

PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
WEAKFISH MANAGEMENT BOARD

May 21, 2002
Swissotel Washington, The Watergate
Washington, D.C.

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ATTENDANCE

Board Members

Gordon Colvin, NY DEC
Paul Diodati, MA DMF
Bill Adler, MA Gov Appointee
David Borden, RI DEM
Ernie Beckwith, CT DEP
Sen George Gunther, CT
Lance Stewart, CT Gov Appointee
Brian Cullhane, proxy for Sen Owen Johnson, NY
Pat Augustine, NY Gov Appointee
Bruce Freeman, NJ DFW
John Connell, NJ Gov. Appointee
Charles Lesser, DE F&W
Eric Schwab, MD DNR
Pete Jensen, proxy for Sen Colburn
Bill Goldsborough, MD Gov. Appointee
AC Carpenter, PRFC
Jack Travelstead, proxy for William Pruitt, VA MRC
Catherine Davenport, VA Gov. Appointee
Preston Pate, NC DMF
Melvin Shepard, proxy for Rep. David Redwine
Wayne Lee, proxy for Damon Tatem, NC Gov. Appointee
David Cupka, SC Gov. Appointee
Bill Dukes, proxy for Sen Drummond, SC
Rep Bob Lane, GA
Susan Shipman, GA DNR
Ken Haddad, FL FWC
Kathy Barco, FL Gov Appointee
Bill Cole, USFWS
Anne Lange, NMFS

Ex-Officio Members

Des Kahn, Technical Committee Chair
Ernie Bowden, Advisory Panel Chair
Mike Bloxom, Law Enforcement Representative

ASMFC Staff

Carrie Selberg
Vince O'Shea
Bob Beal

Public

Brent Stoffle

Felix Heald

Bob Pride

Kelly Price

Rob Winkel

George Scocca

Gregg Waugh

Louis Daniel

Stewart Michels

David Martin

Dick Brane

John Merriner

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

WEAKFISH MANAGEMENT BOARD

*Swissotel Washington, The Watergate
Washington, D.C.*

May 21, 2002

The Weakfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Monticello Room of the Swissotel Washington, The Watergate, Washington, D.C., Tuesday, May 21, 2002, and was called to order at 9:50 a.m. by Chairman Gordon C. Colvin.

Approval of Agenda

CHAIRMAN GORDON C. COLVIN: We are going to start the Weakfish Board meeting now. We are twenty minutes behind schedule on a time slot that's already inadequate to the task and nobody gets lunch until we finish.

Welcome to the meeting of the ASMFC Weakfish Board. The agenda should be before the board members. Are there comments or additions to the agenda? Is there objection to approval of the agenda as it stands? Seeing none, the agenda stands approved.

Approval of Proceedings

The next item on the agenda is the approval of the proceedings from February 2002. Is there a motion to approve those minutes? Bill Adler moves; second, Dave Cupka. Objection to the motion? Without objection, the motion carries.

We are on to public comment. Is there public comment at this time on general matters before the Weakfish Board, recognizing that public comment will be accommodated as specific agenda items come up. Seeing none, thank you. We will move directly to the technical committee report. Des Kahn.

Technical Committee Report

MR. DESMOND KAHN: Thank you, Mr. Chairman. What I intend to do here in just a few minutes is to briefly discuss the summary of the stock assessment.

The stock assessment report, which was distributed to you, has a few changes from the assessment for which I distributed the advisory report a few months ago, but they are relatively minor. And then I'm going to discuss briefly and show you a few slides from a risk assessment that Jim Uphoff of Maryland did that builds on the stock assessment, which I think is helpful.

Just to briefly go over the summary of the stock assessment, the stock status summary, which is on page nine of the assessment report -- however, just before I do that, there is a table in this report, if you happened to print it out that did not format well and I couldn't get it to fit on a page.

It's the table of the catch at age and I brought copies of that, which are being copied, and will be distributed to you during the meeting.

Okay, the summary of the assessment is that weakfish are at a high level of abundance and fishing mortality appears to be low. A strong retrospective bias in the ADAPT VPA output, however, produced high levels of uncertainty in recent estimates of stock size and fishing mortality.

Recent history of the coast-wide stock shows that spawning stock biomass estimates were low from 1982 through 1985, about 10,000 metric tons. That is below our recommended spawning stock biomass overfishing threshold of 14,400 metric tons.

