

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

**Crowne Plaza Hotel Old Town  
Alexandria, Virginia  
February 5, 2008**

**Board Approved August 19, 2008**

## **ATTENDANCE**

### **Board Members**

David Pierce, MA, proxy for P. Diodati, (AA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
William Adler, MA (GA)	Catherine Davenport, VA (GA)
Eric Smith, CT (AA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
Dr. Lance Stewart, CT (GA)	Dr. Louis Daniel, NC (AA)
Jim Gilmore, NY (AA)	Damon Tatem, NC (GA)
Pat Augustine, NY (GA), Chair	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Malcolm Rhodes, SC (GA)
Tom McCoy, NJ, proxy for D.. Chanda (AA)	Robert Boyles, SC (LA)
Erling Berg, NJ (GA)	John Duren, GA (GA)
Roy Miller, DE, proxy for Mr. Emory (AA)	Bill Sharp, FL, proxy for G. McCrae
Harley Speir, MD (AA)	April Price, FL (GA)
Bill Goldsborough, MD (GA)	Steve Meyers, NOAA Fisheries
Russell Dize, MD, proxy for Sen. Colburn (LA)	Wilson Laney, USFWS
A.C. Carpenter, PRFC (AA)	Jeff Brust, NJ DFW

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

### **Ex-Officio Members**

Chris Heald, AP Representative

### **Staff**

Vince O'Shea  
Nichola Meserve

Brad Spear

### **Guests**

Arnold Leo, Div. of Comm. Fisheries, E. Hampton, NY  
Tom McCloy, NJ DFW  
Brian Hooker, NFMS

Peter Himchak, NJ DFW  
Jay Odell, Nature Conservancy, VA

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**Approval of Proceedings of May 8, 2007, by consent** (Page 5).

**Move to approve de minimis status for 2008 to Florida, Georgia, South Carolina, Connecticut and Massachusetts** (Page 7). Motion made by Mr. Smith; second by Mr. Carpenter. Motion passes (page 7).

**Move to approve the 2007 FMP Review** (Page 7). Motion by Mr. Adler, second by Dr. Rhodes. Motion passes (Page 7).

**Move to approve the stock assessment terms of reference** (Page 11). Motion made by Mr. Smith; second by Mr. Adler. Motion passes (Page 11).

### CALL TO ORDER

CHAIRMAN PATRICK AUGUSTINE: Good afternoon, Weakfish Board members and the public. We're glad you're here. We've got a relatively short agenda, but some very important items to cover this afternoon. As the public knows, you'll have an opportunity to speak to any issues that have not been put as an agenda item for any of the public information documents. If the items have already been reviewed by the public, you will not be allowed to comment on those further.

### APPROVAL OF AGENDA

I would like to have Board consent, if you would review the agenda, Board consent. If in fact there are corrections or additions; are there any? Seeing none, are there objections to the agenda? **Seeing none, the agenda stands as presented.**

### APPROVAL OF PROCEEDINGS

I'm looking for a motion for the proceedings from the May 8, 2007, meeting. Are there any objections, corrections or additions?

MR. WILLIAM A. ADLER: I make a motion, Mr. Chairman, to accept the minutes.

CHAIRMAN AUGUSTINE: We have a second by Brian Culhane. Any objections to the motion as presented and seconded? **Seeing none, the proceedings are approved.** Are there any public comments at this time? Nichola is going to make a public comment.

### PUBLIC COMMENT

MS. NICHOLA MESERVE: Not exactly, but staff has just handed out three public comments that have been received either through the commission e-mail or telephone since our last Board meeting.

CHAIRMAN AUGUSTINE: Let's move on to Item 4, the Weakfish Fishery Management Plan Review and State Compliance, and Nichola is going to give us a dog-and-pony show.

### WEAKFISH FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE

MS. MESERVE: Thank you, Mr. Chairman. The FMP Review was in the briefing book along with all the state compliance reports received from Massachusetts through Florida. This review was for the 2006 weakfish fisheries.

There have been some changes to the FMP since 2002 when Amendment 4 was approved. We have Addendum I to replace the biological sampling program in Amendment 4. We also had Addendum II, which was approved in 2007 and reduced the recreational creel limit and commercial bycatch limit and established two triggers based on landings that will require the Board to consider re-evaluating the management program if they're met. Addendum III, also in 2007, altered the BRD certification requirements for consistency with the South Atlantic Council.

