. UPHOFF: It depends on how it's configured. My reading on the multi-species VPA is that all the affect goes from the predators in the fishery to the prey fish. There is not feedback to the predators.

Depending on how the estimate of weakfish biomass is configured in the model, the last version of it that I saw basically had it set up to reproduce the results of the VPA that we used in the past which we now think is highly inaccurate.

So if these things aren't totally resolved it depends on how good the inputs are but that multi-species VPA is primarily built on addressing the predatory pressure on the prey fish and not the feedback which is poorly understood of prey on predators.

One of the interesting things, I went through an exercise hoping to find out what kind of weight loss might indicate starvation in fish and you can't find anything directly that indicates that so it's kind of an "it depends" answer.

CHAIRMAN DANIEL: Des.

MR. KAHN: I wanted to respond to the recruitment question. One of the main sources of information about recruitment commonly in stock assessments is, as Jim mentioned, VPA estimates. and our current, the most recent VPA estimates are showing a declining recruitment of Age 1s, as Jim mentioned.

However, we do know that VPAs, you know we input the natural mortality estimate and the VPA uses that to calculate stock sizes. And we know that if a VPA has an under, a low estimate of natural mortality, in other words, it's underestimated, then it will underestimate the stock sizes.

So, the current estimates of recruitment which are declining may be an artifact of the fact that we have been using this constant natural mortality in the VPA so it would cause it to underestimate if natural mortality has in fact increased as we believe.

And I want to do some work with inputting an increasing natural mortality. I believe that will dramatically change these low recruitment estimates that we're currently getting. So, the current VPA estimates are very suspect.

CHAIRMAN DANIEL: David Pierce.

DR. PIERCE: Yes, I'd like to move this

along a bit, Mr. Chairman, specifically the technical committee's recommendation for action. And I see here that there is a consensus recommendation to reduce effort by half and frankly I'm a little uncomfortable with that because it sounds like the technical committee essentially threw up its hands and said, "Sounds good, let's go with a split down the middle" because some members apparently said nothing should be done, it's all natural mortality, we're not going to rebuild because of that natural mortality and other members said, let's have a moratorium.

So that's a pretty wide range of view. And I'm concluding that after some frustrated discussion by the technical committee that obviously worked very hard on this the consensus was, okay, cut it by 50 percent.

And then do that, we hear, by a number of measures, measures including on the last page peak spawning closures, a bycatch only fishery, a total allowable catch, lower creel limits, and higher size limits and closures synchronized with migration.

Now, my question is, is the technical committee in a position to provide the board with some advice as to which management measures from this list that you've provided us, which management measures would provide us with a 50 percent reduction in fishing mortality?

That's the recommendation, cut it by 50 percent, so now we need more information from the technical committee as to how we're going to achieve that with the list of suggestions they've given us. So the question is can that advice be provided?

MR. UPHOFF: That list was somewhat of a list of tactics to consider if you want the 50 percent reduction in F. Again there is a reduction in F formula in the Amendment 4 that would suffice to make the additional cuts.

I wouldn't say specifically we could tell you -- there wasn't really any way we were going to tell you at the moment if you cut October out of the migration fishery or something like that that's going to achieve it. Those were some suggested tactics but not something that was quantified.

DR. PIERCE: Okay, thank you. So I assume, Mr. Chairman, that our charge now is to react to the recommendations from the technical committee and to determine whether we believe that it's necessary to move forward with a change to the

management plan that would create a 50 percent reduction in fishing mortality. That would seem to be the next step. Would you agree, Mr. Chairman?

CHAIRMAN DANIEL: Yes.

DR. PIERCE: Okay, with that said then I would move on behalf of the board that we amend the weakfish plan to reduce fishing mortality by 50 percent consistent with the consensus recommendation of the technical committee.

CHAIRMAN DANIEL: Motion by Dr. Pierce. Is that a second, Mark?

MR. GIBSON: Yes.

CHAIRMAN DANIEL: Second by Mark Gibson. Discussion on the motion.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, with your permission, I think we understand the intent if you'd give us the flexibility to maybe wordsmith this a little bit, just for a second.

MR. GIBSON: No, once we've gotten to this point we can bypass questions about the technical elements of the assessment.

CHAIRMAN DANIEL: We've got a second from Mr. Gibson. I've got Pete and then Jack.

MR. JENSEN: Well, everything I'm hearing from the technical committee tells me that you don't have much confidence in either the numbers or the recommendation and so I'm uncomfortable with that.

I mean there is always uncertainty in data but this seems to be a whole lot less certain and you all seem to be saying you're not very comfortable or confident that these numbers are the right numbers. Can you articulate your --

MR. UPHOFF: We are in a pretty novel position in an assessment where we've essentially had to conclude that natural mortality is driving the show. We're not particularly uncomfortable with the, you know, general conclusions. What I think we are uncomfortable with is having to make projections at this point that this is going to lead to recovery.

