

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

**Radisson Hotel Old Town  
Alexandria, Virginia  
May 8, 2007**

**Board Approved February 5, 2008**

## ATTENDANCE

### Board Members

David Pierce, MA DMF, proxy for Mr. Diodati (AA)	Bruno Vasta, MD (GA)
William Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Rob O'Reilly, VA MRC, proxy for Mr. Bowman (AA)
Dr. Mark Gibson, RI DEM (AA)	Louis Daniel, NC DMF (AA)
Eric Smith, CT DEP (AA)	Damon Tatem, NC (GA)
Dr. Lance Stewart, CT (GA)	Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
Sen. George Gunther, CT (LA)	John Frampton, SC DNR (AA)
Gordon Colvin, NY DEC (AA)	Malcolm Rhodes, SC (GA)
Pat Augustine, NY (GA), Chair	Robert Boyles, Jr., SC (LA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Spud Woodward, GA DNR, proxy for Ms. Shipman (AA)
Peter Himchak, NJ, proxy for Mr. Chanda (AA)	James Sanders, GA, proxy for Mr. Duren (GA)
Erling Berg, NJ (GA)	April Price, FL (GA)
Dick Herb, NJ, proxy for Asm. Fisher (LA)	Bill Johnson, FL, proxy for Rep. Needleman (LA)
Roy Miller, DE DFW, proxy for Mr. Emory (AA)	Steve Meyers, NMFS
Bernard Pankowski, DE, proxy for Sen. Venables (LA)	David Perkins, USFWS
Howard King, MD DNR (AA)	

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

### Ex-Officio Members

Russ Allen, NJ DFW, Technical Committee Chair

### Staff

Vince O'Shea	Nichola Meserve
Robert Beal	Brad Spear

### Guests

Arnold Leo, Div. of Com. Fisheries, East Hampton, NY	Joan Frab, Darien Seafood Market, Darien, CT
John German, Long Island Sound Lobster Assn	Roger Frab, Darien, CT
Dick Brame, Coastal Conservation Association	Tom Fote, Jersey Coast Anglers Association
Rob Winkel, NJ Fed. Of Sportsman's Clubs	

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## CALL TO ORDER

CHAIRMAN PATRICK AUGUSTINE: Good morning, all, and welcome to the Weakfish Management Board meeting. Early on, before we get into the agenda and so on I would like to inform our public members who are here for the first time and again note that the boards are trying to move the process along in terms of how our meetings are run and that commenters don't have an opportunity just to put anything out that's on their mind.

So, now and in the future, just to remind you all, if you want to speak at any one of our board meetings you must sign in at the beginning of the meeting. And there are cards on the table in the back. Please indicate who you are and the organization you're with. And individuals will be able to speak to throughout the meeting, as usual.

However, if the agenda items have been aired to the public at public meetings and you've had a chance to respond, we would suggest that you do not bring that information up again. If you have a new item that you would like to put on the table or bring before the board that is not on the agenda, please do so at the time when we call for public comment.

## APPROVAL OF AGENDA

Okay, I would look for board consent to the agenda. You've had an opportunity to look at the agenda. Are there any additions, corrections or changes? **Are there any objections? Seeing none, the agenda stands.**

## APPROVAL OF PROCEEDINGS

Proceedings from February 1<sup>st</sup> of 2007, I hope you've had an opportunity to review those. Are there any corrections to the proceedings? Are there any changes to the proceedings? **Is there any objections to approving? Seeing none, the proceedings are accepted.**

## PUBLIC COMMENT

At this time if there is any public comment – and we have not have any cards come in so I'm assuming that we're cleared away on Item Number 3.

## TECHNICAL COMMITTEE UPDATE

We would like to move on to Item Number 4. We'll

have an update from the technical committee. If Russ Allen would give us his presentation we would appreciate it. So, Russ, may I turn it over to you.

MR. RUSSELL ALLEN: Thank you, Mr. Chairman. The Weakfish Technical Committee met in April to discuss a variety of issues, some that have been ongoing and board tasks from previous meetings and previous chairmen so we tried to get through everything we could. The main things that we looked at were to review Florida's methodology to partition the weakfish landings and the potential impacts that may have.

We also put together a group of stock measures to track management progress. That was a board task. We discussed sampling requirements, including a north-south sampling split, another board task. And we began the ongoing process of planning for the next assessment and that's going to be a long process. And I will go over that timeline and what we thought about past assessments and where we go forward. We also reviewed Addendum II implementation plans and the Draft Addendum III.

Florida's weakfish landings are a mix of weakfish, sand sea trout and a hybrid of the two. The Florida Fish and Wildlife Research Institute put together a genetic team that did some work showing a gradient up and down the coast of weakfish and the sand sea trout areas to the – weakfish to the north and sand sea trout to the south – and a hybridization zone centered around the Saint Mary's River.

They brought together – Mike Tringley did the work on that, his group. And they brought a couple of different papers to the technical committee to look at. Any specimen that was greater than 80 percent of its genome, consistent with a true weakfish, was considered a weakfish. And they developed a set of multipliers out of that data to be able to take their actual or their estimated weakfish landings that they have currently and partition them into weakfish, sand sea trout and the hybrids.

And what that really did was adjusted their landings lower because most of their landings are considered weakfish in the past are now actually some sand sea trout so it has implications as far as *de minimis* status and the weakfish stock status. For *de minimis* it's not that big a deal because it actually is lower landings now so it doesn't affect their *de minimis* status at all.

For the weakfish stock status we're really not sure yet. We need to look at, as we go through this new assessment, adjusting all their different landings

through time with the new data. The TC agreed that the work that they had done was very high quality and is currently in the peer review process so there is no reason for us not to trust those results pending that process of peer review and we will see how that works out.

The other thing, the next thing we looked at were measures of stock status and how to move forward from the five-year stock assessment benchmark and going into the next five-year cycle and have some kind of an update for the board. As you guys have talked about the last couple board meetings, I think, these measures are similar to what we do for Atlantic croaker in development of a potential stock assessment when it's not called for by the schedule.

So, there are a few things such as landings, commercial and recreational, that are pretty simple to deal with. Most of the landings are acquired by state representatives by January of the following or January or February of the following year except for the State of New York, I think.

There are adult survey abundances from Delaware and New Jersey trawls and the proportional stock densities that Jim Uphoff has thrown in front of this board many times, we have that data, commercial effort, catch per unit effort from Virginia, Delaware and North Carolina from their mandatory reporting trip tickets and things like that.

Also, the young-of-the-year abundance indices which we haven't used a whole heck of a lot in the past, it's time to find out whether those indices are really worth using in the stock assessments and trying to do some different work with them. And we're going to work on that not just in our stock assessment process but in this yearly process, also.