The weakfish stock has been labeled by the Commission as depleted with overfishing not occurring. This is based on the five conclusions from the technical committee and accepted by the Board for management use. These five conclusions were accepted in lieu of an assessment because the findings of the 2004 assessment were not endorsed by its independent review panel.

The next assessment is going to go through a Northeast Regional Stock Assessment Workshop in the spring of 2009. It was originally scheduled for 2008, but the Coordinating Council asked that it be moved to 2009, so that's where we stand now. Later Jeff Brust, our stock assessment subcommittee chair, will update you on how this is going to affect the subcommittee's planning for the assessment.

Moving on to the fishery, the coastwide total landings in 2006 were 1.97 million pounds. This is the lowest in the time series. That's shown in the figure here. The total landings dropped 29 percent from the 2005 landings and 74 percent from the ten-year average. The commercial fishery is shown in bars on this graph, and it landed 1.11 million pounds in 2006, while the recreational fishery, shown by the line, landed 860,000 pounds. The fishery split in 2006 was therefore 56 percent commercial and 44 percent recreational by the pounds of fish.

This figure here shows the commercial harvest by state for the last three years. You can see that North Carolina, Virginia, and New Jersey contributed strongly to the commercial landings. This graph shows the same thing for the recreational fishery. New Jersey anglers contribute the most to the coast-wide recreational harvest followed by North Carolina and Virginia anglers.

The recreational harvest and releases in number of fish are shown in this figure. The number of fish released alive by anglers peaked at over five million in 1996, but has decreased 2.3 million fish in 2006.

There are several management issues to be addressed by the Board. The first is de minimis requests. Amendment 4 permits states to request de minimis status if for the last two years their total landings by weight constitute less than 1 percent of the coast-wide total landings for the same two-year period.

Based on the 2005 and 2006 landings, the de minimis threshold is 23,667 pounds for 2006. Five states requested de minimis in their 2007 compliance reports. Four of those states, Florida, Georgia, Connecticut, and Massachusetts, are each below the 1 percent landings level. South Carolina is at 2.8 percent and acknowledges that it is not technically qualified for de minimis, but has asked for a one-year continuation of de minimis status to allow their recreational harvest estimates to become available for 2007.

South Carolina contends that the 2005 MRFFS estimates are incorrect and continue to drive the average South Carolina harvest above the de minimis threshold. If you look just at the 2007 landings, then South Carolina's contribution is less than 1 percent; it's 0.26 percent.

Addendum II also established the two management triggers. The first trigger is that commercial management measures are to be re-evaluated if coast-wide commercial landings exceed 80 percent of the mean commercial landings from 2000 to 2004 or 2.99 million pounds. As I said, the total coast-wide landings were 1.11 million pounds, so this first trigger has not been met.

The second trigger is regarding state specific-total landings. The commercial and recreation management measures are to be re-evaluated if any single state's landings exceed its five-year mean by more than 25 percent in a single year. This trigger was reached by two states, Florida and Massachusetts.

Florida's 2006 total landings are just over 19,000 pounds, a 43 percent increase from the state's five-year average. Massachusetts 2006 total landings are 8,501 pounds, which is a 1,575 percent increase over the state's five-year average, which is 508 pounds. The PRT notes that both of these states have qualified for de minimis status and that would mean that their

landings are insignificant so that this change is also insignificant.

In terms of compliance with the regulatory requirements, the PRT and the Board has previously found all the states to be in compliance with Amendment 4, and nothing has occurred in 2006 to change this determination. Additionally, Addendum II was due to be implemented on October 29, 2007, and each state has changed its regulations to be in compliance with this addendum.

The plan also has several monitoring requirements for compliance. These were established in Addendum I. Each state is required to collect six lengths per metric ton of commercial landings and three otoliths per metric ton of total landings. Three states did not fulfill the requirement of Addendum I in 2006: Rhode Island, New York, and New Jersey.

