

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

**February 26, 2003
DoubleTree Hotel Crystal City
Arlington, Virginia**

ATTENDANCE

Board Members

Bill Alder, Massachusetts Gov. Apte.
Gil Pope, Rhode Island Gov. Apte.
Ernest Beckwish, Connecticut DMR
Gordon Colvin, New York DEC
Pat Augustine, New York Gov. Apte.
Brian Culhane, proxy for Senator Johnson (NY)
Jack Travelstead, Virginia MRC
Jaime Geiger, USFWS
Jerry Carvahlo, proxy for Rep. Naughton (RI)
Bruce Freeman, New Jersey DFG&W
Roy Miller, Delaware DFW
Eric Schwaab, Maryland DNR, Chair
Dave Borden, Rhode Island DEM
David Cupka, South Carolina Gov. Apte.
Ben Gregg, proxy for John Miglarese (SC)
Fentress Munden, North Carolina DMF
Spud Woodward, Georgia DNR
Luis Barbieri, Florida F&W
Anne Lange, NMFS
Fred Frillici, proxy for Sen. Gunther (CT)
A.C. Carpenter, PRFC

Ex-Officio Members

Jim Uphoff, Maryland DMF, Technical Committee Chair

ASMFC Staff

Braddock Spear
Vince O'Shea
Bob Beal
Lydia Munger

Guests

*The attendance of guests at the meeting was not recorded.

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

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INDEX OF MOTIONS

1. Move to approve all of the implementation plans, with the exception of Rhode Island, which will be dealt with separately, subject to the two corrections. The motion includes approving Massachusetts for de minimis status. Motion by Mr. Colvin; second by Mr. Fote. Motion carries. (Page 6-7)

2. Move to conditionally approve Rhode Island's proposal contingent on meeting the technical requirements of Amendment 4. If the requirements are not met, the management board will address Rhode Island's proposal at a subsequent meeting. Motion by Mr. Carpenter; second by Mr. Augustine. Motion carries. (Page 9)

3. Move approval of the nominee, Richard Weisberg, to the Weakfish AP. Motion by Mr. Beckwith; second by Mr. Augustine. Motion carries. (Page 14)

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**DoubleTree Hotel Crystal City
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The meeting of the Weakfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the DoubleTree Hotel Crystal City, Arlington, Virginia, Wednesday, February 26, 2003, and was called to order at 1:30 o'clock, p.m., by Chairman Eric Schwaab.

WELCOME AND INTRODUCTIONS

CHAIRMAN ERIC SCHWAAB: As soon as we can get everybody to the table, we will go ahead and get started with the Weakfish Board. Okay, good afternoon. This is a meeting of the Weakfish Management Board. I'm Eric Schwaab. We have a relatively short and hopefully uneventful agenda here before us today.

We only have an hour, but I want to welcome you here. The first item after that is to approve the agenda. You have the agenda in the briefing materials that were sent out in advance of the meeting.

BOARD CONSENT

There are additional materials that weren't on the briefing CD that I believe are being passed out right now. We also have to add to the agenda, following the advisory panel update, an advisory panel nomination which will also be passed out during the course of the meeting. Pat, I have a motion to approve the agenda?

MR. AUGUSTINE: Yes.

MR. THOMAS FOTE: Second.

CHAIRMAN SCHWAAB: Any objection to approving the agenda? Without objection, we have an approved agenda. You were distributed in the briefing books proceedings from the November 2002 meeting. Is there any objection to approval of

those proceedings? Without objection, then those proceedings are so approved.

PUBLIC COMMENT

Is there any, at this point in the meeting, public comment to bring before the board? We'll, of course, offer the opportunity for public comment as the meeting unfolds as well.

PRT REPORT

Well, with that then, the next order of business is the plan review team report on state implementation programs for Amendment 4, and I'll turn the floor over to Brad Spear.

MR. BRADDOCK J. SPEAR: Thank you, Chairman. The Weakfish PRT had asked states to submit Amendment 4 implementation proposals by January 15th. All of those proposals were submitted and the PRT then reviewed the programs.

I'll go through each of the states very quickly. The PRT report was just handed to you in the supplement material. Quickly, if you look at the PRT report on Page 3 -- and I'll just go down through the states.