High recruitment of age 1 in 1985 through 1987 then produced a brief increase in biomass, but fishing mortality was high; and by 1989, biomass had again declined and remained low through 1993. Since then biomass has been building to higher levels.

Although the most recent estimate from the ADAPT VPA output is 50,000 metric tons for 2000, a pattern of retrospective bias suggests this could be overstated by 50 percent. So an estimate corrected for this level of bias would be approximately 35,000 metric tons, and you'll see this later in the risk assessment.

This is still a large increase over the lower levels of the 1980's. While the exact level of bias in the most recent estimates is unknown, the current level of spawning stock biomass is well above the proposed

threshold level of 14,400 metric tons.

Estimates of fishing mortality from 1982 through 2000 range from a high in 1984 of 2.5 to a low in 2000 of 0.12. That's down slightly from the previous estimate you heard.

Since 1995 estimates of F have been below the Amendment 3 target of 0.5. The 2000 estimate of 0.12 could be underestimated by almost 100 percent based on retrospective analysis we've done on the 1996 estimate.

If the same amount of bias occurs with the 2000 estimate as occurred with the 1996 estimate, we could be somewhere close to 100 percent underestimated.

Despite this bias, the corrected value would still be well below the proposed F target equals F-30 percent equals 0.31 and far below the proposed F overfishing threshold equals F-20 percent equals 0.5.

One goal of Amendment 3 was to support an increase in the size and age structure. The ADAPT VPA results indicate this has happened, to an extent. In 1982, according to our age data, which has a lot of uncertainty -- if you remember, that's based on scales -- we have virtually no otolith ages from the early '80's in particular, but the estimate of the proportion of age 6 plus fish was 1 percent of the total stock.

By 1990 this had shrunk to only 0.3 percent of the total number of weakfish. This proportion has been increasing in recent years, however, to the level of 6.8 percent of the total in 2001, and that is the highest total in the assessment time series.

Now, I would like to bring some slides up from the risk assessment work that Jim Uphoff did. Taking the results of the ADAPT VPA and looking specifically at the retrospective bias, as well as the uncertainty around the estimates, Jim did a resampling of two parameters, the spawning stock biomass and the 2000 estimate of fishing mortality.

This is the output of ADAPT once we've implemented the boot strap routine. Here we see that roughly the 80 or 90 percent, I'm not sure which, runs from about 0.1 up to say 0.18 and the median value here, I believe, is 0.12. That was the point estimate.

This is the uncertainty not including the retrospective bias. Okay, this is the uncertainty around the estimate, sort of a confidence interval for the 2000 estimate.

Now, when we did the retrospective I mentioned, that if we restricted the analysis to 1986 as an exploratory measure, we got an estimate of F that was actually 0.17 for 1996, when that was the terminal year.

However, after adding four more years of data, that estimate increased for 1996 to 0.31. That's actually an 80 percent increase with the addition of four years of data.

So, using that 80 percent and values from other years, you get a range of an increase from about, I believe, 1.2 to 1.8. So drawing from that range and using a random Monte Carlo effect, here is the distribution when we incorporate the retrospective bias as well as the confidence interval around the estimate.

Now we see the median value or the point estimate here was 0.19, up from 0.12, and the confidence interval now ranges from approximately 0.13 up to 0.28 or so.

So this is the risk assessment results in terms of what the probable or likely actual distribution of the F estimate, once it's corrected for the kind of retrospective bias we've seen. We don't absolutely know that the same amount of respective bias is in effect for the 2000 assessment. It's reasonable to assume it could be, however.

Now, the same thing was done with the spawning stock biomass. Again, the uncorrected estimate from the ADAPT output of spawning stock biomass in the year 2000, with the bootstrap confidence interval around it, ranges from approximately 44,000 metric tons up to approximately 65,000 metric tons.

The median value here, I believe, is about 52,000 or so. Now, again, we saw a retrospective pattern in that, say, if 1996 was the terminal year and then we added four more years of data, the estimate has declined to approximately two-thirds of what it had been when 1996 was the terminal year.

It was approximately 67 percent once you added additional years of data, so we revised that. We've incorporated that bias, along with the uncertainty around the estimate. Now, what you see here, here's the 2000 year estimate. It's gone down.

The point estimate is now approximately 35,000 metric tons. Remember, it was slightly over 50,000. Here's the confidence interval, the 95 percent confidence interval. It runs from a high of about 45,000 down to roughly 28,000 or so.

Now, in addition, Jim did this for the previous years so we could look at the trajectory. We see it definitely appears to have climbed up to around '97 here. However, if we go and compare this '97 confidence interval with the 2000, the mean is higher.