You can see in this table that Rhode Island was under on the number of otoliths and lengths as was New York, and New Jersey was under on the number of otoliths. The PRT asked these three states to provide their reasons that they were unable to collect the required samples. The states responded that their sampling program suffered from a mix of funding issues, personnel shortages, and the problem of sampling from a fishery with very low landings.

The PRT also notes that 2006 was the first year of the Addendum I implementation and that there were several administrative shortfalls: that projected sampling levels were not issued to the states nor were the sampling plans requested. Additionally, each state has submitted a sampling plan for 2007 that has been approved by this Board.

In terms of the PRT recommendations, the PRT asks the Board to consider the de minimis requests from Florida, Georgia, South Carolina, Connecticut, and Massachusetts; to consider whether you need to react to the triggers being hit by Florida and Massachusetts; to also consider whether there needs to be any type of finding regarding New Jersey, New York, and Rhode Island's compliance with the monitoring requirements. The FMP review also has a list of research recommendations. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Nichola, very clear and concise. We're going to address these issues one at a time, but are there any questions of Nichola on her report up to this point in time? Seeing none, we'll move on. I'll be looking for a **motion for de minimis requests and status for the five states that up there, Florida, Georgia, South Carolina,**

**Connecticut and Massachusetts. Mr. Smith and seconded by Mr. Carpenter.** Is there any discussion on this at all? Is there any objection to these states being awarded de minimis status? **Seeing none, de minimis is approved for Florida, Georgia, South Carolina, Connecticut and Massachusetts for the year 2008.**

Relative to the Addendum II triggers and the situation that Florida and Massachusetts found itself in, would the Board like to address that or are you satisfied with the description and explanation that Nichola gave you? Mr. Sharp.

MR. BILL SHARP: I just wanted to echo Nichola's presentation. She mentioned that the trigger on Addendum II for a de minimis state is probably something that is insignificant as least for Florida. We're only talking about 6,000 pounds there.

CHAIRMAN AUGUSTINE: That's a lot and it's good. Any other comments? Any further consideration for this item? Seeing none, we'll move on to the monitoring requirements for New Jersey, New York, and Rhode Island. As Nichola indicated, those states were unable to come up with the otolith samples. Is there any discussion?

I think the explanation for each case was lack of funds, lack of staff, and those are the two key things. Unless some of you other states have some money, some people and so on that you want to transfer, particularly to New York, Mr. McCloy, would you do that for us, please?

MR. THOMAS McCLOY: Did you ask me to send money to New York?

CHAIRMAN AUGUSTINE: And why not; you like to send fish.

MR. McCLOY: Thank you, Mr. Chairman. I don't want to belabor the point, but the point I need to make, once again, is due to staffing and funding constraints. You know, we're doing the best we can with biological samplings not only for weakfish but for other species, too. Hence, my reluctance to talk about monitoring requirements for whatever species down the road because until we see a light at the end of the tunnel and it's about as big as the sun, we're going to have serious problems maintaining compliance with this efforts. You do have my assurance that we'll do what we can do. If that's not good enough, then there is a process that the Board can go through to say so. Thank you.

CHAIRMAN AUGUSTINE: Thank you for your information that you have presented. I think we all appreciate your considerations and problem again. We hope that you'll continue to do the best you can with the number of samples that we need. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. I just had a question. I'm not sure that it's in the plan, but does the plan require that state employees collect the samples or is there flexibility for the states to have either concerned citizens or other certified or trained entities and individuals, perhaps sportfishing organizations or others participate, or is that prohibited by the plan?

CHAIRMAN AUGUSTINE: Good point so maybe we should reach out to some of the sports organizations. We can try it in New York; I'm not sure about the others. Comment in the audience, Mr. Fote.

MR. TOM FOTE: Tom Fote from Jersey Coast Anglers Association. Most of the samples one year were supplied by recreational people that the state did use. The problem is with the lack of weakfish that are available in the bays and the size they're looking for to take otolith samples, they haven't had a lot of them to basically do that. It's difficult finding the samples to bring to the division, also, because having the lack of money and staffing.