Massachusetts had requested de minimis status, and their landings clearly were under the 1 percent, so the PRT recommended that they do qualify for de minimis status; and, as such, was not required to submit an implementation program.

Going to Rhode Island, Rhode Island had just come out of de minimis status because their landings did not allow them to qualify for that status.

Rhode Island had submitted an initial proposal that the PRT deemed insufficient. They also deferred most of this judgment to the technical committee because of the technical nature of these proposals.

And, subsequently, Rhode Island had submitted, I guess, two other revisions, now, and there still seems to be some holes. I will let Jim talk about that a little more in depth when the tech committee report comes out.

But at this point, the PRT is working with and the technical committee is working with Rhode Island to get this program up to speed.

Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, Georgia, and

Florida all had sufficient programs submitted to the PRT regarding Amendment 4.

There was a minor issue that came up with both the Potomac River Fisheries Commission and North Carolina. This issue regarded the bycatch provision in Amendment 4, and it was just an issue of wording in their proposed programs.

The board had added the provision that there must be at least an equal amount of weakfish or other fish on board as weakfish bycatch.

I've spoken to both Potomac Commission and North Carolina about this. I believe PRFC has already put this into regulation. I got the nod from A.C. I've spoken with North Carolina, Louis Daniel, and he said that this will be taken care of.

The PRT had also asked states to submit commercial landings data broken out by different gear type, and they had asked states to compare recent landings with an earlier reference period.

Their idea for getting this information was to look at any major changes between landings of different gear types. They were looking for these changes to then recommend any changes in closed season strategies.

As it stood, there were no major shifts detected. There were some shifts in different landings between different gear types, but this seemed normal.

There are shifts in the fishery over time, so the PRT recommended no closed season strategy. Jim, again, may talk about that in the technical committee report. They looked at that issue as well.

There were a couple other issues that came up at the PRT. If you look at Page 6 on the PRT report, the first issue that came up was regarding the sampling requirement in Amendment 4. If you recall, there was the tiered system.

If you landed a certain amount of weakfish, you had to collect "X" amount of otoliths and lengths. The tech committee made that recommendation in the hopes that this information would be collected from the commercial fishery.

The board, after some discussion, felt that it was sufficient to allow states to collect this information from either the recreational or commercial fishery as representative of those state's landings.

The tech committee also reviewed this. And, again,

Jim will speak to that. But at this point the PRT -- well, the concern was that there would not be enough sampling from larger fish that you would get from the commercial fishery.

But at this point, the PRT recommends that we just wait to see how this plays out when states implement their sampling programs; and if there is a problem, then it will come up at a later point, but the PRT wanted to make the board aware.

And then on Page 7, there is another issue raised by the PRT. In both Amendment 3 and Amendment 4 there were two different fishing mortality reduction percentages listed.

In the evaluation guides that states use to calculate their fishing mortality percentages, it listed that states should achieve a 32 percent reduction, but then in the text of both Amendment 3 and Amendment 4 it asked states to achieve a 33 percent reduction.

The PRT felt that this was either a typo or simply an error in transmission of that number to the report. The PRT recommends that states achieve a 32 percent reduction. The technical committee has a specific recommendation based on this issue and we'll hear from Jim in a minute. That's it for the PRT report.

CHAIRMAN SCHWAAB: Okay, so the action item here is approval of the state implementation plans. I asked Brad to go through all of those because they're relatively straightforward, with the exception of the two outstanding issues that are being addressed or have been addressed by the Potomac River Fisheries Commission and North Carolina, as well as the ongoing discussion related to the Rhode Island proposal.

I would suggest that we sort of perhaps park the Rhode Island proposal momentarily and open the floor to additional comments or questions relating to all of the other proposals, and see if we can't then entertain a motion to approve all of those implementation plans.

MR. GORDON C. COLVIN: So moved.

MR. THOMAS FOTE: Second.

CHAIRMAN SCHWAAB: **Okay, we have a motion to approve all of the implementation plans with the exception of Rhode Island, which we will deal with separately, subject to the two corrections. We have a second here**

**from Tom Fote; moved by Gordon Colvin.
Discussion?**

MR. AUGUSTINE: Could we ask the mover of the motion to actually include the de minimis status for Massachusetts. I think that was the only one that asked for it.

MR. COLVIN: And including de minimis status for Massachusetts.