The board has seen the relative F and stock biomass estimates from the MRFSS recreational effort, Mid-Atlantic, private boat and Jim Uphoff's predator-prey modeling so Vic Crecco and Jim Uphoff decided they could pretty much do that on a yearly basis. It's just a matter of punching in the new numbers as they come in, especially the landings data and a couple of other little things. But it's something they can do every year so we can have that data ready and can present it to the board in a timely manner.

Another thing we were thinking about is because of the problems with natural mortality and predator-prey relationships that have come forth in front of this board with weakfish it might be a good idea to have some of these graphs, some of these predators on the

graphs and maybe even some competitors' preys and look at some different things like that on a yearly basis.

The TC looked at the mandatory sampling program under Addendum I to Amendment 4 and agreed that while we're not sure how we're going to go forward on the stock assessment, whether we'll use age-based modeling or not, it would be a detriment to the data process if we were to take that away at this time.

And it looks as if, you know, you take a gap in the data, it would really not help the process. You know, we may decide to not have a stock assessment with age-based modeling right now but the next go-around may be age-based so we don't want to lose that aspect of getting those samples.

And although it's tough to get the samples through the commercial monitoring because, and the recreational monitoring, because numbers are so low it's worth the attempt to try to do that. So the TC agreed that we should continue sampling at the current pace.

The board had suggested a north-south split on the sampling procedures from the addendum and the TC wasn't sure exactly what the board was looking for since really there already is a split with Georgia, Florida and South Carolina being *de minimis* and not needing to sample. The only state in the southern area would be North Carolina where the split would occur. So we just recommended that any state that thought there should be a split sampling design in their state can design a proposal for the TC to review and give the board guidance on that issue.

The next item was probably the biggest and the longest and the most talked about was the next assessment and how we're going to move forward. The first thing we talked about was model selection and there were many, many ideas on how to move forward and this is going to be an ongoing process.

There are some questions that the TC had for the board on how to move forward and I'll get into that in a minute. But the real key is everything is out in the open right now. We have got the process started and then you will see in the timeline how that's all going to work out.

There are a few members of the technical committee who voiced concern and uncertainty as to how to move forward from the last assessment through this next stock assessment. And although the entire committee doesn't feel the same way, it's worth

giving their points to the board and how they feel.

The one thing that's evident from the last stock assessment, well, there was no guidance from the peer review panel report on how to move forward or what we could, what the stock assessment subcommittee or the technical committee could have done to make it better. That's not something that normally happens in ASMFC stock assessment process and is left a lot of wondering on how to move forward from that position.

The peer review process does not really address the assessment that has been rejected by the peer review panel but subsequently used for this board to do some management process and set up an addendum and do all those kinds of things. And it was kind of confusing to the technical committee, to some technical committee members, on how to do that.

The one thing that the technical committee and stock assessment subcommittee did agree on was they would like to evaluate the weakfish stock with methodologies used in the past assessment as well as any new methodologies that are available. None of the methodologies used in the last assessment, however, were endorsed by the peer review.

And, as I just said before, the board accepted the major findings of that assessment even though the modeling methods were not seen as the appropriate ones to use, maybe, by the peer review panel. The five findings in the last assessment as stated in Addendum II and in the 2006 FMP review came from this, were accepted by this board and that was the final word, but it still left some TC members not understanding the process.

So what we decided to do was ask the board in preparation for the next assessment the TC and the stock assessment subcommittee would like more guidance from the board as to whether the board accepts those past methodologies that we used in that last assessment for future weakfish assessments.

And that would help the members of those committees that have worked hard on those different methodologies to know if they can keep moving forward doing that type of work. And I think it's very important that the board not necessarily say that those are the best methodologies or things like that but just whether or not we should be using those methodologies this time around. And I think it's very important for the board to do that.

We would also like the Management and Science

Committee or the Assessment Science Committee to discuss and amend the peer review process so the problems that we had with weakfish in the last assessment aren't encountered again in other weakfish assessments or other species when that comes along.

I'd like to move to our timeline for the assessment. It's a pretty ambitious timeline. But it seemed as if the majority of the stock assessment subcommittee members felt that this could happen in this timeframe so knowing that we already started and got some assessment planning going on, we're identifying the deficiencies in the data and some of the modeling that has been done.

We're going to develop a term of reference, terms of reference and have a tentative stock assessment meeting in September. Hopefully we'll have those terms of reference to the board and approved by October of this year. And then sometime in the summer of next year it really gets going with a data workshop. We'll be reporting the progress to the board in that time.

Moving into September of '08 we'll have an assessment workshop and then try to get everything to the peer review workshop by December of that year and onto the board by February of '09. And I know that's an ambitious schedule to get it done in early '09 but, like I said, we think we can have it done. And I'll entertain any questions you have for anything I have put forth so far.

CHAIRMAN AUGUSTINE: Thank you for the presentation, Mr. Allen. Board members.

MR. ROB O'REILLY: I have a few questions. I guess to respond, Russ, to one of your questions about direction, it seems to me that you had a slide up there of stock measures and you listed several different approaches which I assume will be a way that the technical committee can keep the board informed as to the status of the stock even though it's not in a framework of a, a model framework. And I think that that's really important.

I think sometime in the future it might be important to have the technical committee sort of rank those stock measures. You know, we know we have a commercial cap, for example. We don't have anything on the recreational fishery in terms of a cap. And you know one thing that would be interesting would be to look at the recreational fishery which from what I've found it's fairly low landings, 743,000 fish for 2006 which is preliminary, but the

catch is within about the best 9 out of 25 years, since 1982.

So maybe a way to look at the recreational fishery as one of your stock measures, compare directed trips, if you can get that information. But I think the idea is the stock measures. You mentioned the models that you used in the past. Certainly, the approach has been to bring forward runs of models that have been used in the past and I can't see that anyone would have difficulty with that.

I think the questions are what other models would be used. And I know that perhaps there has been a little talk about statistical catch at age. I'm not sure if the technical committee has progressed on that. And I'm going to stop there and switch to another point which is you mentioned the indices need to be evaluated for their worth.

And it seems to me that one of the big components of the peer review was a discrepancy with the way the technical committee looked at the Northeast Fisheries Science Survey Trawl Survey versus the way the peer review did. And the technical committee, I think, is absolutely right, that that survey depends on the migrations of weakfish. It's sort of hit or miss.

So I think it's good if you can look at the state surveys and other surveys and also categorize them aptly according to what they're hitting and missing. Along with that, you talked about the age sampling and it seems a little optimistic based on the track record of what states have been able to do – and, certainly, there are many reasons why the age sampling hasn't been continuous throughout the range.

Some reasons I remember from the past were simply that it wasn't about money, it was about personnel. And certainly in a state system it can be hard to get personnel. So I wonder if the technical committee has thought or would think about perhaps sampling the over-wintering stock.