CHAIRMAN AUGUSTINE: Thank you, Mr. Fote. Moving down to the second item under Item 4, we'd like to **consider approval of the 2007 FMP Review**, so I would entertain a motion to accept that. Okay, **Mr. Adler, a motion; seconded by Mr. Rhodes.** Any discussion? Is there any objection to the approval? **Seeing none, they are approved.** Welcome back to the fold, Mr. Brust. We're going to have an update from the stock assessment subcommittee, and this is a familiar face. Mr. Miller.

MR. ROY MILLER: Mr. Chairman, is New Jersey, New York, and Rhode Island meeting the fishery-dependent monitoring requirements or the fishery-independent monitoring requirements?

MS. MESERVE: What we were reporting on was the fishery-dependent monitoring requirements, which were not met in 2006. The fishery-independent requirements would be the indices from the states being sent to the stock assessment subcommittee, which have been received.

CHAIRMAN AUGUSTINE: A follow-up, Mr. Miller?

MR. MILLER: I just wondered if there was an opportunity for New Jersey, in particular, to contribute otoliths and scales from their trawl survey programs if you're not already doing so, Tom.

MR. McCLOY: I don't know, Jeff; are we?

MR. JEFF BRUST: I don't believe we are, and the main reason is that we don't have – during the surveys, the staffs that are on board and the volunteers that we have on board are busy doing their job; and in order to collect additional samples for any species, we would need to put an additional staffer or an additional volunteer on board for that dedicated sampling.

And given the limited space on these vessels, I don't know specifically, but I think it's been discussed and it's not feasible at this time. The staff that is on board is busy with the sampling and we need additional staff on board to do any dedicated sampling.

MR. McCLOY: Just to follow up, Roy, I'll inquire and see what the status is; and if we can supply some in that fashion, we'd be glad to do it. But as Jeff indicated, it's a pretty busy cruise usually; and most of the cruise, I think we have three employees and the rest are all volunteers. They're out on every cruise, but we'll take a look at it. If that's another option, we'll look into it, if that would be acceptable, you know. Does that bring our number down?

MR. BRUST: I believe the source of the samples does not matter. It just has to meet the level of the commercial or the combined fisheries, but the source of the samples doesn't matter, so, yes, fishery-independent samples would fit the bill.

CHAIRMAN AUGUSTINE: I just wonder, then, if the NEAMAP Survey that was just completed, where you have 150 tows from the Rhode Island Sound to Block Island all the way down to Hatteras, with that 60 feet and 120 feet, within about a mile and half from shore, whether or not they would be appropriate as the trawls were conducted in close proximity to the coastal waters of those states; would that work?

MR. BRUST: I'm not sure; I think we'd have to check with the plan. Again, my recollection is that the source does not matter. I guess if NEAMAP could parcel out the samples from each state's waters, then, yes, I guess it would be – my personal feeling is that, yes, it would be, but I think that would have to go back to the technical committee for review.

CHAIRMAN AUGUSTINE: Well, could we ask the technical committee to review that to see if in fact that is acceptable? That may be a new source for states that are data poor. Dr. Laney.

DR. WILSON LANEY: You took the words from my mouth, Mr. Chairman. I was just going to point out that we collect otolith material for the North Carolina Division of Marine Fisheries during the Cooperative Winter Tagging Cruise. It doesn't take that much time for us. Now, admittedly, we have a lot of freezer space and we have relative large crews.

The North Carolina Division of Marine Fisheries provides with a list of their biological sampling needs before we go out. We just keep track of those. We collect otoliths for them by length class for the species that they request us to collect.

CHAIRMAN AUGUSTINE: Thank you, that might be the answer to our problem. Vince and then Dr. Pierce.

EXECUTIVE DIRECTOR O'SHEA: We're way down in the weeds, I guess, here now, but on the other hand just measuring the length of the fish and cutting the head off and putting it in a bag for the otolith removal later on down the road; that works, too, wouldn't it?

CHAIRMAN AUGUSTINE: It seems like it would. Dr. Laney, would you respond to that, please?

DR. LANEY: Sure, Vince, but it's easier for us, we just throw the whole fish into a bag and freeze the whole thing. That way they can do the total workup. They can also use the animal for diet studies if they want to, as well.