One of the things that kind of triggered us having to say at least some kind of a management program was necessary was essentially if we've fallen below the

SSB trigger in the plan it requires a weakfish management program to rebuild the stock to 30 percent of an unfished stock in six years or less.

That's fairly specific. And in a situation where if you were overfishing you might have some confidence in your projections to do so. For us to make projections we have to project not only what the fishing rates are going to be or how that's going to react but also the natural mortality rates.

That's where the discomfort is. It's not so much in the conclusions about the generalities of the problem, it's the specifics of the solution. And I don't think we were quite prepared to go to a meeting where we were going to discuss the stock assessment and also make management recommendations in a day and a half.

But we did that kind of under the guidelines as best we could under Amendment 4. But, yes, the range that was commented on earlier, the range of discussion certainly frames the uncertainty that we're facing in terms of what to do.

MR. JENSEN: Well I guess, Mr. Chairman, and that's a problem. I think it was an assumption that when we set that trigger that we would have a rebuilding program based on overfishing because that's what we do.

And so now we're put in a position where the technical committee feels bound to make these recommendations for a reason other than overfishing. And that's a dilemma. I don't know how we're going to handle it but I think we're in new ground here.

MR. TRAVELSTEAD: Maybe surprisingly I don't object to the motion that much. I do think it's a little bit too specific, David, with the 50 percent figure in there. I mean we have a serious problem here.

We don't exactly know what the cause of it is but I think we're to the point where we need to be talking to the public about this and get a document out there that describes what we do know and how we might fix it.

And so I support a motion that initiates the preparation of an addendum but I would not want it to be limited to a document that simply proposes to reduce fishing mortality by 50 percent. Perhaps it could offer a variety of options for the public's consideration and make some projections how those options or how the population responds over time to

those various options.

I would also suggest that it include the list of options that the technical committee has offered up in that last paragraph just to get the public's comment on how we might solve the problem.

CHAIRMAN DANIEL: David Pierce.

DR. PIERCE: Yes, if this motion was to pass then clearly the technical committee would have to provide us with some advice as to what combinations, what options, would enable us to rebuild the stock to get mortality, to rebuild the stock, to change the stock structure to get us away from where we are right now which is indicated in the report, "Weakfish biomass Age 1-plus fell to 20 percent of an unfished stock in 2003."

So that's information that of course is quite disconcerting. And what is not really focused on in this document I don't think but certainly was mentioned loudly and clearly at our last meeting is the stock structure, that we no longer have the range of year classes that we thought we were going to have at this point in time in our history for managing weakfish.

That was an alarming revelation for me personally when I heard that at the last meeting. We thought we were going in the right direction and now we're going in the wrong direction. So, 50 percent, frankly, I was more inclined to go with a larger cut in fishing mortality, more so than 50 percent but at the same time I'm sensitive to the issues, the concerns of the states where most of the weakfish are being landed such as in Virginia and the other more southern Mid-Atlantic states.

So, at least as I think a reasonable beginning, a beginning that would enable us to get something out of the technical committee as to what sorts of measures would be needed 50 percent would seem to be a good starting point.

CHAIRMAN DANIEL: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. It would seem to me this may be a good start; however, according to Amendment 4 there was no question we had to start a rebuilding schedule.

One of the things we've haven't heard yet from the technical committee -- again it has been asked by Jack and I think Dr. Pierce and it has been mentioned by others -- what specifically or what areas in

specific location, geographic location, could possibly be considered as either spawning areas or wintering areas that might be considered in conjunction with a reduction of 50 percent?

It seems to me that we can put a cafeteria list out to the public and they're going to ask the hard questions: Where? What else could you do? So I guess my question to the technical committee would be specifically what percent do you think we could attain in terms of mortality reduction or I should say stock protection in those areas that are typically wintering and spawning.

And if you can identify those and come up with a percentage, that might change our first cut at taking a 50 percent on a stock that we're not overfishing by recreational and it's not being overfished by commercial. So, I'm not sure how you want to address it or answer it but I want to get that on the table. I think we've got to look at a combination.

I do think we have to look at a basic structure after you come up with a percentage to us, to the board, saying, look, if we closed off certain areas we could probably identify 30 percent and that would be of the 50 percent, or maybe 70 percent we really have to have cumulatively between what we reduce and what you recommend.

But it just seems to me to go out and say, hey, public, we were doing good last year and the year before and now we're in the hole, and we think we're going to give you a 50 percent cut but that's the way it is. So, can you give us an idea as to what areas in specific, bays, whatever, that might be identified as possible areas for closure for either a spawning period or a wintering period?

MR. UPHOFF: Actually, I think Amendment 4 they have a fairly extensive habitat section and I think that in general the spawning areas are known. Now down to the specifics, actually I think North Carolina had done some work where they actually used acoustics to identify spawning aggregations of different drum species including weakfish.