I guess in '97 the mean was about 30,000 and now it's up to approximately 35 or 37,000. However, we see a great deal of overlap in the confidence interval, say, from the high point of '97 to here and the low point.

So what this tells us is there is a significant probability that possibly the spawning stock biomass has actually not increased from '97 through 2000. There is also a significant probability that it has increased and on average we would say that it probably has, but there is a great deal of uncertainty.

This illustrates a sort of tendency -- well, let me put it this way. The earlier increase in spawning stock biomass appears to have slowed, possibly. There's a possibility that the stock trajectory has flattened out, to a great extent.

That's about all I had for you. I was asked to keep things brief and at this point, Mr. Chairman, I'll entertain any questions if anybody has any.

CHAIRMAN COLVIN: Thank you, Des. Dave Borden.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. On this figure, and assume for this question I'm going to ask you, that that's 100 percent right, that projection is 100 right, is that projection consistent with the fishing mortality, the low fishing mortality rates that we're seeing?

In other words, is that rate of increase in the SSB consistent with the fishing mortality, the very low rate of fishing mortality that you're documenting, or would you expect a faster increase in SSB?

MR. KAHN: Well, I would say we haven't - - that's a good question. We haven't done any kind of formal analysis of exactly what we would expect. I think people on the committee have expected the stock to grow at a fairly high rate given two things.

The low rate of fishing mortality analysis has produced; and, secondly, the life history of weakfish. I think there's been expectation that maybe things would have increased more than this graph portrays.

Of course, there are a lot of ecological factors that can affect stock growth aside from fishing mortality, and we have no handle on that. So I would say, from my own perspective, I'm mildly surprised, or I would have hoped maybe things would have been going at a faster pace than is depicted here.

CHAIRMAN COLVIN: Bruce.

MR. BRUCE FREEMAN: Des, in this particular graph, if you look at 1997 and '98, there seems to be something strange in that '97 there seemed to be a continued increase and then '98 a drop and then '99 and 2000 an increase.

Now, if the '97 point were lower or the '98 point higher, then you would have a continuing increase with no decline. What do we know about '98 that caused that decline, or is it something we don't have good information? It just seems that point is quite different than every other, and I was just curious of the explanation for that.

MR. KHAN: I don't have any. I advise you to kind of try of look at the confidence intervals there, and you see there is a great deal of overlap between '97 and '98. I'm not sure how much we can attribute to the dip in the average, I'm not sure because --

MR. FREEMAN: Well, again, if '97 were lower, then you could very well have had an increase throughout the time series. There would be no drop in '98; or if '98 were a little higher, the same thing would be true.

It just appears '98 dropped, and to my recollection there was nothing unusual about '98, and I just have no understanding of why there should be a decline.

CHAIRMAN COLVIN: I don't see any other questions at this point. Let me conclude the technical committee report, and let me also offer thanks to Des and Jim Uphoff and the other members of the committee for the work they've done.

I know it took a lot of effort here within the last year or so to pull this assessment update together and we do appreciate that effort, Des and Jim, and all who contributed. Thank you.

MR. KHAN: Could I add one comment, Gordon, real quickly?

CHAIRMAN COLVIN: Go ahead.

MR. KHAN: We have additional analyses that we are working on. Some of them are fairly well along. We've discussed this with Gordon and Bob and Carrie, and we hope that at the August board meeting, we may have some additional analyses and models with different assumptions for you at that time.

CHAIRMAN COLVIN: Thank you. John.

MR. JOHN CONNELL: Gordon, one quick question. Was this distributed from the technical committee, the catch?

MR. KHAN: In the stock assessment report, if you happened to print that out -- well, that hasn't been distributed to the technical committee yet. I'm about to do that, though. That is in there, but when you print it out, it gets cut off. It's just a formatting problem. So I thought I would give you --

MR. CONNELL: My question is you indicate recreational numbers include discard mortality. Do commercial numbers indicate anything about discards?

MR. KHAN: We have no data on that whatsoever and that's a problem.

MR. CONNELL: Okay, thank you.

CHAIRMAN COLVIN: Thank you. Let's move on then to the report of the advisory panel. Ernie Bowden.

Advisory Panel Report

MR. ERNIE BOWDEN: Yesterday was the first meeting we had in an extremely long time. It wasn't very well attended. We had, I think, no commercial interests from above Delaware. North Carolina wasn't represented commercially, and we had a lot of recreational people that weren't there.