DR. DAVID PIERCE: I think the suggestion for using NEAMAP is a good one. I believe that the NEAMAP cruise is about to begin or it has begun, so we'd have to address this relatively quickly; that is, to make sure that we time it right and get the samples in the appropriate areas. Jimmy Ruhle, as we all know, is the captain of the vessel, who does the NEAMAP work. People from VIMS are involved as well.

I'm chairman of the NEAMAP Board; I'll move this forward as soon as I can. I'll work with staff to make sure that, indeed, it's an effort that will pay dividends. I suspect it will. I see no reason why not, so we can help out the states that are unable to get those samples.

CHAIRMAN AUGUSTINE: Thank you for your kind offer, Dr. Pierce. Tom Fote.

MR. FOTE: Tom Fote from the Jersey Coast Anglers Association. Part of that is the problem the way the plan is written. The plan requires – if I remember right. Pete and I were talking about it – the plan requires that you basically take a specific season and specific gear, and that’s required under the plan, so you really need to adjust the plan. We wanted to do that a long time ago where you can go get one set of weakfish, but you had to do spaced over the season, and you had to do it by specific gears and that was the part of problem. So you need to change the plan.

CHAIRMAN AUGUSTINE: Thank you for that. The technical committee will take a look at that and see how we can dovetail NEAMAP and Dr. Laney’s survey and we’ll move forward. Now, I think I can move on to you, Mr. Brust, if you will be kind enough to give us your stock assessment report.

#### **UPDATE FROM THE STOCK ASSESSMENT SUBCOMMITTEE**

MR. BRUST: Thank you very much, Mr. Chairman. This is just a quick update on some work that the stock assessment subcommittee has done recently. The stock assessment subcommittee met just a couple of weeks ago.

As we all might remember, the stock assessment and peer review took a little bit longer than anyone anticipated. It sort of bumped us off schedule in terms of completing a peer review, doing an interim update and then conducting the next peer-reviewed stock assessment. Once the most recent peer review was done, we had a few years of data that we had to catch up with. This meeting that we had just a couple of weeks ago, the main focus was to catch us back up.

We had done some of the preliminary analyses that we usually would have done for an update assessment, so we updated the harvest and discards at ages. We updated our survey indices and we did a couple of the less data-intense model runs. Now we’re in a good position to get to the 2009 stock assessment peer review on time.

The next phase of the meeting was to begin prepping for the 2009 peer review. The first thing that we went over was the timeline. You may remember that the Board has seen a timeline I guess at their August

meeting when the peer review was still planned for November or December of 2008.

At that same meeting the Coordinating Council bumped the stock assessment back to the June 2009 SARC, so we had to update our timeline. We also began work on our terms of reference, and we have draft terms of reference here for the Board to review today and hopefully approve so that we begin our work on the assessment. We also parsed out some committee responsibilities in order to get ready and prepare for the stock assessment process.

Then the third main thing on the agenda for the stock assessment subcommittee at our January meeting was to review a proposal submitted by Virginia Tech to do a three-year stock assessment study on weakfish. It’s going to be a much more data-intense method than we are using now. They’re looking to do spatial analysis. They’re looking to do multiple models with multiple hypotheses to see which hypotheses the data support and which models the data will support, hopefully, to get us away from some of the problems that we had in the last stock assessment, at least with the age-based stock assessment that we did the last time.

The committee reviewed the proposal. We felt that it was necessary and a good stab at something that needs to be done. We were a little concerned that the data might not be there to support everything that Virginia Tech is trying to do, but we agreed to cooperate and collaborate with Virginia Tech in terms of getting them the data that they need. A lot of the data that they need is the data that we already have in hand for our assessment. They’re going to need a little bit extra detail in terms of the spatial variation, the locations of the catches and all that.

We did agree to cooperate with them, but the stock assessment subcommittee made it very clear that the Virginia Tech proposal is something separate from what the stock assessment subcommittee is doing. They have their own assessment on their own timeline. No product associated with that is going to be used for our stock assessment that goes to peer review. The committee agreed to help them, but that we are working on separate timelines and separate tracks and nothing that they do is necessarily going to be incorporated into what we do.

Really, that was the three main things that we wanted to do at this meeting, to just basically catch us back up so that we are prepared to do the stock assessment for the 2009 peer review and just start the process.

One thing that we did – Nichola just went over this, but we did update our total harvest and discards.