CHAIRMAN SCHWAAB: Okay, additional discussion on the motion, then? Public comment on the motion? Seeing none, do we need a moment to caucus or not? We will act by voice vote.

All those in favor of the motion, please signify by saying aye; opposed; abstentions; null votes. The motion passes.

Okay, now Rhode Island. David, do you want to say a word or two about the Rhode Island status?

MR. DAVID V.D. BORDEN: Actually, not. I think it is probably expedited if I heard any additional concerns that the technical committee has on the subject then maybe I can respond to those.

CHAIRMAN SCHWAAB: Great. Jim, why don't you address that now,

MR. JIM UPHOFF: Well, I'll do the best I can. As of yesterday we've made a substantial amount of progress on this. I think what it really is boiling down to is the evaluation manual. There is specifically an equation that you have to put your information through. And we've hit a snag there.

We need Rhode Island's landings in numbers, if possible, by gear and by month. They need to define their fishing season, which is the time in which 90 percent of the fish are caught, and then calculate their seasons accordingly to meet whatever the target reduction would be.

I believe actually in this case, because you have a 16-inch size limit, that you may be eligible for only -- you may only need a 28 percent reduction as opposed to 32. But in talking yesterday, they were going to do 32 so that's not a problem.

It's just now it seems that we've got -- it seems clear what the mesh sizes are, what the commercial size limit is and the bycatch measures and so on, some of these things.

But what's not clear -- well, the seasons you have proposed are clear, but from my calculations from the data on hand that has been supplied, it doesn't look like they're sufficient to meet the reduction.

And I won't guarantee -- you know, I've been working fairly closely -- I'm not going to guarantee that when it's all done that my calculations are actually the ones that the technical committee is going to approve, but I think I'm getting them as close as I can get them. So it's kind of more the mechanics of working through the thing on paper and getting the seasons set than anything else at this point.

MR. BORDEN: Yes, and in that regard, there is not much I can offer for a comment on that. It's a technical issues that our staff is trying to work through with the technical committee.

If in fact we have that data, we will reformat it in the manner that the technical committee desires. It may simply be a case that we don't have the data.

MR. UPHOFF: To voice some sympathy, the first and second time I ever had to do these calculations, it was a little like having your pants pulled down in public. It's not abundantly clear sometimes so I'm very sympathetic. We're working on it, and I think we'll get through it.

MR. BORDEN: Well, what I would suggest is we've already scheduled these items for public hearing. We will take them to public hearing in March. And if in fact, based on some subsequent analysis we have to adjust it, we'll adjust it, but our plan right now is to move forward with what we've proposed at the public hearing stage.

Depending upon what the final resolution of the technical issues is, we may be able to modify our seasons within the confines that have already been expressed and avoid any necessity for additional public hearings.

MR. UPHOFF: I think the plan that we've worked out was to try and circulate this among the technical -- once we kind of got something that looks like it's going to fly, circulate it by e-mail and try -- we realize what your deadline is -- to try and have this taken care of as quickly as possible as long as there is no more blizzards and things like that.

MR. BORDEN: While I have the mike, Mr. Chairman, I just note -- and I've noted this before -- that weakfish are really not a directed fishery in the state of Rhode Island. It's primarily a bycatch

fishery.

And it's also a very different fishery year to year so it makes it very difficult to forecast behavior. It's not like the fish are there consistently. A couple years ago we had a big influx of fish that brought us above the de minimis standard.

As soon as we do the calculations for 2002 in terms of landings, we will be below the de minimis standard, so we're right on this. At this point, year to year our status will change as to whether or not we are de minimis land or outside of de minimis land.

MR. UPHOFF: Well, based on the reference period being almost over a decade old for most of the other states, if not even longer in a couple of cases, that kind of thing is going to happen, anyway.

MR. BORDEN: Right.

CHAIRMAN SCHWAAB: Gil, you had a comment.

MR. GIL POPE: Thank you, very much. My quick question, while I have a member of the technical committee here, is we're at 16 inches recreationally and ten fish. Now I know the standard, the highest you can go now is 15 and ten and above.

So, in other words, I think it was only 600 fish were caught recreationally last year in our state. I haven't discussed this with David or anyone else, but in my mind if we were to go to a 15 in the recreational fishery, with such a small amount of fish, would there be any difference at 15 and 16 at ten fish, in your mind? Just an opinion.