They may have more detailed information but I think the general spawning areas are fairly well known. And then as far as the wintering aggregations, of course a lot of that was covered by the closure there off south of Hatteras and so on, so to an extent we know this.

And the reduction in F formula that is in Amendment

4 to a degree already covers some of this although you could make it more specific to cutting things say during the spawning season you know in spawning areas to achieve the reduction.

That may be your top priority as a tactic versus say reducing fishing mortality on the fish when they're migrating. But I will remind you, though, that dead fish are dead fish. And you know if you save them one place they may show up someplace else. Of course in this case they may get eaten by something else or die from something else as well.

But I mean if that's the direction you give us we can tailor what we're trying to do to emphasize protecting spawning aggregations or migrating aggregations. To a degree that's kind of what the catches reflect anyway.

MR. AUGUSTINE: Just a follow up, Mr. Chairman. I would hope that some of the other board members would feel similarly, that they would like to see this as a recommendation from you. In my mind the technical committee should offer us not only a suite of options but in their best interest, I'm sorry, in their best technical format be able to tell us that this will do it, this will at least do it, better than where we are right now.

Where we are right now we're going to play around and say we're going to cut it 50 percent. The public is going to say, oh, that's wonderful and where is the rest going to come from. Thank you for that information.

CHAIRMAN DANIEL: Well, I guess one thing that we need to have some discussion on is the technical committee's report and the discussion in there that a significant reduction in F could accelerate the long-term recovery if M falls but the prospects for short-term recovery appear dim and the requirements in Amendment 4 say we need to recover back the 20 percent in six years and so that appears to be a difficult issue.

I think the other point that kind of fits with what you said, Pat, was the reduction in F, the 50 percent is based I guess as David indicated on a compromise between a moratorium and do nothing. And if that's the case then that's the answer.

But then what do you reduce 50 percent of what? Is it the base period which we've already been reduced by 90-plus percent? Is it 2000? Is it '04? Is it F as Jack brought out? Is it do we reduce from .4 to .2? So, those are the types of questions I think that need



to be fleshed out. And I think that's consistent with what you were saying, Pat.

MR. AUGUSTINE: Yes, exactly. I think the technical committee has to come forward with some of those answers for clarification.

CHAIRMAN DANIEL: Thank you. Mark Gibson.

MR. GIBSON: Thank you. I started to go down the road of asking some technical details about the assessment and fortunately Dave Pierce pulled us out of that but I still am skeptical that natural mortality rate has risen as much as has been indicated by the technical committee but that's really irrelevant.

Even if it has risen the appropriate response is to reduce fishing mortality because when a stock's natural mortality is increased it's sustainable fishing rates are reduced and it's SSB requirement is higher.

You need more eggs in the water not less than you thought because there are more wickets for the juvenile fish to get through in order to produce their recruitment level. So I support this motion to reduce fishing mortality rate by 50 percent.

It should be across the range of the stock, that is all fisheries that generate fishing mortality should be reduced, you know commensurate with this recommendation. And it should be over, the basis should be recent years of fishing mortality which seem to be inappropriate for this stock now. Thanks.

CHAIRMAN DANIEL: Des.

MR. KAHN: Thank you. I want to point out about some of the questions about how we recommend. Actually in the Amendment 4 there is an appendix, Appendix I. It's on Page 73. It's titled, "Evaluation Manual." And it was written by Rob O'Reilly.

We used this in '96 with Amendment 3 and I think even earlier. It is a methodology for reducing fishing mortality. It's a plan that we have already used. Now, in Amendment 3 the target was a 32 percent reduction in fishing mortality. And we used things such as seasonal closures.

North Carolina used an area closure commercially and then we used bag and size limits recreationally. Now, the actual suggestion that we agreed to was to go from a targeted 32 percent reduction to a targeted

full 50 percent reduction which would be an additional 18 percent targeted reduction.

If you look at that 18 percent as a proportion of the original 32, it's actually a 56 percent increased reduction in F. But the motion we agreed to was to go from the current 32 percent targeted reduction to a full 50 percent target.

We have some methods for doing that. There may be other things needed but we have a very good approach that we will certainly use as a starting basis. Thank you.

CHAIRMAN DANIEL: Gordon.

MR. COLVIN: Thank you. First of all I want to indicate that I very much agree with the comments Mark Gibson made, all of them. And without repeating them let me just amplify a little bit on a couple of points.

One is that if we are to go forward with a proposed action we do need to be very forthright about the question of the uncertainty associated with whether our proposed action will achieve the plan's target for stock rebuilding, at the same time very affirmatively and unapologetically point out what Mark did.