I think you've probably seen this at either the August or even the May meeting. The total landings and discards, commercial and recreation combined, harvest and discards combined, you can see even though the 2006 number has changed slightly, it hasn't changed all that much. We're still near the lowest point in our time series, and it's not necessarily for lack of effort. People are still trying to fish; they're just not catching anything. There is just no fish to catch.

Some things that we would like the Board to review and hope to get your approval on is here is the timeline for this assessment. It really hasn't changed from the last time you saw it, but since the peer review has been pushed back six months, we juggled the data workshop and the stock assessment workshop a bit just to give us a little bit more working time.

I believe the original one was the data workshop was June and we pushed it back to July. The stock assessment workshop was originally September and we've pushed it back to October. You see we still have the same general deadline to get our work done.

I understand that was a concern of the Board because of what happened the last time. We thought we were finished, but we didn't necessarily agree with the results and that prompted additional work. Now we've got about a six-month window built into when we plan to have the stock assessment completed and when the peer review is going to occur; so that if we come up with the same problems, we've got that time built in to do additional analyses.

We intend to have the assessment done around October or November of this year in preparation for June 2009 peer review. Then, assuming all goes well and on time, the Board will see the results of the stock assessment and the peer review at their August meeting, 2009.

We also developed some terms of reference. I'm sure you've seen enough of these terms of reference. These appear a little bit more verbose than most of what of you've seen. They really aren't anything additional. The committee was concerned with the wording of the standard terms of reference; the first one usually being characterize the commercial and recreational landings and discards.

Well, the committee was concerned that there wasn't enough information there. There wasn't enough direction on what we were supposed to be doing, so we added some additional language to these and just expanded them out and gave specific direction for not only what the stock assessment subcommittee should be doing but also what we want the peer review panel to evaluate.

You can see I've highlighted in the italics the main thrust of each of the terms of reference, and going through you'll notice that they're generally all the same as the standard terms of reference that are used by most stock assessments. The first one is evaluate the commercial and recreational catch.

The second one is to look at the fisheries-independent and dependent indices. Because we're going through the SARC process for the peer review, and the way they've got the SARC process set up is that each term of reference requires a specific response. In the past what we've done is we've had terms of reference and write one jumbled document – not a jumbled document but the responses to the terms of reference are mixed in throughout the document.

The way the SARC wants it now is they want the term of reference and the specific response to that term of reference, so it requires a different way of setting up the terms of reference. These are similar to the way the Striped Bass Terms of Reference was set up. The stock assessment subcommittee wants to evaluate several different models, and so we developed a term of reference for each of the different kinds of models we want the peer review panel to address.

Right now we have three types of models we want to evaluate, but we haven't picked the specific implementation of that model, so we've got – for example, for number three is look at catch-at-age modeling and so an age-based assessment, VPA, statistical catch at age and integrated catch at age I think are the models that we're looking at. We don't know which specific one we want to use yet, so we've generalized here in the hopes that once we do a little bit more work we will pick the one that we want to actually include in the assessment, and we'll come back to the Board with that specific term of reference, but right now what we're saying is we want to evaluate age-based models, and we want the peer review panel to evaluate whichever age-based model we want included.

We've done the same with number four. We want to evaluate some aggregated non-age-based models.

We've got two or three on the table now, and we'll pick which one, we'll plug that one in and we'll come back with a revised term of reference, but for now we're looking for general approval from the Board to evaluate these types of models.

Then the fifth one is something that was on the last stock assessment that we don't think got ample review by the panel, which is to look for evidence in changes in natural mortality. You may recall that is one of the underlying theories that the stock assessment subcommittee is working under is that fishing mortality is down and that the decline in weakfish abundance is due to predation from other species and, therefore, an increase in natural mortality.

So, we've added that one back on just so that we can get – we'd like another chance at someone to review our theory of increasing natural mortality. Then, of course, we're going to update our biological reference points, do some stock projections and develop some research recommendations. Those are our terms of reference.

CHAIRMAN AUGUSTINE: Thank you, Jeff. Any questions from any of the Board members? Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. On the natural mortality term of reference, could you put that back up for a minute? Could you characterize maybe the feeling about that particular topic among your committee; is that across the whole committee or is that certain members of the committee?