MR. UPHOFF: Well, Desmond Kahn actually did a nice little follow-up analysis looking at the bag and size limits. There probably is some difference between 15 and 16 inches, but not much, but it's a substantial net savings, essentially.

It's like on the order of 20 percent plus from kind of the base condition. But, you know, the difference between the two, without doing some -- it's difficult to say, probably not a lot.

MR. POPE: The only reason I'm asking that is because when we were doing this before, I mean, we were basically at 16 with no limit at all. I there was no bag limit whatsoever. And now we have a bag limit but --

MR. UPHOFF: It's ten.

MR. POPE: But it's ten. But you can go 15-16-17-18, but it's still only ten.

MR. UPHOFF: Yes.

MR. POPE: And so if we go to a higher size, we don't get any conservation --

MR. UPHOFF: You don't get any, because it doesn't --

MR. POPE: Exactly. It only works one way is what I'm saying.

MR. UPHOFF: Yes.

CHAIRMAN SCHWAAB: Anne.

MS. ANNE LANGE: I guess I sort of have a question and I'm not sure if there is an answer. If Rhode Island has been de minimis all along, and now they've crossed the line, and they're being required to take a 32 percent reduction, is it the intention that no state should come out of de minimis status, because if they're going to have to take a 32 percent reduction on what?

I mean, I'm having a hard time explaining the question. I think you get my point, though. It just seems sort of a circle type thing that doesn't really accomplish much.

MR. BORDEN: Yes, with your indulgence, Mr. Chairman, this is exactly -- Anne is making exactly the point that I've made before is we're going to go -- we've been in de minimis and then we're going to go kind of out of de minimis, and then we will go back into de minimis depending upon the movement of fish up and down the coast.

I mean, everybody knows we're at the extreme. I guess Massachusetts is further east of us, but they have absolutely no fishery and we have almost no fishery.

So, I fully anticipate we will bring the state of Rhode Island into compliance. We will do what we have to do to meet the plan. And if we fall below de minimis, we will request de minimis status next year.

CHAIRMAN SCHWAAB: I think it might be most appropriate if we simply entertained a motion to approve the Rhode Island implementation plan conditional to meeting the technical concerns

that have been raised; and should that not come to pass, we can address it at a later date. I would entertain such a motion if someone was willing to offer one. A.C. Carpenter.

MR. A.C. CARPENTER: Thank you, I'll make that motion.

CHAIRMAN SCHWAAB: Thank you. And seconded by Mr. Augustine. Discussion on that? motion. We will wait for staff to get it up on the board. Joe, do you need that read into the record? A.C.

MR. CARPENTER: Move to conditionally approve Rhode Island's proposal contingent on meeting the technical requirements of Amendment 4. If the requirements are not met, the management board will address Rhode Island's proposal at a subsequent meeting.

CHAIRMAN SCHWAAB: Thank you, A.C. All those in favor, please signify by saying aye; opposed; null votes or abstentions. Seeing none, the motion passes.

Okay, just to go back to the last two items that were on that plan review team report. One related to the concern -- and these are just information at this point unless there is concern or objection voiced by the board -- the one relates to this concern regarding the collection of sample fish from both the recreational and the commercial fisheries.

The second relates to this 32 versus 33 percent reduction. The intent, as Brad has suggested, is to interpret that as a 32 percent reduction unless there is objection. Hearing none, we will move on.

Brad mentioned the PRT report on closed season strategies. There is no recommendation at this time; therefore, no action required at this time unless there is further discussion from the board.

Okay, then we will move on to the technical committee report, Jim Uphoff, to add any comments you have not provided so far.

TECHNICAL COMMITTEE REPORT

MR. UPHOFF: Well, I don't know, I keep hearing I'm going to be saying things. I kind of hope I do or hope I'm either not being repetitious or saying the right things. We did have a phone conference on the eleventh.

Actually, our first order of business was to elect a vice-chair and a stock assessment subcommittee chairman. Desmond Kahn is actually both of those now. We don't get a huge rush for volunteers, so it seems that he and I will be playing sort of a tag team between chairman and vice-chairman at least for a little while.