When the biomass falls and we're in trouble we have to fish at an appropriate level without necessarily guaranteeing that we'll recover the stock within a specified period of time but recognizing that with a smaller stock level we're going to have to remove less.

There is nothing we can do about that. That's the way it is. And that's not new territory, by the way. We were in it yesterday afternoon in Long Island Sound. And we were in it, as Tom pointed out, not too long ago with bluefish.

We're in it all the time these days so I think you know that is just -- and we'll be in it tomorrow morning at 8:00. (Laughter) Unfortunately this is the order of the day, not unfamiliar territory.

The other thing I'd like to point out is that when we go out to the public and we lay this story out they're going to have a lot of questions about this issue of the hypothesis of rising natural mortality, as do I, most of which weren't addressed today but we'll get there -- not today.

And I think we're going to have to be, lay this out in a very clear, complete and authoritative way because

if I'm a member of the public and I'm told that this resource is in trouble because of something killing them other than me I'm going to want to know what is killing them.

I want our best thinking on that in detail because I want to know whether there is something we can do as stakeholders to address that, anything. Are power plants killing them? Is polluted water killing them? And they're going to ask those questions and we'd better be ready to answer them so I'm going to insist that we take a very hard look at this.

And at the same time I think we also have to be as complete and clear in laying out our story and our explanation about why we think natural mortality is responsible. Why are we so confident that we know what fishing mortality is? I didn't hear that today but believe me before we're all done with this I will hear it.

And I think there are some other questions about how confident we are in our historic estimates of biomass and some other things that all play into this and feed into it because this story has to get told clearly and at the end of the day we shouldn't leave any questions on the table, not for ourselves and not for the constituents because we're asking them to accept something that they're going to be reluctant to accept, a cut in fishing mortality while we're telling them they're not responsible for what happened. We've got to do this right. Thank you.

CHAIRMAN DANIEL: Thank you, Gordon. Let me see if I can -- to that point, I think you're absolutely right in terms of explaining this to the public. And I just bring up a point that I recognize in this slide that I think our technical committee is going to need to be able to explain, if you look at the F levels, the yellow line, in 1996 we implemented Amendment 3.

The F was .3. We implemented Amendment 3 with the assumption that F was 1.89. This says it was .3. All right? We implemented Amendment 3 and it had no impact. F stayed the same. That's going to need to be explained. I've got Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. Gordon covered most of what I was going to try to say here and that is a complete explanation of the situation here. And I think Gordon said it very well so that's enough. Thank you.

CHAIRMAN DANIEL: Tom Fote.

MR. FOTE: It was a lot easier in the '90s to go out to the public with this because we had a bunch of options and a bunch of problems that were causing it. It was the shrimp fishery in South Carolina.

That's why South Carolina and Florida and Georgia are sitting here at the weakfish, because we said 50 percent were being killed in the shrimp fishery. We were also still fishing on 6-inch and 8-inch weakfish in a big dragger fishery and bringing them in to use for cat food and basically as a pan fish fishery.

We eliminated all that. That was part of the reduction we took back then. We eliminated the pan fish fishery. I don't think any of those states have stopped using fish excluding devices so they're still in place that were put in that were supposed to take care of a lot of the background mortality that was going on in that period of time.

So we did all those steps and we raised it on to where these fish now spawn once or twice on most of the size limits. New Jersey is 13 inches. I think they spawn now, what, 11 inches or something to that effect.

So we basically have done those steps. And that's where my concern is. And Gordon is right. We're going to have to spell out the reasons why after we took all that, after we got rid of the background mortality that we blamed on the shrimp fishery, after we did away with the pan fish fishery that was supposed to take care of most of the problem -- because I remember back then they were basically the whole problem and if we just eliminated the bycatch on shrimp we were going to bring back the weakfish.

If somebody sitting around this table remembers that conversation, I do. And now we are here, you know, eleven years later discussing it and we can't figure out why it's collapsing. It's going to be tough to sell that to the public and I've got to have some good answers to go into it when I do that.

CHAIRMAN DANIEL: Jim.

MR. UPHOFF: Just to comment on the non-responsiveness of weakfish to management, and this is not necessarily a majority view. I've done a fair amount of analysis on this. And a lot of the dynamics of this species are not really related to exploitation would be kind of a carry-home message from a fair number of the analyses that I've done.

But there are periods where fishing rates were to high

and when that began to decline, not necessarily in response to the management process but they did begin to decline, you did have a building of biomass with low fishing mortality rates and relatively low natural mortality rates in the mid '90s to about 1999. But you're unable to sustain that now.

Without going into the large, nauseating detail I did because it's late in the day and so on in the previous assessment, again, I would point out that we are seriously considering a lot of food web affects and then there are other underlying things such as long-term climatic trends that really can drive marine populations of fish and we don't understand them very well.

That's usually something oceanographers play with and not fisheries biologists. But we can design fishing strategies that are fairly robust to these kinds of things at the same time. So, it's not lost on us that this species did not necessarily respond in step with management.