Back in 1996 Mark Gibson approached the board and looked at old evidence of multi stocks for weakfish. That's been looked at recently and provided to the board several months ago so there is recognition and a pretty good thought that we've got different stocks. But the over-wintering area is something that could be sampled.

Just like the indices, it seems that the way that we're collecting age data might be a little bit hit or miss. The gears that are used to sample, they change almost

on an inner-annual basis in their importance. Is it possible to look at some approach where there could be sampling off the Virginia, lower Virginia Coast/North Carolina Coast during the mixing to really portray a stock status? Because what we're doing now is we're really portraying the fisheries. It may be something that is not possible but it's something to look at.

And I guess the last thing that I have to point out right now, at least, is probably the timeline of all this. I think that the best way to look at it is the sooner that we can know what type of models you're going to look at and what type of information you're going to bring forward there, the better off we'll be.

CHAIRMAN AUGUSTINE: Thank you, Mr. O'Reilly. Any response to that, Mr. Allen?

MR. ALLEN: Thank you, Mr. Chairman. Yes, just a couple things. I think that's a good idea to rank the stock measures, Rob, kind of like we did for the stock measures of Atlantic croaker. It was kind of the same thing we did there. I think that's a good idea. As far as the discrepancy in the Northeast Fisheries Trawl Survey, there is two things really there.

Jeff Brust has done some work already, preliminary work, kind of combining that with the New Jersey trawl because there seems to be some years when September is a good month for weakfish coming through and October is a good month in other years. And he's trying to work on that right now, seeing if he can come up with some kind of combined index for the two since they're very closely related.

The other issue is with the change in the boat for the Northeast Survey that data for the inshore areas where weakfish were caught in the past won't be there any more because they can't sample some of those strata, I believe. It's something we're looking at right now. So that may not even be one of our indices any more.

CHAIRMAN AUGUSTINE: Thank you. Mr. Allen, a couple of slides back you had indicated that there was some concern on the part of the technical committee asking for possible further direction and clarification from the board so could you bring that one back up to see if there are any comments or issues that might want to be raised there? Is that the one? No, I think it's the next one. Where you were asking for advice, is it the next one? Any comments from the board? Dr. Daniel.

DR. LOUIS DANIEL: Yes, just a little follow up on



what Rob was saying, one of the big issues we've always struggled with, with weakfish, is the retrospective bias. And certainly if you will go back and look at some of the most recent assessments done through the South Atlantic SEDAR process they have been, they and NMFS have been very enamored with this forward-projecting catch-at-age, AD model builder approach.

And having been involved in many of those assessments they can be done age-based, they can be done length-based. And certainly if you look at weakfish and compare it to all of the species that we've done in the southeast the data availability for weakfish is much greater than it is for those species. And those have made it through peer review and have resolved some of those retrospective patterns. So I would strongly suggest and will follow up on having the technical committee pursue that model for certain.

CHAIRMAN AUGUSTINE: Thank you. Mr. Allen.

MR. ALLEN: Yes, Louis, we, in our discussions we put out just about every modeling aspect we could think of and statistical catch at age was one that we really want to look at. There are some new things that we can do. As you remember, Jonika D'Silva did a great job with that years ago. And it's just, probably a matter of taking his work and moving that forward and doing some other things.

And something else that, you know, Rob had mentioned that before and also with the VPA there are some other ways of changing natural mortality in there, instead of running it just with the straight .2 and there are some other things we can do. And all those models have been discussed at that last meeting, including a bunch of others that I have no clue about whatsoever.

So one of the things that I will recommend is that our stock assessment chair be here at the next meeting that you have to really go over the different models that we've kind of looked at and decided and maybe not used or how we're moving forward with that. I suggest that to be a good idea.

CHAIRMAN AUGUSTINE: Good. Thank you. Any other comments? Mr. O'Shea.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. Russ, if I understand what you're seeking from the board is there any good reason that you can think of why the board shouldn't accept the TC's plan to use the past methodologies?

MR. ALLEN: No.

CHAIRMAN AUGUSTINE: A clear answer on that. Any other comments from the board? Go ahead, Bruno Vasta.

MR. BRUNO VASTA: You know, I've been sitting here for three years listening to a lot of the same things over and over and over again with regard to the weakfish. It seems that right after Amendment 4 everything crashed.

Is there any kind of a sentiment or for a, even a diminished moratorium on these fish until we find out what, whether these methods and these things that have been discussed today have any merit at all? And I'm trying to figure in my own mind how are we going to save these things because each year it, little by little they get a little bit better but then all of a sudden something else hits and you never know. Thank you, Mr. Chairman.

CHAIRMAN AUGUSTINE: Thank you, Mr. Vasta. Mr. Allen, do you want to try to respond to that? That's a good one.

MR. ALLEN: I don't think that's something that's in my purview but it should be something that is discussed by the board as we move forward, and especially in this next assessment if things don't get better.

CHAIRMAN AUGUSTINE: Dr. Gibson.

DR. MARK GIBSON: Thank you. Vince asked a pretty reaching question and it didn't elicit much response but I guess I will weigh in. The technical committee has, you know, asked for some guidance here and I think Louis was right on track in terms with his advice relative to the forward-projecting catch-at-age model which is probably a state-of-the-art approach that ought to be considered for weakfish, either in its age- or length-based configuration. So that would be some advice I would endorse and reiterate to them.

On the first question and to Vince's lead-in question, I think the, my simple answer was it didn't quite make it through peer review, those approaches, so I don't want the committee – and I don't want to plow some old ground here and reopen old wounds but the technical committee in my view needs to be mindful of what that peer review panel said in terms of the creativity that they're putting into – we don't want to stifle their creativity but they need to be mindful of what peer review panels have said.

And there is another request here to amend the peer review process and I don't know what to do with that. I don't know what's wrong with the peer review process other than we had a group that didn't like the outcome of a particular peer review. I don't think we can reconstruct our peer review process to be in accordance with what technical committees want in terms of what they think the outcome of it should be. So, that's where I am on that.

CHAIRMAN AUGUSTINE: Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. Just to help clear that second one up a little bit, Mark, I mean it's not that we're asking to change the whole peer review process or the benchmark assessment set-up that's set up by ASMFC. What we're looking at is there is a definite problem that happened with weakfish and we all know that.

I mean, it's not something that we want to dwell on forever, either. The problem happened that it was rejected by peer review but there was no constructive criticism given to the technical committee or stock assessment subcommittee on how to move forward. If we've taken – you've been in this process many years.

And any other time in the past when you went to peer review if it was rejected by peer review at least they gave you some way, you know, some light to head in some direction or where to go. You know, just because they didn't like something didn't matter. It was, okay, let's give you somewhere to go. This one had nowhere to go.

And so those assessment methodologies that were used on that process, we'd like to go ahead and use some of them again but if they're rejected and there is no way to move forward we don't really know if we're supposed to move forward with them. We agree that there are other methodologies and better methodologies if the data is there. And I think as we move forward we may find some better ways to go and we might not use some of these methodologies that we used in the past but I believe some will still be in the process.