We did go through the implementation programs and the commercial data. As Brad said, that's pretty much it, but there has been quite an exchange here from a couple of states over the legal harvest of fish that are less than 12 inches.

Amendment 3 and now Amendment 4 do have provisions of conservation equivalency for commercial fisheries to harvest fish less than 12 inches by either taking a penalty -- well, by taking a penalty in the season.

It has subsequently worked out either with -- for instance, with Virginia's pound net fishery, they've taken gear out of the water as opposed to a reduced season, and some things like that, but there are some concerns from some members of the technical committee about the legal harvest of sub-12-inch fish.

But one of the things, this is somewhat of an issue, but at least we can account for that in the catch at age matrix when we do the virtual population analysis.

I'm going to get back on this in a minute, but just so you know that there has been some discussion of this. Again, there has been a discrepancy in Amendment 3 that was carried over to Amendment 4 about whether the reduction was a 33 percent reduction or a 32 percent reduction.

The technical committee -- basically a motion was made to change the language to just 32 percent consistently, and the technical committee accepted this unanimously, so we're working from the basis of a 32 percent reduction as our target.

Any states that have been fishing at 33 percent and want to go to 32 percent can do so, but must submit their plans to the technical committee for approval before doing that. And Maryland may be the only state, but we have been at 33 percent.

In terms of sampling requirements, this was something that as far as -- the technical committee's intention, when the sampling requirements were developed, were that they apply to the commercial fishery, because we have some fairly significant gaps

up north in commercial sampling.

And the reason this, well, what exists in Amendment 4 is states are allowed to pool the samples between their recreational and commercial fisheries. The reason that we have some concerns about this is it may result in inaccuracy in the catch at age matrix.

The virtual population model we use, which is ADAPT, assumes that the catch at age matrix is measured without error. We are trying to estimate numbers caught in the northern fisheries without samples.

And the fish in the north, at least from some samples that we've gotten from Rhode Island, appear to be a great deal bigger than the next state that provides samples that are used, which is Maryland.

New Jersey, at least for some of their season, has a 13-inch minimum size. New York has a 12-inch minimum size. But in order to formulate what the catch estimates are, we're using the mean size of the catch in Maryland's trawl fishery, for instance, to do so.

So it's likely that we are overestimating the catch of small fish and underestimating the catch of large fish. It's not abundantly clear exactly what the consequences are, but it may be that we're underestimating the directed fishing mortality rates that we calculate through ADAPT because of this.

And just to kind of illustrate why we are kind of focusing on the commercial fisheries, is that essentially we don't get samples from New Jersey and New York, and their combined poundage in 2001 was 29 percent of the entire Atlantic Coast commercial harvest.

So, it's a sizable gap. We're concerned about it. We'd really like the states to emphasize commercial sampling, but when we did try and put together some kind of motion to make a request to the board to shift this to commercial sampling, it didn't make it.

I think what we're doing is passing on a concern that we really would like particularly the northern states to try and emphasize getting commercial samples. We feel for the most part that the MRFSS is doing a pretty good job with the recreational samples.

Where we have concerns are the commercial samples. So, it's somewhat of a plea or request that in particular the commercial fisheries from up north try and at least get some length samples.

The otolith samples we can get from the recreational or the commercial fishery. That's not as big a problem, but we would like them from larger fish.

CHAIRMAN SCHWAAB: Go ahead, Bruce.

MR. BRUCE FREEMAN: Thanks, Mr. Chairman. Jim, relative to the commercial fishery, there are usually two distinct aspects of that, probably three, is the trawl fishery, which tends to get small-sized fish, not always but tends to; the gillnet fishery, which tends to get larger fish, sometimes quite large; and then the pound net fishery, where depending where the pound nets are, they may be fairly small sized, as you mention in Virginia, but in other areas further north they could be quite large.

I don't recall in the commercial sampling there's any differentiation by gear. And my question is am I misreading that; and if there isn't, shouldn't there be?

MR. UPHOFF: We do make estimates of numbers caught by gear in the catch at age just precisely because of the reasons that you just described, that fisheries have different characteristics and they target and catch different fish.

So it has been pretty informal in the past, and what we're trying to do is put in, again, the sampling to be representative of both by gear and by, say, quarter of the year.