We've noted that and made that observation. We are not attributing everything that goes on with weakfish to changes in fishing regulations. It is much more complicated than that.

CHAIRMAN DANIEL: Jack.

MR. TRAVELSTEAD: Thank you, Mr. Chairman. I'd like to move to amend the motion by striking the words after "reduce" and adding the following language so it would read, motion to initiate an addendum to the Weakfish FMP to reduce current fishing mortality rates by a range of options accomplished through various management measures developed in consultation with the technical committee.

CHAIRMAN DANIEL: I have a motion by Mr. Travelstead; second by Mr. Carpenter. Discussion on the motion. Jaime.

DR. GEIGER: Jack, is it my understanding that those options can range from status quo to total moratorium?

MR. TRAVELSTEAD: Yes.

DR. GEIGER: Thank you, sir.

MR. TRAVELSTEAD: And the reason I offer it is simply that I don't think that we've allowed the technical committee to do full justice to this issue. I mean they reached some consensus in a two-day

meeting and I think they, you know, with further discussion they might be able to come up with other options. And I think the public deserves some opportunity to be able to comment on a full range of options including a total moratorium.

CHAIRMAN DANIEL: Further discussion on the motion to amend. Pete.

MR. JENSEN: Well, I just have a question about how this relates to the current trigger in the plan that would trigger a six-year rebuilding plan and so is that the context of this motion or are we now talking about any period of time?

CHAIRMAN DANIEL: Well, I think we're in --

MR. JENSEN: Because I think the point is that if you're targeting something to have occurred in six years then it gives you a different range of options of how to incrementally go at it as opposed to one flat cut in the mortality rates.

CHAIRMAN DANIEL: Well, the Amendment 4 requires us to rebuild back to the threshold of 20 percent.

MR. UPHOFF: Yes, you have to rebuild to 30 percent of the unfished biomass.

CHAIRMAN DANIEL: So we need to go from about 10 to 30 percent in that six-year period but the technical committee in their report to us indicate that the likelihood of that by just dealing with F is pretty remote.

So it goes back to I think something I think it was Gordon or Pat said that the idea around the table has been that you need to take reductions in fishing mortality because that's the only thing we have control over.

We take those cuts to the extent practicable and then measure our success as we move through that six-year rebuilding period. If we don't meet it I don't know what the ramifications are of that.

But I mean based on the technical committee's recommendation a moratorium would probably be the only thing that would -- and that wouldn't guarantee you a six-year rebuilding to 30 percent. Eric.

MR. SMITH: I had wanted to comment slightly differently before but I'm going to tie it in

with my view on the motion to amend. Notwithstanding what Jack said about everything is open I think it's better if we start an addendum process and get public comment if we have some kind of target so before we got to the public comment level you know I would think it's a little dangerous to take out 50 percent unless we know that it should be something else in there.

Now having said that on that motion I'm going to tie it to the other comment I had. And I want to agree with all the comments about the message being clear and needing to be clear and persuasive.

And I'm going to use an analogy to lobsters because obviously Connecticut is not a big player in the weakfish fishery. It would be kind of shallow for me to be sitting here really weighing in on weakfish so you guys can mark my words for a future debate on lobster three or four months from now when we get the assessment results in and depending on what the assessment tells us.

There are huge similarities in this whole issue on weakfish and the same issue on lobsters in southern New England and that's why I'm comfortable in saying this. I've had a huge number of public meetings with fishermen to deal with this very issue.

They know F isn't increasing but all of the indices are in terrible shape, declining and so forth. What I've told them is there are no guarantees. If M stays high whatever you do with fishing mortality rate could possibly have very limited or no success.

But I characterize it as you need to enhance the prospects for stock recovery. In other words, if you do it by reducing landings -- which is really what you have to do it's the only effective thing you can control -- you're trying to improve your chances that the stock will recover and you can't guarantee to them that it will.

And if we convey that message which I've been conveying on lobsters and I'll be in better shape to do it once the assessment is in, and if we do it with this species, with the Connecticut fishermen it has resonated. I don't know if everybody accepts the message the same way, different species and so forth.

But those kind of signals I think reasonable people even in the fisheries can't argue with that kind of logic so my hope with the motion is that by the time we get to public comment we have a target in it and by the time we get to public comment we have a message that -- it's like we heard this morning in the

workshop, you know, be transparent, be honest with people. Tell them you can't guarantee this but tell them this is what you have to do to enhance your chances for recovery. Thanks.

CHAIRMAN DANIEL: Thank you, Eric. It would seem to me that we then need to get the technical committee to go back and review some of these things as Jack suggested. I think it would be very helpful and I think we have to have some rebuilding projections.