We reviewed the plan. We looked over the goals and objectives and we were very supportive of all of it except the majority of people wanted the sentence on restoration of trophy fishery struck from it with one exception.

The reason is because we really couldn't identify what a trophy fishery was. A trophy fishery in one locale might be a four- or five-pound fish and another area it may be ten or twelve pounds.

We have no definition of what a trophy fishery is, so we really felt like there was no need of including it, and it would be something unusual in a fishery management plan to have that. We felt like as long as we kept the fishing mortality rates low and the recruitment was strong, you're going to have a trophy fishery eventually.

The next thing was reference points. I think there was quite a bit of support for the spawning stock biomass threshold number. Really, we didn't know about a target. There was some support for it, but we didn't know the necessity of having it.

Some people felt like it would give us a goal to work towards and other people felt like it was an unnecessary addition, and it may be burdensome to the technical committee where we're so far along in the plan to change a lot of things.

There was a recommendation to have another option put in of F-25, which would be, I guess, approximately 0.41. A lot of people felt that by going to 0.31 and lowering the creel limits severely in the northern region, that is was going to impact them much more financially than they thought was necessary seeing that the stock has responded so well fishing at a rate of 0.51, fishing with the intent of

achieving 0.51 when in actuality we know it's much lower.

There were some people that wanted to keep it at the current level of 0.5, feeling like we have made so much progress doing it, there was no need in drastically reducing it. About half the people were comfortable with 0.31 and the other half wanted something higher, without even stating a certain thing.

Some people really wanted the 25 percent and other people just said there should be another option included. We looked at all three options. There was really not a lot of problem with any of the options.

We were agreeable to all of them except the last sentence in Option 3 concerning having no limit on bycatch in certain fisheries such as the gillnet, because what you're doing really is creating a directed fishery and that's not the idea of bycatch.

We discussed quite a bit about the 300 pounds and why they would want to have it. We felt that all three options were viable with that one struck.

Another problem that's been brought in front of this board that we looked into is the problem with some trawl boats coming in with large numbers of other species such as croakers and having very small amounts of weakfish aboard.

Most of them are well under 12 inches and they're in violation of the plan as soon as they come ashore. One fellow in the state of Virginia I believe had 40,000 pound of croakers and 78 undersized striped, and they were most likely spit out by the other fish because some of them were in pieces.

But he did receive a ticket. When he went to court, it was thrown out, but still, he's had several tickets for the same thing, and we've tried to eliminate that without causing any real problems.

We suggested one percent, but we felt like the law enforcement community would have to look at this and decide because it's kind of slide and measure, and it is hard to enforce. And if it was one percent, it was not to exceed 300 pounds.

And then another measure was that we give them a

straight number, for example, 300 fish, and these fish could be under 12 inches, but could not be sold. Right now, we decided to keep the 12-inch minimum on all fisheries in the ocean.

It would be our suggestion for any fish that's being sold -- and, of course, the trawl fisheries would be able to keep 150 pounds that is 12 inches or above if it's available in your state.

We suggested some incentive for poundnet fishermen to use escape panels. We don't know what that would be. There were some people that really didn't think that giving them an extension of their season was a viable option, but anything that would support an incentive for this is what we would suggest.

That would be up to the management board as something beyond our realm. We recommended leaving the shrimp fishery's bycatch in place that's in Amendment 3. We believe that you do need more information on discard mortality.

There were some places that wanted to use some of the discard to be brought ashore and be distributed to charity which is a very good idea, but in reality it's an enforcement nightmare.

You would have to have it set up in place before the fishermen ever went fishing because if I come ashore and I had 300 pounds of undersized fish and I go, "Oh, I'll be giving those to the food bank".

So, I mean, for law enforcement purposes -- you know, we really feel like it's a good concept, but in reality we can't do it.

I think here was a major sticking point. If we go back to '81-'85, which gives you a fishery that resembles more the fishery that we have now with expanded age groups, it's going to really change the creel limit because the catchability of those fish are there now; and when the original creel limits were set up, the possibility of you catching a large number of 16 plus was astronomically low.

So I think this was something that really caused a lot of concern with some people and other people felt it was a good idea. So I think mixed feelings on this would be the best summary of it, wouldn't you, Carrie? There were some people that didn't care, some people were strongly against it, and some

people strongly for it.

MS. CARRIE SELBERG: It seemed to me that in theory many of the members agreed with it, but when you looked at how it would impact creel limits, they were much more uncomfortable with it.