CHAIRMAN AUGUSTINE: Okay, Mr. Calomo.

MR. VITO CALOMO: Thank you. I'm just looking at the graphs and listening to everybody speaking and you know different methodologies and everything, but Bruno hits it on the head. Three years of working on the rebuilding of weakfish and taking drastic cuts

and doing different assessments has not cured the problem.

The problem continues to escalate that they're increasing in mortality, not by mankind, I don't believe. It's nature. It could be predation; I'm not sure. But I do know that one course that we can take is to think strongly about a moratorium on this fishery. We did it in striped bass. I'm not saying the same result is going to occur. But we, the humans, at this time don't have too many choices. Something beyond our scope is happening here.

And the only thing we can do is to try to leave more in the ocean that maybe nature will correct itself and when it does that there would be enough stock to rebuild itself. And that's just a thought. I don't think we should you know just kind of brush over the thought that Bruno brought up a few minutes ago and that I'm bringing up again. I don't want to wait until it's too late because then no one wins. Thank you, Mr. Chairman.

CHAIRMAN AUGUSTINE: Thank you, Mr. Calomo. Mr. O'Shea.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I'm not sure I exactly understand the TC's problem here but maybe this might be helpful. When we took the, when we first went to the SAW/SARC process one of the agreements we had with the Northeast Science Center was that they would provide advice to the stock assessment subcommittee on how to fix their stock assessment because they had problems.

And what I'm hearing now is that when we went to the ASMFC peer review they basically said you have problems here but they didn't give clear directions on how to fix the problem and how to solve that. So that sounds to me like a terms of reference issue and maybe as a way out of this in Russ' timeline that he outlined for us he said that the technical committee would be bringing draft terms of reference back to this board.

And I'm wondering, you know, rather than try to torque the whole ASMFC stock assessment process, the first step is have the TC give us what they think would be the good terms of reference so that if there are problems with the stock assessment that the peer review would be directed to give clear direction to take next steps, which I gather was what was missing from the last peer review that we did. Thank you.

CHAIRMAN AUGUSTINE: Mr. Allen, you're

happy with that? Clearly stated, Mr. O'Shea. Thank you very much. Any other comments from the board? Yes, Mr. O'Reilly.

MR. O'REILLY: This is a question. I wonder since the model approach seems to be critical here and based on Mark's comments and also Louis and you know the direction, is it possible, I guess, for Bob or Vince to maybe give an idea here on the ASC? I don't know what the "A" stands for but I think that's the stock assessment committee or what used to be the super stock assessment committee.

I'm not sure whether they just meet two or three times a year but is it possible for the ASC to directly be involved as this assessment goes forward? It doesn't have to be encompassing but each meeting could weakfish, given the past situation that everyone just went through, could weakfish be part of that process?

And maybe it can be decided early-on that you don't want to bring the ADAPT back. And certainly if the ASC says that, that's probably the way to go. In the meantime you've got the, either the forward approach going or some other type of statistical catch-at-age.

CHAIRMAN AUGUSTINE: Thank you, Mr. O'Reilly. Mr. Beal, would you respond to that or is that possible to do that or should it be considered?

MR. ROBERT E. BEAL: I can try to respond to that. The Assessment Science Committee, which is the ASC, is under the Science Department's umbrella and Megan Caldwell is not in here right now – she's over at the Management and Science Committee. But, one of the reasons, really, that committee came into existence was to provide advice to stock assessment subcommittees that are going through the assessment process and provide sort of a sounding board for different ideas that are out there.

So, that committee usually meets twice a year. They've met at the last Technical Committee Meeting Week. They probably won't be meeting again until I believe September but we can, you know, have them involved then and maybe the weakfish folks will be a little bit farther along. They may have some specific questions.

There is a fair amount of overlap between the Weakfish Technical Committee and the Assessment Science Committee so I don't know if you'll get a whole lot of new ideas but it's probably worth a shot. The Assessment Science Committee is definitely not the, a body that will, you know, conduct peer reviews

or conduct the assessment but they are sort of, you know, like I said, a sounding board for different ideas and get some creative input on how to move forward with stock assessments.

CHAIRMAN AUGUSTINE: Good. Well, if we can count on that, then that would be most helpful. And then, Mr. Allen, if you would go back to your slide about showing your schedule of events for the next year and a half or two, that would be helpful to the board for final review. And, Mr. O'Shea.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I'm glad you went to this slide. It seems to me that one of the problems that we also had in the past was notification to the board about problems that were evolving and that notification being given in sufficient time for the board to be doing something about it. You know, bluntly, we were told two weeks before one peer review that we can't make it because there is four weeks of work left and it can't be done.

So my question to the TC might be is there a critical date in here that they might identify that they could give an estimate to the board about whether or not there is a problem evolving so that the board would then still have an option to perhaps pursue some other alternatives in order to get a useable stock assessment delivered by whatever means by the projected date? Thank you, Mr. Chairman.

CHAIRMAN AUGUSTINE: Good point, Mr. O'Shea. Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. We've never really talked about that too much but I would have to assume that we should really know where we are by that September assessment workshop. And that would be where we're trying to finish off the assessment and move it to the technical committee which is pretty close to the same membership.

So, if there is a problem I would think we should know about that time if we're not going to keep that deadline moving forward. But I would think that in Nichola's case, in ASMFC you'd want to know a little bit quicker than that so we can go back and look at that as a critical point and try to figure out what that date may be.

One other thing that, you know, I didn't talk about before was that the technical committee at the last meeting thought that we'd be better served moving our assessment through the SEDAR process or the SARC process instead of an external peer review. And obviously that's not up to us to finalize but that

would be our recommendation.

CHAIRMAN AUGUSTINE: Thank you. Mr. O'Shea, follow up.

EXECUTIVE DIRECTOR O'SHEA: Yes, thanks. I'd like to just stick with this goal point and maybe we could flip back to the earlier slide, then, previous slide. And again I'll speak direct because I was in the middle of it. There was some though previously of taking a, when we had these other problems of taking this whole process out to an outside contractor, quite bluntly.

And I suspect that those sentiments may be still present with some members of this board. So that's what I'm anticipating is sufficient notice that if the board wanted to have that decision to go out, when would be a good time to make it. And so Russ had said September of '08 might be too late so now we've scrolled back and maybe he can identify another time period.

CHAIRMAN AUGUSTINE: Mr. Allen.

MR. ALLEN: Well, I would think after the data workshop next July the stock assessment subcommittee chairman would be probably reporting to the board in August of '08. You would think by the time – the whole goal is to keep a lot of work ongoing. Jeff Brust is the stock assessment chair and he's already in the process of doing different things with the data. He has most of the data updated so far.