What would the recovery look like in six years with a moratorium, with a 50 percent reduction in F, those types of things. Because we're going to have to be able to throw up on the screen what we project the impact of these measures to be.

And if we just simply state that, well, we really don't know what is going to happen because of this theory on moving M then I'm not sure we're going to get a whole lot of buy-in. But I think if we can have some rebuilding projections that sort of encompass the range of alternatives from status quo, maybe 25-50-75 percent and a full moratorium, then that kind of gives us a feel for where we're going to go.

And if we can't get there then also in that addendum we're going to need to come up with some way to alter the requirements in the amendment that say we have to rebuild to 30 percent in six years if it's not possible even with a moratorium. I think that's kind of the direction we're going.

One other comment/question, I guess, would be and this might be directed towards Vince but we had some discussion around the table earlier when we discussed the sampling requirements and the fear -- and I think Roy brought this up -- of going out with the data collection mechanisms when the question is going to be, well, what about weakfish, what about the status of the stock.

You're talking about data collection; we're worried about a potentially collapsing stock. Do we want to combine all this stuff together, the data collection and the rebuilding stuff or do we want to keep it separate? So I guess that's -- Vince.

MR. ROBERT E. BEAL: I'll take a shot at it. I think one of the easiest ways to not slow down the process and get both of these issues out in front of the public is probably draft one document that deals with both the issues, the biological sampling and the fishing mortality rate.

But within that document you know upfront in the statement or the purpose of the document you note that at a later date the board may separate this draft addendum into two separate documents.

In other words, if the biological sampling approach or the biological sampling issue is easier to deal with and the board wants to wrap that one up and call that Addendum I and then take a little bit longer time and flesh out some of the issues or options they can do that. Or if both issues seem to work well on the same timeline the board has that option, too. That may be one way to handle it.

CHAIRMAN DANIEL: That seems like a reasonable way to handle it. Are there any other opinions on how to handle it? I think that's a reasonable approach. Thank you. Bruce.

MR. FREEMAN: I had a concern going back to the original statements. If the existing fishing mortality only accounts for 10 percent of the total mortality and we reduce that again by half the question I would have, is there any hope even with a complete moratorium of a recovery if fishing mortality indeed is as low as it is projected to be? And if so we need to tell the public.

CHAIRMAN DANIEL: And I guess that's the point I was trying to get at with if we have rebuilding projections and let's say we get a rebuilding projection back with a complete moratorium and with the current Ms we can't recover within the six-year timeframe, then we're going to have to look at changing that six-year timeframe requirement.

I mean that's the only alternative that I see that's available to us under that circumstance. And then I hope that we'll have some flexibility you know to take into consideration the impacts that this is going to have and recognize the potential problems with discards and that type of thing in some of these larger fisheries with closed seasons on weakfish.

But I certainly see you know these rebuilding projections as, to me, the rebuilding projections is the first step in this whole thing. And until we see those I think it's a little bit premature to kind of postulate past that.

MR. FREEMAN: Well, I think one of the basic questions, however, would be if we had a moratorium and we believe the fishing mortality to be where it is would that result in a recovery, period? I mean it may not. I mean I don't know what the

conclusion would be from that but certainly we need to go through that exercise.

I think the other issue, Louis, as indicated by you and others, Des and Jim, is that we are seeing, at least in our area we're seeing normal recruitment in young of year -- we just don't see it come back as one year or two year old fish for some reason -- which is encouraging, indicating that the present biomass at least seems to be producing sufficient recruitment.

We're just not seeing that recruitment survive. And it perhaps ties in with the issue that Mark has made. Obviously if it continues going down there is going to be some critical mass where you're not going to get that recruitment.

And the issue now is there still may be hope. If we can understand or we can control where that mortality is on the young of year fish we possibly could see a rapid revival of the resource. But I think those issues need to be spelled out in this document and we need to go to the public and be as forthright as we can.

CHAIRMAN DANIEL: A.C.

MR. CARPENTER: Mr. Chairman, I think we've talked quite a bit about this and I think we all understand that this is something that's going to take longer than this afternoon and for that reasons I'd like to go ahead and call the motion.

CHAIRMAN DANIEL: The question has been called on the motion.

MR. FRED FRILLICI: Second.

CHAIRMAN DANIEL: Seconded. All those in favor of the motion to amend signify by saying aye; all those opposed. The amended motion becomes the main motion and so we will -- Pete.

MR. JENSEN: Yes, one question. This is a detail but is our target for implementation the 2006 fishing year? Is that generally understood that that's what we're aiming for?

CHAIRMAN DANIEL: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Actually I was thinking really another way and that would be the direction you're giving here is for the staff to come back with an addendum in August.

I think it's great if you guys want sort of a sense be that you're shooting to do something quickly and move by the 2006 but I think the first question is let's see what we bring back to you in August, especially as I read this and the conversation is you want us to blend in the sampling issue as well and sort of combine those two which may be a pretty substantial piece.