In other words, you know, if your pound net fishery catches 10 percent of the fish, maybe if someone could draw -- if you could try and at least draw 10 percent of the samples there -- and I realize that it's not always possible to do so, but that's kind of the objective is to get sampling that is descriptive of what the fishery catches so that when we construct the catch at age matrix, it is truly representative.

MR. FREEMAN: Okay, is that made clear to the technical representatives? I just didn't notice it in the plan. It seems to me that if we don't address that now, we will have to because I could see a state getting all their samples from, let's say, the otter trawl fishery and, quite frankly, may not represent the other two at all. There would be a complete void.

So the only thing I would say is if you haven't done so, then make clear to the technical reps this is what the committee would like to see to avoid a problem.

CHAIRMAN SCHWAAB: Gordon, to that

point?

MR. COLVIN: Thank you. Yes, I think Bruce is right. My recollection is that the section of the plan that addresses this talks very generally in terms of representative samples, and we clearly have some work to do to secure the advice of the technical committee to the individual states on how to best stratify those samples so that they are truly representative of the data that is needed to be used in the assessment.

I'm confident that process will emerge over time, just as we have gotten advice today from the technical committee on the other question that we had in all this, which is commercial/ recreational.

I think it ought to be a matter of record between the board and the technical committee that continued development of advice for each state on how to best stratify that sample will be helpful and will produce results over time that will be most useful to us.

CHAIRMAN SCHWAAB: Thank you. Go ahead, John.

MR. UPHOFF: The plan does say the data should be stratified by area fished, calendar quarter, major gears and market category. That's general, but it also gives some guidance as to how to go about what they're looking for.

An issue that arose out of the discussion of the legal fish harvested that were less than 12 inches lead into the issue of the losses of sub-legal weakfish as discards. This has always been a very important management issue with weakfish.

But, we have not been making the estimates over the years because this fell out in the -- when we went to the first SARC with our weakfish assessment, we had estimates of sub-legal losses, which they did not like.

And, subsequently this has not been an issue, but this was raised that we probably should be at least making an attempt to look at what is going on in the shrimp effort and also that there are -- there is an upcoming manuscript that describes some very substantial discard losses in some other fisheries, such as the butterfish and the Atlantic Croaker Trawl Fishery.

So, it may be time or may be a good idea to start at least looking at some of the trends in these fisheries in regards to effort and the discard data to see if we're really missing something.

This leads to a real concern from some members of the technical committee and the stock assessment subcommittee is that even though our stock size estimates were very high for 2000 and our estimates of directed fishing mortality were low, the last two years it appears -- that is 2001, 2002 -- it appears that the landings have dropped substantially.

It seems highly unusual that a stock that is rising, as has been described for weakfish, should see substantial drops in both the recreational and commercial components of the fishery. I know that Maryland and Delaware both have seen very substantial drops in their commercial fisheries. I don't know about the other states.

I did take a quick look at the MRFSS, the Waves 1 through 5 data. The Atlantic Coast recreational harvest of weakfish between 2000 and 2002 has dropped by 46 percent while the effort, such as party and charter boat trips or private boat trips, has fallen by 12 and 18 percent, respectively.

The landings are dropping faster than the effort, and this doesn't appear necessarily consistent with what the stock assessment has been indicating through 2002.

So, we have some concerns about the direction of the stock that we really can't quantify at this time, but we just want to pass them on to you, that we need to perhaps be looking at areas other than just directed fishing mortality, if this is in fact -- first of all, figure out if this is a real drop and then try and find out what the reasons may be.

CHAIRMAN SCHWAAB: Tom Fote.

MR. FOTE: Well, I'm just thinking about a lot of the fishermen have basically started rec fishing on basically artificial reefs, and also we have had this great influx in croaker fishing because the croakers are more abundant.

And, you know, you only keep 14 weakfish but you can keep 100 croakers, and so we put a bag limit and get a plan moving in place in some time. But I think some of that is redirected effort.

CHAIRMAN SCHWAAB: David.

MR. BORDEN: I was going to actually make the same comment Tom made. I assume here that the technical committee will not just use the catch data.

They're going to look at directed trips for weakfish and see what the directed trips; if they can ascertain what constitutes a "directed trip", you know what a "directed trip" -- whether or not they have actually declined.