MR. BRUST: Well, obviously, the report is a committee report, and it goes to the technical committee. There were five final determinations from the last stock assessment that the technical committee felt as consensus statements and the Board accepted as consensus statements. I don't remember the wording exactly, but the stock is at low levels and that fishing mortality does not appear to be the main driving force, implying that there is something else such as natural – well, it would have to be natural mortality.

CHAIRMAN AUGUSTINE: Thank you. Any further comments or questions? I'd like to look for a **motion from the Board to accept the terms of reference. Mr. Smith so moves; Mr. Adler seconds. Are there any objections to the motion? Seeing none, the motion is accepted.** Thank you. Well, we're back to Mr. Brust.

MR. BRUST: All right, the Board has asked the stock assessment subcommittee to develop some general measures of stock status. I believe you've all seen updates to these at the May meeting, but just to refresh your memory on where we are, some of the measures that we've developed are indices.

They're easy to calculate. We don't necessarily agree with – we have some concerns with some of the surveys and how they operate, but we wanted to present them all here just to show you what the indices are showing. The committee will have to go through each of these indices and decide whether or not they're included in the analysis, but here they all for your viewing pleasure.

I have got two slides, each with two figures on them for our young-of-year indices. The top one here is Rhode Island and Connecticut. The bottom one is New York and the Delaware Young-of-Year Survey. You can see that they're pretty noisy in recent years. One thing that I noticed, when going through this, 2005 appeared to be a good year for some of these young-of-year indices, but in general they're just bouncing around, no real trend up or down.

The second one is also of young-of-year indices. The top one is two indices in Maryland. One is the Chesapeake Bay and one is their coastal bays; again, no real trend. Well, the Chesapeake Bay appears to be trending down. The bottom one is the Virginia portion of the Chesapeake Bay and Pamlico Sound. The Pamlico Sound one actually appears to be increasing – two or three years of increasing, but the VIMS one is trending down over the last eight or ten years. Those are our young-of-year indices.

The top one here is the Northeast Fishery Science Center and the New Jersey Trawl Surveys. These are both age-based, but I've combined ages here just to make it easier to see. These were two of the ones that we – well, the top one is New Jersey and New England and the bottom one is the Delaware Bay 30-foot trawl survey and the MRFSS CPUE Index.

The top ones are ocean-based trawl surveys. The bottom one is the recreational CPUE and a Delaware Bay Index, and you can see this was our main concern in our last assessment. We've got competing trends here. The two top ones seemed to be increasing over the last eight or ten years; the two bottom ones are decreasing over the last eight or ten years.

This trend appears to still be continuing. It looks like NMFS and New Jersey have both corrected

themselves. They've come back down, but over the last eight or ten years they're still on an increasing trend while the Delaware and MRFSS both continue to trend down. This is what we're going to have to fiddle with and figure out what we really think is happening. As you'll remember from our last assessment, the MRFSS Index is the best indicator, and that appears to still be on a downward trend.

CHAIRMAN AUGUSTINE: Thank you, Mr. Brust. Can we suggest, then, that when the technical committee reviews these indices, that they will, in fact, tell the Board what they're accepting and why they accepted them and whether we have a consensus statement or not? In the past we've had trouble with consensus, as you may recall.

So, I think when anything comes back to the Board in terms of something that the group has accepted, we really want to know it's a consensus. We don't want to get caught up in minority issues again because they do spread the process out a long time.

MR. BRUST: Well, obviously, as chairman I will work for consensus for everything that we do, but we all know that there have been issues in the past, and we do have a very vocal and very diverse committee. We'll do our best to come to consensus; and if there isn't, then there will be a minority report, though I hope to keep that limited.

#### **OTHER BUSINESS/ADJOURN**

CHAIRMAN AUGUSTINE: That's great and if you need a strong arm, I'll come to the meeting, but we thank you for that commitment. Any further comments or business from the Board? We'll entertain a motion to adjourn. Mr. Adler; seconded by Dr. Pierce. Any objection? Seeing none, the meeting is adjourned.

(Whereupon, the meeting was adjourned at 4:55 o'clock p.m., February 5, 2008.)