It's just a matter of getting the catch-at-age and all that kind of stuff in order. By the time that data workshop comes along in July we should know, you know, what models are the best ones to use at that time and whether or not we can get forward. I would think by your August meeting that if you haven't been notified of a problem that that would be the, I guess, the last date we would go with.

CHAIRMAN AUGUSTINE: Thank you for that clarification. The board has, some of the members have spoken to me directly and my own personal concern is that, as Bruno has stated and followed up by Mr. Calomo, it appears that we've been dragging and dragging and dragging and the difficulty that you technical folks were faced with, with that peer review was the same as we saw. They gave us their conclusion or their consensus, but they didn't tell us which way to go.

And from what I understand we have a very strong technical committee with very strong minds and in

order to get you folks to come to some consensus it's been very difficult. And I think having your name on a – not yours, in particular, Russ, but having your name attached to having led a direction or a model as selected can be very difficult to live with.

In my mind I think what has happened is the process has been delayed because of that. And that's my observation. And when blame comes I'll take all the blame. When credit comes, I don't want any of it. And I think that's the way the technical committee should work. I believe collectively you are a body of one.

And whenever in the past we've had meetings and a presentation from the technical committee it's always been "us and them" as opposed to "us" and there has been a consensus and then there has been a minority position. And, quite frankly, in my mind at the end of the day it doesn't matter whether you are a minority or not – and I mean that in number of count as to whether you agree or disagree.

The bottom line is the role I think of the technical committee is like this board. Collectively we agree to make a decision to follow a line of action. And off the table I might disagree with your opinion or someone else's opinion but it's a tough line. And us board members are, I think, left out here, hung out to dry and we have been.

And in the meantime I think the stock is suffering and continues to suffer. And most of us don't see any light at the end of the tunnel. Mr. Calomo's point about a possible moratorium has crossed my mind, too, but that's another issue. And it just seems that we don't have too many options.

So we're looking forward to the positive action of the technical committee moving forward with your process and hoping that your consensus that comes to us at our next meeting is we're going for a homerun and we're going to do the job we have to. And thank you for all your information, Mr. Allen. Are there any further comments from the board? Dr. Gibson.

DR. GIBSON: There is, I don't remember who brought it up, perhaps it was Russ, about the venue for the assessment, possibly a SEDAR review instead of an ASMFC review. I don't know if that requires some board input or actually where is that decided? A SEDAR seems to make sense to me. Weakfish are more closely related to the species that typically go through SEDAR approaches and maybe that's a good shop for it. But I don't know where that gets decided.

CHAIRMAN AUGUSTINE: Mr. O'Shea, would you respond, please.

EXECUTIVE DIRECTOR O'SHEA: So, we took this to SAW/SARC and it didn't work; and we did an independent ASMFC peer review and it didn't work; and we're thinking of going to SEDAR. My understanding is that the SEDAR schedule – and I sit on the SEDAR Board, Steering Committee – is that that schedule is set five years in advance and it's too blocked right now. In fact, we're fighting to keep red drum in it.

CHAIRMAN AUGUSTINE: Thank you. I think we need to give our technical committee a vote of confidence that they have gone forward with a plan that looks like it's doable. The deadline I think we're all going to look for is your August report. And the onus is on your folks and we know you're going to do a good job so. No further comments on that? Let's move on to the next line item. The next line item is review the Massachusetts' request for *de minimis* status. And Nichola, would you please go to that for us?

### **MASSACHUSETTS REQUEST FOR DE MINIMIS STATUS**

MS. NICHOLA MESERVE: Thank you, Mr. Chairman. Massachusetts submitted a request for a *de minimis* status in the weakfish fishery in March of 2007. That letter was included on the briefing CD and there are copies on the back table as well. A state may apply for *de minimis* status if for the last two years its combined average commercial and recreational landings by weight constitute less than 1 percent of the annual coastwide commercial and recreational landings for the same two-year period.

So this table here shows the calculations for Massachusetts. For the most recent years – it is 2005 and 2006 – Massachusetts averaged 1,089 pounds; whereas the coastwide average was over 2.3 million pounds, putting Massachusetts' landings contribution at less than 500ths of a percent which is drastically below the criteria. However, the 2006 data that were used here are preliminary so I also provided the 2004 -2005 average. And again with these numbers Massachusetts' contribution is largely below the 1 percent criteria. So unless there are any questions about the calculations for this, I'll turn it back to Pat.

CHAIRMAN AUGUSTINE: Thank you. Good report. And Dr. Pierce is going to make a motion.

DR. PIERCE: **I move the board accept the Commonwealth of Massachusetts' request that it be declared *de minimis* for weakfish management.**

CHAIRMAN AUGUSTINE: Do I have a second? Mr. Colvin. Any discussion on the motion? Any objection? Dr. Pierce – you don't have to, you know. You don't have to.

DR. PIERCE: No, I know. I just wanted to make a point that I had hoped that we would never get to this point where we would have to make this request because when we got involved in weakfish management through this board years ago we had anticipated that by now this resource would be in excellent condition, that we would have been rebuilt, that we would have an age composition of this stock that would have allowed, so to speak, weakfish to come up to our shores and take residence at least seasonally, promoting a fishery. And that hasn't happened.

And I just this morning reflected on the Appendix 1 and Appendix 2 and some of the documents we have before us. And the plight of weakfish is obvious and landings are not there. Recreational take is not there. Therefore, we find ourselves in the situation where we need to make this request. So, it has been made and I've made the motion for that declaration.

CHAIRMAN AUGUSTINE: Thank you, Dr. Pierce. Yes, Nichola.

MS. MESERVE: I just wanted to add that if the board approves this motion it's not going to change Massachusetts' requirement to implement the six-fish creel limit that's in Addendum II. What it will change is the biological sampling requirements which in 2006 were zero for Massachusetts and projected to be two ages and one length in 2007.

CHAIRMAN AUGUSTINE: Clear, Dr. Pierce? Good. Any objection to the motion? Seeing none, the motion is approved. I thought Mr. Colvin was going to take his second back on that, Dr. Pierce, after you started talking but he didn't. Let's move on to Item 6, state sampling plans for 2007 per Addendum I. So you're back on the docket, Nichola, please.

### **2007 STATE SAMPLING PLANS**

MS. MESERVE: Thanks, Pat. Per the requirements of Addendum I each non-*de minimis* state must submit a sampling plan for the current year by April 1<sup>st</sup>. The sampling plans are based on the projected

sampling requirements developed by the PRT from state reported preliminary landings from the previous year.

The PRT then reviews these plans and provides guidance to this board which the board can base a motion to approve the plans on. Specifically, Addendum I requires the non-*de minimis* states to maintain the 2005 level of MRFSS length sampling, to collect six fish lengths per each commercial metric ton landed and three fish ages per each total metric ton landed.