My sense is that with all of the other increases in some of the other finfish populations, it is quite plausible that you just have a redirection of effort into other species.

CHAIRMAN SCHWAAB: Tom.

MR. FOTE: But, to be honest, the area that has seen a real drop in weakfish is certain areas of the Delaware Bay, and a lot of it has to do with the drought conditions we think in the last two years. We don't have a drought now.

It will be interesting to see if there is a big difference this year. The whole Delaware Bay has been messed up for the last two years because of drought conditions. So, I mean, Roy could probably address that, too.

CHAIRMAN SCHWAAB: Roy.

MR. ROY MILLER: In regard to the issue you raised, Jim, you're absolutely correct in characterizing the Delaware Bay catches as significantly down the past two years, both commercially and recreationally, especially recreationally.

And we are at the epicenter of this species range, historically the strongest spawning area. That empirical observation flies in the face of the advice that we're getting concerning fishing mortality rates and biomass estimates and so on, and I don't know how to reconcile the two, Jim.

The fish have to be somewhere. I just heard David Borden say they're not in Rhode Island, so they're not at the northern extremes of the range. Massachusetts has been granted de minimis status. So where are they if they're not in Delaware Bay?

My concern is to the problem that you alluded to earlier concerning the possible underrepresentation of the northern sector in the catch at age information that you have available for the VPA purposes, if perhaps we're underestimating fishing mortality, and we're getting false signals. Is that a possibility, Jim?

MR. UPHOFF: It's a possibility. I would say another possibility, which may be addressed by

some of these multi-species efforts, is possibly a rise in natural mortality.

We have quite a few predators that are being restored; and without saying too much, there could be some concerns about forage and possibly a rise in natural mortality reflecting that.

But, right now, from the estimates we have, number one, the directed estimates could just simply be way too low, maybe somehow. We've at least tried to address that through some of the work that we've done looking with retrospective bias and the directed fishing mortality estimates.

It could be something to do with discards that we're not including in the catch-at-age matrix so that the mortality is higher or some ecological situation that we're not very clear on.

So, it's going to take some time to work this thing out, and I don't think any answers are going to come right away. I just think that this conflict in signals at least needs to be brought forward to your attention and to be in the back of your mind for some of the decision-making.

I mean, it's not a unanimous view of the technical committee that everybody views this as a problem, but enough people do, that it needs to at least be passed on so that you can consider it again when you guys are making decisions.

CHAIRMAN SCHWAAB: Tom.

MR. FOTE: And to fill in, the Delaware Bay catch has been way down but Barnegat Bay has been way up and the Raritan Bay has been way up. Barnegat Bay was funny. A lot of the guys fly rodding have actually had ten and eleven and twelve pound weakfish.

And even Rhode Island, Brad Burns was up there telling me he was going to go out and catch a weakfish and he caught a nine pounder. So, you know, it's so mixed of signals that I'm not figuring out what's going on.

CHAIRMAN SCHWAAB: Well, I think unless there's anything else on this topic, with that discussion in mind, we would ask the technical committee to continue to investigate and monitor this situation. One more item?

MR. UPHOFF: Okay. As I say, again, we wanted to pass it on just for your consideration. The

final is the stock assessment workload, which is considerable, and we basically want to keep working on this continuously.

Desmond Kahn, in particular, has had a pretty huge workload compiling the catch-at-age matrix. He is kind of looking for some help from additional people, although he does want to note that North Carolina and Virginia make very large contributions by estimating the catch at age for their states.

So we're going to try and just keep up with things as best we can. I know that there are budgeting problems and so on. The lack of meetings hurts us a great deal in doing things like that.

But, you know, everybody's budget is getting whacked so it's just one of those things. I think that's pretty much it that I can recall that I needed to pass on. I hope it is, anyway.

CHAIRMAN SCHWAAB: Gordon.

MR. COLVIN: Yes, a quick question following up on something I recall coming up at the annual meeting. We now have obligations, those of us not de minimis, to do a specified amount of weakfish ages.

There was some discussion about the prospect that somebody — and I don't remember who — might be willing to serve as a contract ager for all the states, to look at their otoliths. I wonder if there has been any follow-up exploration by the staff or the technical committee on that offer that was suggested in Williamsburg.