And the other part is we're going to be heavily dependent upon support from the technical committee to consult on this and develop that addendum. I'm not sure if that's a direct answer to your question.

MR. JENSEN: Well, it is because I think usually in order for states to get regulations in place things have got to be finished fairly frequently in this year or fairly soon in this year and so 2006 would be a very aggressive schedule and I just wanted to get that clear.

EXECUTIVE DIRECTOR O'SHEA: And a follow up, Mr. Chairman. And, again, I would hope that the states that have folks on the technical committee will be prepared to allow those guys the time to help us develop this addendum. Thank you.

MR. UPHOFF: And to that I'd like to I guess ask then how many meetings are you willing to support because you're asking us to build some vehicle for making projections, solving sampling programs and so on and these are not inconsequential items that you're asking from us.

And in the past you know we have a meeting once a year, maybe something like that. Obviously it has stepped up as the problem has stepped up but this is something that I think is going to be fairly intensive. And whatever you're budgeting for meetings for weakfish make sure that you can between now and August -- gosh, it's already May. What do you think, Des, two? Three?

MR. KAHN: I don't know. I know we need one good one at least and then some conference calls at a minimum. I would say at least one good, long meeting and a conference call or two at a minimum.

CHAIRMAN DANIEL: Okay, we're back to the amended motion to initiate an addendum to the Weakfish FMP to reduce current fishing mortality rates by a range of options accomplished through various management measures developed in consultation with the technical committee. Take a moment to caucus, or do we need to? David.

DR. PIERCE: Just a clarification, Mr. Chairman. If this motion passes I assume that after the technical committee has a chance to do these analyses, to meet and do these analyses, at our next board meeting we would then select a preferred reduction, percent reduction in fishing mortality, because we can't go to public hearing with just a bunch of analyses, there has to be some direction. That's my assumption, that at the next board meeting we would take action along those lines.

CHAIRMAN DANIEL: Yes, that's my hope is that we will do exactly as you said. Vince.

EXECUTIVE DIRECTOR O'SHEA: Well, Mr. Chairman, when you all did Amendment 6 to the Striped Bass Plan there were various projections that were included in there with a range of management options for you all to select and I don't know that you need to -- you know I'm not exactly sure what you're saying you have to select anything.

I think what you do have to agree or we have to get you on the comfort level that this is a range of alternatives that you would consider and what the impacts of those alternatives are and then send that out for public comment.

CHAIRMAN DANIEL: Wait a second, Pat.

MR. AUGUSTINE: Yes, Mr. Chairman, I don't think we're talking about preferred options. I think we're talking about basically Amendment 6 all over again. Thank you.

MR. UPHOFF: I don't want to keep you guys from eating or anything but I do have a question that right now everything we're discussing is related to cutting fishing mortality. What if it got to where we did the analysis you know and it was acceptable and cutting fishing wasn't the problem, would not get you far enough but there may be alternatives in some of the models we're running for managing other species? Are they up for consideration?

CHAIRMAN DANIEL: Unless we have a multi-species board I would say no.

MR. UPHOFF: So you're only cutting F.

CHAIRMAN DANIEL: So we're only looking at cutting F. All right, any further discussion on the motion? Do we need to caucus on this? No? All right, all those in favor signify by saying aye; all those opposed. Okay, Vince and then Bruce.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. Now that this motion has passed from my perspective this is clear direction and the expectation is that the staff will bring a draft addendum to you in August so my question to the technical committee is you see what the motion entails and it says in consultation with the technical committee, is that a reasonable deadline to help us get this addendum before the board in August? And can you support that?

MR. UPHOFF: Maybe. (Laughter) I mean to a degree. When we had the technical committee meeting we were talking in generalities about reductions in F and so on. With this exploratory model I was able to make some projections but I want to emphasize that that was not something necessarily -- we were looking at them because there was no other alternative, at least mathematically.

I could run through some of these things but that's no guarantee of acceptance at some later date or something. So given that there may be something we can build around if the committee is comfortable with it or even making projections from the information that we have in place -- August, it's possible but some things are going to have to fall in place for it to happen.

CHAIRMAN DANIEL: Des.

MR. KAHN: Well, I notice the motion says that these options will be developed in consultation with the technical committee so I guess I'm unsure say between -- it implies to me between now and August someone, presumably the board, will be consulting with us. Is that how this will work?

EXECUTIVE DIRECTOR O'SHEA: No, ASMFC staff will be consulting with the technical committee to develop the range of alternatives. And not to belabor this, Mr. Chairman, but you know we're dealing with this issue in May and part of the issue has been understanding of what expectations were and what deadlines were and I want to make sure that we have that ironed out here in that we are consulting with the technical committee in setting deadlines and setting expectations.