Additionally, each state should attempt to stratify the sampling by fishery, gear type, market grade and the time of year. The next two slides that will be up show a condensed version of a summary and evaluation table that was on the briefing CD. It summarizes each state's preliminary requirements and sampling plan which includes gears to be sampled, areas to be sampled, timing of sampling and the procedure for sampling and, finally, the PRT's comments.

All of the non-*de minimis* states submitted sampling plans except Massachusetts which is now *de minimis* so it is exempt. The other *de minimis* states are Connecticut, South Carolina, Georgia and Florida. This table was included, as I said, in the briefing CD so it doesn't seem like a great use of time to go through each state's specific plan but there are some generalities that the PRT pointed out.

Each state wrote that it would continue its MRFSS sampling and most included a goal to stratify the samples, although some plans were more detailed than others. All the states will conduct sampling at commercial ports or fish houses and some will also sample from fishery independent programs, angler donation programs, or from recreational tournaments.

The sampling plans did differ somewhat in the number and type of gears that they'll sample from and the time of year for that. Overall, however, the Weakfish PRT found in each report a commitment to make a good faith effort to obtain the required samples and adequate descriptions of the planned sampling methods.

This was the first year that the sampling plans were collected and there was no template for the reporting so they did vary in some detail. The PRT found the reports that included tables for the landings by gear, market grade, and the season to be the most useful and recommends their use in future reports.

The PRT also recommended to the extent that such information is accessible that states include in future reports an evaluation of how well the samples actually represented the catch by strata. That's all. Thank you.

CHAIRMAN AUGUSTINE: Thank you for that report. Mr. Colvin, did you want to make a motion? Okay. Comments from the board. We're looking for a motion for approval. Mr. O'Reilly, a question?

MR. O'REILLY: Yes. It would seem that Florida at least, based on the information we heard earlier, will continue to do some sampling. I would assume that the sand sea trout weakfish, the hybrid, that that's something that would need to be done more than one point in time. So there might be some sampling there. I was curious about some of the other *de minimis* states, whether they also will do sampling when possible, sort of opportunistic sampling.

CHAIRMAN AUGUSTINE: Nichola. I'm sorry, Mr. Allen.

MR. ALLEN: The technical committee recommended that Florida make an attempt to do the same genetic work that they did in – I guess the data came from 2001 to 2004 that they were using. They don't have a commitment to do that at this time I don't think but the recommendation is there from the technical committee.

CHAIRMAN AUGUSTINE: Further comments from the board. Yes, Dr. Daniel.

DR. DANIEL: Just a question, I guess, that strikes me is when I look down at some of these reports and these plans – I'll pick on New York, probably not smart but I will. You know six pound net samples, I mean six lengths from pound nets, I'm just wondering, is the effort worth it for six fish? I mean from the technical committee's standpoint?

I mean when you get – I mean I can understand 173 samples from trawls and 90 from gillnets and when you get a number but when you're going out and collecting one sample or two ages, I'm wondering if that's even, if there shouldn't be some threshold that if you fall below, you know, there is no reason to make that extra trip to go get six lengths from a pound net catch.

CHAIRMAN AUGUSTINE: Thank you. Mr. Allen.

MR. ALLEN: Thank you, Mr. Chairman. Louis, I would hope that commonsense prevails on that. As a

state, you know, New Jersey has those same types of things. We only have one pound netter working in the Raritan-Sandy Hook system. We'd be glad to get the extra six samples for New York just, it's the same area.

We looked at it as you have to stratify everything and if that's the way the data bounces, that's the way the data bounces. Obviously, for us in New Jersey we actually have a hook and line fishery that we're not getting samples from but we're hoping that the time period that those landings are coming in, it's the same class of fish that are moving through in other gears.

And we're trying to use the other gears as the ones that we're going to get most of our samples from. So I would hope a little commonsense comes through and you don't go out and sample just for those six fish. But if you happen to be on a pound net area and you get 20 or 30 samples, then that's much better.

CHAIRMAN AUGUSTINE: Go ahead, Mr. Boyles and then Mr. O'Shea.

MR. ROBERT H. BOYLES, JR.: Thank you, Mr. Chairman., just a comment from the State of South Carolina's perspective. Although not required we are undertaking several directed efforts to do some fishery independent sampling, this on top of what's already existing with SEAMAP. We've got some cooperative research efforts going on and also using some of our ACFCMA money to do a directed sampling effort in the fall fishery so just as an FYI for the board. Thank you.

CHAIRMAN AUGUSTINE: Thank you. Mr. O'Shea.

EXECUTIVE DIRECTOR O'SHEA: Yes, thanks. You know just with regard – you said the hook and line fishery you're not getting samples from. Is that a resource issue within the state or is it a lack of cooperation by the fishermen or what's? And would that data be helpful to you guys?

MR. ALLEN: The landings are really low for hook and line and it's probably less than 1 percent of the actual landings in New Jersey. It's not a licensed fishery at this time so for us to get a cooperative person in that fishery is kind of tough. But if we're getting samples from the rec fishery itself at that time it's really not necessary to get those exact samples from the hook and line commercial fishery.

CHAIRMAN AUGUSTINE: Thank you, Mr. Allen.

Further comments on the state **implementation plans**. Dr. Daniel.

DR. DANIEL: **I would just move that we accept the plan with commonsense.**

CHAIRMAN AUGUSTINE: With commonsense. Do I have a second to that? Dr. Pierce. No, you wouldn't second that. Okay, Mr. Miller. Oh, Mr. Frampton. Who is that down there? Oh, Mr. Rhodes, I'm sorry. Seconded by Mr. Rhodes. Any discussion? Any objection? All in favor, aye; opposed. We're all excited. The motion carries. Thank you. Mr. Miller.

MR. ROY MILLER: Dr. Daniel, would you define "commonsense" for me. I have no clue what we just passed.

DR. DANIEL: I don't, either. I was just –

CHAIRMAN AUGUSTINE: Well, for the record, clarify it.

DR. DANIEL: Yes, you can actually take that out if you'd like. I was helping my technical committee.

CHAIRMAN AUGUSTINE: I think we have it clarified. It's just the basic you've asked for approval.

DR. DANIEL: It means a lot of things to different people.

CHAIRMAN AUGUSTINE: Thank you for that clarification. Nichola, I think we're back to you. We're into Item 8, Addendum III, the BRD Consistency. We're looking for a final action. Are we going to do that? Oh, we're going back to Addendum II. God, I thought we got through seven. State implementation plans for Addendum II, review state plans to implement all of this. You're back on, Nichola.

MS. MESERVE: Thank you. This board approved Addendum II to Amendment 4 on February 1<sup>st</sup>. The addendum included two regulations for states to implement a 150-pound commercial bycatch limit and the six-fish recreational creel limit. The recreational creel limit excludes the states of South Carolina, Georgia, and Florida and *de minimis* states are exempt from the bycatch limit.