MR. UPHOFF: I guess no because I -- it's not really quite the first time I heard about it, but it's kind of a reminder of something that -- there are several groups who have been aging otoliths.

Charlie Wenner in South Carolina has been terrific about it. You mail them to him and, you know, get the stuff back. But, he will be retiring at some point here shortly. It may have been with Virginia. I think that they have an aging lab. But I can't say that we had any -- no, we did not have follow up on it, to be perfectly honest.

MR. COLVIN: It would be useful if we did, you know, because it came up in the context of concerns that some of the members had about the cost at a time when our staff resources are getting smaller, and that it might be possible to achieve some cost savings and perhaps even facilitate aging

consistency by having a small group of people doing this for all of us. I just hope somebody can get back to us on that before we start collecting otoliths. Thanks.

CHAIRMAN SCHWAAB: Jack.

MR. JACK TRAVELSTEAD: As I recall, it was North Carolina, in Williamsburg, that said that they would be interested in doing that, but I would also let you know that Cynthia Jones at ODU in Norfolk has an aging lab and they do that kind of thing. You might want to talk to her as well.

CHAIRMAN SCHWAAB: We'll ask Brad to follow up on that and provide some information back to the board. Anything else for Jim?

I need to backtrack just a moment to implementation plans because I have to remind everybody, most of the state's implementation plans suggested multiple options, and I just wanted to remind you of the need to select an option and provide information back to Brad on your final implementation which is due by July 1st.

MR. COLVIN: I wanted to underscore the comment I made yesterday at spiny dogfish. Once again here, I think that the staff and the plan review team, with the advice of the technical committee, has done a very comprehensive and thorough job of analyzing and assessing and reporting to us on these implementation plans. That effort is very helpful and appreciated.

CHAIRMAN SCHWAAB: Thank you. Okay, the next item is advisory panel update. Unfortunately, Wayne Lee could not be here. He sends his regrets, and Brad is going to do the honors.

ADVISORY PANEL UPDATE

MR. SPEAR: It's just a quick update from the AP. There hasn't been any activity since the annual meeting. The update is just that the commission is using the Weakfish AP as a pilot to use for other species.

I will be developing a survey to give to the Weakfish AP to allow them to evaluate the process, to give their feedback on the process. I will be developing this survey after this meeting.

So if any board members would like to provide any input into that survey to evaluate the AP, I'd be willing to take comments now or at any point in the

next couple weeks.

CHAIRMAN SCHWAAB: A.C.

MR. CARPENTER: The only suggestion I have is if we get Wayne Lee to chair them all because he did such an excellent job and he presented it so very well. I'd like the minutes to reflect that he really did do a tremendous job on this thing.

CHAIRMAN SCHWAAB: Thank you. Tom.

MR. FOTE: Yes, I hadn't put this person on as a weakfish advisor because it was done when I was in transition here, but the person from New Jersey went up and down, you know, traveled from one end of the state to the other finding out the party, the charter boats, the tackle stores, what they wanted and did an outstanding job.

I mean, he really put in a lot of work and time. You know, getting some advisors on that actually read all the plans, basically go through and actually outline the problems before we even get there, so they help me in going to the public hearings because they've done a lot of the work and that's the kind of advisors we need.

CHAIRMAN SCHWAAB: Okay, we do have one advisor action item that was added to the agenda, and that is a new nominee for Connecticut. Ernie.

MR. ERNEST E. BECKWITH, JR.:
Thank you, Eric. I move approval of the nominee, Richard Weisberg.

MR. AUGUSTINE: Second.

CHAIRMAN SCHWAAB: Seconded by Mr. Augustine. Any objection to approval of that motion? Seeing no objection, it is approved by acclamation.

Okay, is there any other business to bring before the board? A.C.

OTHER BUSINESS

MR. CARPENTER: I would request the staff, when they publish Amendment 4, to also mail out additional copies of the compliance manual with that so that we would have a current compliance manual with the current Amendment.

CHAIRMAN SCHWAAB: Okay, we can take care of that. Anything else? Any other business? If not, I will entertain a motion to adjourn.

MR. AUGUSTINE: So moved.

CHAIRMAN SCHWAAB: Pat Augustine moves. Any objection? Okay, we are adjourned.

(Whereupon, the meeting adjourned at 2:25 o'clock p.m., February 26, 2003.)