The other thing, it seems to me that the conversation regarding the multi-species approach as I understood the sense of the board is that's off the table now so there is no expectation that the board expects multi-species work and modeling to be done in preparation of this addendum which I'm wondering if that's

going to you know free up more time to get the other projections done.

CHAIRMAN DANIEL: John.

MR. DUREN: I appreciate Jim and Vince's comments about the multi-species approach. I've got my doodles over here which I've been making for the last two hours and the bottom line says, "I wonder what would happen if we got representatives from the Weakfish Tech Committee, the Menhaden Tech Committee and the Striped Bass Tech Committee all in the same room for a few hours and let them talk through their issues and see if they could come to any common view on solutions." That's the only comment.

MR. UPHOFF: If it works like nature the striped bass people would probably kill both of us (Laughter) or kill both groups. If I may make a comment, though, about this only being a single species problem, it's not. It doesn't really simplify things.

We have to invoke some kind of a, I mean we're going to have to invoke some kind of a trend. One way of doing it is to index it to another species that's a likely candidate. It doesn't mean that it's entirely cause and effect but it may help. And there may be alternatives to pursue to that.

And when you're talking about can we meet the schedule, I would say if we have like a big meeting with this charge not real soon but you know within some period of time, somewhat recent, if we make substantial progress and agreement there then we may be able to meet your August deadline.

If we don't make the agreement, then the bets would be off. I mean you're asking again for something. I mean we went in with reviewing a stock assessment four questions, redesigning sampling.

We reviewed the stock assessment. We've redesigned sampling and we've, you know, we've answered your questions as best we can in the allotted time and that's what I would say from this. If you're setting that schedule there has to be a realization that things may not work out.

It's possible they will but that depends on whether we get enough agreement early on that we can proceed with projections and so on. And you're still proceeding with an assessment that isn't peer reviewed.

I mean you have a problem here that's very complicated to sort out, a lot of uncertainty. We're going to give you the best advice we can, you know, given the situation. But I think somebody said it, there's no guarantee that when we're all done that it's going to be right but this is the best we can do.

EXECUTIVE DIRECTOR O'SHEA: Well, thanks. I don't think anybody is asking for anything more than that and I appreciate that commitment. The last week in June is our technical meeting week so I would suggest that that may be the first week.

You know that's the first time period we'd be looking at which would give you time to cogitate about that and if we've got to extend the technical meeting week out to accommodate the weakfish technical guys for a day or two that would probably be the first strategy we'd look at. Thank you.

CHAIRMAN DANIEL: Bruce.

MR. FREEMAN: I would suggest that the technical committee could couple the issue of the biological sampling. If in fact we had better biological sampling would that give us a better analysis, tie those two together if it could be. I mean right now they're looked at separately but it seems to me that they're very inter-related.

And in doing this document there is a lot of uncertainty as has been indicated. But if we had better sampling could some of that be much better analyzed or more accurately analyzed I think would be very important.

CHAIRMAN DANIEL: Tom.

MR. FOTE: Yes, I noticed and I know the last time I went to a SAW to get the stock assessment for weakfish peer reviewed they turned it down. And I'm not going to ask that question tonight but in the August meeting I'd like to know where we are in trying to get that.

MR. KAHN: The first review it was turned down in terms of an age structure model but the last one in late '99, it was published in 2000, they approved the assessment based on ADAPT, although personally I question that approval because there was a bad retrospective pattern in the VPA but nevertheless they did approve it.

MR. FOTE: Then it has just not been peer reviewed.

MR. KAHN: Pardon me?

MR. FOTE: Then it just has not been peer reviewed because that's what --

MR. KAHN: Oh, the most recent one that we just completed this year has not been peer reviewed.

CHAIRMAN DANIEL: David Pierce.

DR. PIERCE: I certainly don't expect any results from multi-species modeling to be available in the near-term. It won't be of use to us I'm sure at our next board meeting despite the good work done by those involved in that initiative.

What I expect is the analyses that would be consistent with the motion that we passed with that analyses being done at different levels of natural mortality and that it's going to be up to us as a board to make some judgment calls as to where we think M is and use that as a way to guide us as to what we might want to do next.

And that would involve I suspect either moving to public hearing with no specific preferred option as to the percent mortality reduction we require or we'll select something.

But I know that I'm going to be guided in my decision by the fact that looking at the information given to us by the technical committee from 2000 to 2003 biomass declined sharply from 29,000 to 7,000 metric tons and that's got me darned disturbed.

So, I weighed the analyses. I know you'll do the best you can. And then the board will have to act accordingly knowing that we've got a major problem on our hands.

CHAIRMAN DANIEL: I think that wraps it up. Any other business to come before this board? Seeing none we are adjourned.

(Whereupon, the Weakfish Management Board meeting adjourned at 5:50 o'clock p.m. on Tuesday, May 10, 2005.)

---