The included implementation schedule required states to submit implementation plans by April 6<sup>th</sup> and to implement approved plans by October 29<sup>th</sup> of 2007.

Most of the state implementation plans were available on the briefing CD and two commitments from Massachusetts and Connecticut are being passed out now.

This table summarizes the current state regulations and those proposed to implement Addendum II and also the anticipated timeline for doing so. All of the states, Massachusetts through North Carolina, plan to reduce their recreational bag limit as required except New York because it was already six, already at six fish.

All states will do so by the deadline or slightly before except for PRFC which already reduced the creel limit on March 18<sup>th</sup>. There is a question mark shown for South Carolina and I think South Carolina might want to add something momentarily.

For the bycatch limit, Rhode Island, New York, Virginia and North Carolina will reduce this to 150 pounds as required and PRFC, again, already did this on March 18<sup>th</sup>. The remaining states were already at 150 pounds or less or have no closed seasons to require a bycatch limit. The TC looked at the implementation plans in April and I'll let Russ give you their input.

CHAIRMAN AUGUSTINE: Okay, Mr. Allen.

MR. ALLEN: The TC reviewed all the implementation plans that we had and found that each report included a commitment to meet the two requirements of Addendum II which included the 150-pound commercial bycatch limit and the six-fish recreational creel limit.

We polled all state representatives at the TC meeting to see if there was going to be any anticipated delays in getting those issues implemented by the reporting, by the date, October 29<sup>th</sup> deadline. And there was no problems there so the TC recommended that the board accept each of these states' received implementation plans for Addendum II.

CHAIRMAN AUGUSTINE: Thank you. Mr. Miller and then followed by Mr. Boyles.

MR. MILLER: Thank you, Mr. Chairman. I just wanted to point out a possible, a probable typo in the Virginia proposal. Rob, in your first paragraph you have 3,000 pounds. I presume you meant 300 pounds.

MR. O'REILLY: Yes. I'm on. Yes, it should be 300. And I typed it so it's my fault.

CHAIRMAN AUGUSTINE: Go ahead, Mr. Miller.

MR. MILLER: I'd like to go on to just comment about the commercial measures. Frankly, after our last meeting – this is a general comment rather than a suggestion for a specific course of action. After our last meeting I had to call Nichola and verify with her so I could review in my own mind exactly what our state is required to do with regard to commercial measures. Our guidance is very clear on recreational bag limits. The answer was nothing, in effect, that instead we're going to monitor commercial landings and see what happens to them.

And I just wonder if, have we really done anything with this addendum in regard to capping landings if all we're going to do is monitor them and see how they play out relative to a somewhat arbitrary set of dates when the stock, most of us concede that the stock has diminished considerably during those particular dates that we chose? So, I just throw that out there. I wonder if anyone else shares my concern over this as a course of action. I don't really consider it management. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. Miller. Anyone want to respond to that? Mr. Allen? Nichola? Either one? Mr. Boyles.

MR. BOYLES: Thank you, Mr. Chairman. Not to Mr. Miller's point but just for the board for information, the South Carolina General Assembly received a proposal from our agency on weakfish size and bag limits. The state Senate passed Senate Bill S489 which implemented or would implement the recreational size and bag limit on weakfish.

This afternoon at 2:30 the House of Representatives will hear our comments on that same bill. So I want to let you know we are moving as quickly as our legislature will allow us to have that provision in place, presumably effective July 1<sup>st</sup> of this year. Thank you.

CHAIRMAN AUGUSTINE: Excellent. Thank you. Dr. Daniel.

DR. DANIEL: Yes, I guess back to Roy's point, I though we had had these discussions in the addendum. We had alternatives from a moratorium to no action and there was a lot of discussion around the table. And there was a lot of I guess frustration, confusion, uncertainty in what the assessment told us and what we were seeing on the ground and what action, if any, that we took would have, what benefits



that would have to the stock.

I don't know about the northern fisheries but certainly I argued and several others argued that having a moratorium on weakfish would simply result in un-quantified discards in these multi-species fisheries. And so certainly I think that's something that we need to keep in mind.

North Carolina is just as concerned as the rest of the folks around this table. Our landings declined again this year. So I don't know what's going on, either. But I know we won't know anything and we'll still have the same level of mortality in a multi-species fishery, we just won't know the magnitude.

CHAIRMAN AUGUSTINE: Thank you, Dr. Daniel. Further comments. Mr. Meyer.

MR. STEVE MEYER: Good morning, Mr. Chairman. Currently we have a 300 pound bycatch limit in the EEZ, part of federal regulations. We are prepared to lower that to 150 if perhaps we could get a letter from staff to Dr. Hogarth, a copy to Dr. Moore, requesting that. We already have the proposal drafted out and ready to go.

CHAIRMAN AUGUSTINE: Thank you, Mr. Meyer. Mr. O'Shea, could we do that in response to or now that we've gone to implementing 150 as the maximum here as bycatch and then in view of the fact that we need to get the EEZ numbers changed? So could we write a letter accordingly?

EXECUTIVE DIRECTOR O'SHEA: Sure. We'll do that saying it's the sense of the board and the action that we've taken.

CHAIRMAN AUGUSTINE: Thank you. Any further comments on this? Now we're looking for approval for the state implementation plans. Is there any objection to approving the state implementation plans as has been presented? Any objection whatsoever? **Seeing none, they're accepted and approved.** Now we'll move on to Number 8, Addendum III, the BRD consistency. Nichola, would you take us through that, please.

### DRAFT ADDENDUM III

MS. MESERVE: Thank you. At the last board meeting Draft Addendum III was approved for public comment after some additional language was included in the statement of the problem section. This clarified the reasons for the board support of the council's action to alter certification requirements for

BRDs used in the South Atlantic penaid shrimp trawl fishery from demonstrating a 40 percent reduction by number of weakfish and Spanish mackerel to a 30 percent reduction of finfish catch by weight.

The addendum was then released for public comment and indicated modifying the language as the preferred alternative. During the public comment period one comment was received from the North Carolina Marine Fisheries Commission and this supported that preferred alternative. No public hearings were requested by the states so none were held. The TC also looked at Addendum III at its meeting in April and I'll give it back to Russ again.

CHAIRMAN AUGUSTINE: Mr. Allen.

MR. ALLEN: Addendum III is a little tough for the technical committee to address. We don't have a lot of experts in the field of BRDs or TEDs or anything like that. We requested some information. Nichola was kind enough to do some research for us to get some additional information.

One of the main problems that we have is that we don't know about the testing, all those different kinds of things. Many of the people that are involved now with the technical committee haven't dealt with that in so many years that it's a little difficult but we'll do our best in trying to get some information to you.

One of the things we looked at was the effort in the shrimp fishery and we were told by members of South Carolina and North Carolina that that effort has declined. And with the low numbers of weakfish at this time it is suggested the change in certification requirements would have a minimal effect. But there is no guarantee that that effort in the shrimp fishery will continue as is or even continue to decline so if there is an increase there, an increase in the weakfish population, that same situation may arise.

I guess the biggest problem we had with it was that there was that potential to – or, I shouldn't even say that. The original Amendment 6 of the shrimp fishery that the council put forth was a weakfish stock that was growing. We were using the VPA at the time. Obviously, you've all been here and you know that that's not the case.

Weakfish has declined to low levels. Fishing mortality seems to be stable but we don't really have a good idea of what kind of discards are coming out of that shrimp fishery, as we've talked about for a long time. So, with the changes in the weakfish stock that was put forth in Amendment 6 to that shrimp

fishery, to the South Atlantic Board's or Council's decision, it didn't sit well with many of the technical committee members.

We did make some changes to or modifications to what was already in this addendum. Anything you see up there in underlined has been added and the italicized has been taken out. So we put in there "Amendment 6 was adopted in 2005 and the certification of any new BRDs now requires a statistically demonstrated reduction in the total weight of finfish bycatch by at least 30 percent."

And these are all alterations that we're asking to be put forth into that addendum. The commission supports the basis of the council's decision to modify the BRD requirements of Amendment 6; however, the reasoning included a statement on weakfish status based on earlier virtual population analysis which has since been proved to be flawed and the weakfish stock is currently below the biomass threshold as per the stock assessment.

New protocols in Amendment 6 will promote the testing of new devices that aim to both reduce finfish bycatch and retain shrimp catch. We took out the "place the burden on NMFS" that was in there because it just didn't really make sense to what was happening. Finally, because weakfish generally react favorably to a BRD and escape from the net compared to many other finfish species such as flat fishes, the 30 percent reduction in the new SAFMC Amendment 6 will likely result in equal or greater protection to weakfish, specifically.

And we kind of reluctantly agreed that Option 2, the preferred, should say "modify the BRD provisions of Amendment 4 to be consistent with the SAFMC Amendment 6 to the Shrimp FMP and that all required BRDs must demonstrate a minimum of 30 percent reduction in finfish bycatch reduction by weight when compared to catch rates in the naked net."

And that's, the weight issue was something that was in Amendment 4 to the Weakfish Plan and is in Amendment 6 to the Shrimp FMP. It was just a clerical error. Like I said, we're not the experts on BRDs so you can take our information and our thoughts in consideration when making decisions on that.

CHAIRMAN AUGUSTINE: Okay, comments on Mr. Allen's report. Dr. Pierce and then Dr. Daniel.

DR. PIERCE: Yes, just a question regarding the last

comment that you made on Option 2 where you said that you "reluctantly," that the committee "reluctantly" went along with that change but at the same time you said it was a clerical error, weight versus number. Why did you use the word "reluctantly"?

CHAIRMAN AUGUSTINE: Mr. Allen.

MR. ALLEN: That was just to change that. And I take that back. I meant that we were kind of reluctant to put a preferred option out there is what I was meaning to say. And that really didn't come into that particular modification.

CHAIRMAN AUGUSTINE: Thank you for that clarification. Dr. Daniel.

DR. DANIEL: Yes, I thought, you know, I thought Nichola had done a very good job putting together this addendum and the explanations and the justification for it. I don't have any problem with the suggestions from the technical committee and would suggest that or I guess would **move that we accept those changes as recommended by the technical committee.**

CHAIRMAN AUGUSTINE: Thank you. Do I have a second? Mr. Woodward. Discussion. Joe, did you get the motion or is the motion up there? Thank you. Discussion on the new motion. Mr. O'Reilly.

MR. O'REILLY: I am just wondering about, and maybe Russ could clarify it, it would be the third item down, "promoting the testing of new devices that aim to both reduce bycatch and retain shrimp catch." Isn't there a determination along the way where they are more or less certified?

CHAIRMAN AUGUSTINE: Mr. Allen.

MR. ALLEN: Yes, that whole statement there is for the certification process. I don't know if "aim to" is the best wording but –

MR. O'REILLY: Might it be "are determined to both reduce bycatch and retain shrimp catch"? I'm just getting at the idea if there is a, some type of determination through testing that that's different than aiming to, just a question on the wording.

CHAIRMAN AUGUSTINE: I don't know if you have a response to that or not, I think just clarification.

MR. ALLEN: It's possible that you just take out

“aim to” and that “the devices that both reduce finfish bycatch and retain shrimp catch” would work.

CHAIRMAN AUGUSTINE: Thank you for that clarification. Further comments from the board. Okay, then on the motion – oh, I’m sorry, we have to second the changes. With those changes that have been noted we’d like to ask your approval of the addendum. Are there any objection? Oh, I’m sorry.

I believe the last one we are talking about, right, Nichola? Move to accept the changes as recommended by the technical committee with regard to the language in Draft Addendum III. Motion by Dr. Daniel; seconded by Mr. Woodward. Any objections to that motion? Seeing none, it’s approved.

Now we’re looking for an approval of the Addendum III as modified. Do I have a motion? If not, do I see an objection? Mr. Daniel, Dr. Daniel would make the motion; seconded by Mr. O’Reilly. Any discussion? Oh, I’m sorry. Mr. Beal.

MR. BEAL: Yes, the draft document, really there are two, you know, there are Option 1 and Option 2. So I assume by approving this it’s Option 2 which is modifying the BRD provisions and then one of the other questions is implementation schedule, when should this, when does this become effective? Both of those things need to be considered.

CHAIRMAN AUGUSTINE: Okay, let’s go to the first point. We assumed that the option that was preferred is the one that we were agreeing with. And then we have to add, we want to add the schedule there to this. We need an effective date.

MR. BEAL: You know, I think this is really a plan to change the criteria to approve bycatch reduction devices so there is not any immediate changes that I can think of that the states have to make to their management program so it’s, it almost can be effective immediately. In other words, future BRDs can, you know, need to comply with these criteria in this document so it can be, you know, the end of this week or whenever I think is probably fair game.

CHAIRMAN AUGUSTINE: Is that clear to the board? I see nodding of yes around the table so let’s go back to my original question. Is there any objection? I’ll read the motion again. Okay. Move to approve Addendum III with preferred options and recommended changes. Start again, Joe. **Move to approve Addendum III with the preferred option and recommended changes.** Motion by Dr. Daniel;

seconded by Mr. O’Reilly. Okay, all in favor of the motion as presented, a show of hands, all in favor; opposed; abstention. Seeing none, **the motion carries.**

## OTHER BUSINESS

Thank you. Is there any other business to come before the Weakfish Board? Seeing none, thank you very much for your effort in moving the process forward. We appreciate it. The meeting is adjourned.

(Whereupon, the Weakfish Management Board meeting adjourned at 11:35 o’clock a.m. on Tuesday, May 8, 2007.)

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