MR. BOWDEN: This is something that's been brought in front of the board before -- I brought it up from an individual member -- having some kind of a maximum creel limit, regardless of size. Right now, at the present time, 16 inches there's no creel limits.

I know New York enforces six fish, but some states do not, and we felt like there should be a maximum creel limit set. Ten was the number brought up by the gentleman from North Carolina, which is going to be our new chair. I think it was generally agreed to.

Some people wanted it somewhat higher. Some people wanted it at 14 because that's where they're at now, 14 and 14 fish. But we all felt like there should be some maximum creel limit, that there should be no size limit where you can keep all the fish you want larger than that.

The regional base versus coast-wide was exactly that, regional versus coast-wide. The southern region certainly wanted the regional plan and the northern region wanted the coast-wide plan, which is no surprise to any of us here because we've been hearing that for a long period.

We're getting back really to the '81 to '85 in this last one. You know, they feel like when we go to that, we're going to have some cases over 50 percent reduction in the creel bag limit. Everybody felt like where the stock has responded so well, maybe not up to Desmond's expectations, but still quite well compared to where we were.

They couldn't justify having a 50 percent reduction and felt like it was really going to severely impact the charter fishery down around Delaware Bay and stuff. They were the ones that were really against it. I really can't see reducing creel limits myself, and I'm a commercial fisherman, by that drastic of a number.

We all agree there should be a maximum, but we don't agree with necessarily that. The AP

recommends to continue to expand the age structure and we think that will be accomplished by 0.31 or even 0.41 or whatever you all feel like it should be.

There also was a recommendation that the technical committee make a presentation to the board each year about the age and size structure so that the board may continue to assure that it is still expanding.

If, in the future, you see 8-, 9-, 10-year-old fish at significant numbers and they start to drop, they think the board needs to be aware of it, to know that there might be other things that need to be considered.

We also recommended for the technical committee, which was brought up at the last management board meeting, they really need more information from some states. I think most of the commercial information is from northern states.

We recommended there should be some kind of minimum level so they can have some biological reference points on sizes and age of the species.

The other issue, and this was a big one, the AP was kind of brought in on the last minute. We're more or less asked to rubber stamp things. Right now, for example, target mortality of 0.31, we have no options.

That is the option right now and we felt like that was just one example. I happen to be privileged to see a lot of technical committee reports over the year and a lot of the AP members haven't.

So they were really took back by a lot of the stuff that was presented yesterday because they had -- I think Carrie does an excellent job of sending out information, but there's still a big difference between being present and listening to the questions and answers at this management board level over the top of written information.

I think this would be an issue for all APs. They shouldn't really be brought in at the last minute. Even you have to limit the amount of meetings, one should be brought in initially when you start the plan so they can really look over all the alternatives instead of being asked to rubber stamp one or two.

And that's all. As we go along, I'll bring comments

from individuals as they pertain to the items. Thank you.

CHAIRMAN COLVIN: Thank you, Ernie. Before we go on to questions and discussions of the advisory panel report, Ernie, I wanted to ask you to kind of update us on other business that the advisory panel took at your meeting.

MR. BOWDEN: We did elect a new chair and I don't know how I forgot that. It's something I've been looking forward to for eight years. Mr. Wayne Lee from North Carolina is going to be your new chair person for the Weakfish Advisory Panel.

We did not elect a vice chair. There was one nomination and he declined. But we kind of felt like this is a commercial and recreational fisherman; that if we have a recreational chair, we should have a commercial vice chair.

There were a lot of people not present at the meeting, so we postponed having election of vice chair to the next meeting, hoping that we'll have a better attendance so we can elect our vice chair at that time.

CHAIRMAN COLVIN: Thanks, Ernie, and I note that Wayne appears today with Damon's proxy as a board member. I'm glad to have you here, Wayne, and congratulations. We know that the advisory panel is in good hands.

The advisory panel has been in very good hands for the last eight years and we've been very fortunate to have Ernie with us. He's always been here. He's been a presence and a contributor to the activities of the board consistently.

I know that it's time, and I appreciate what he's saying about looking forward to having somebody else step in, and we're fortunate that it's Wayne because he's going to do a great job.

But, Ernie, we're going to miss you and the role that you've played. You've been very much a part and a partner of this management process for some time, and I want to, on behalf of the chair and on behalf of the board, express my appreciation and that of the board to all the time, effort, energy, and passion that you've put into this advisory panel role.

You've been a model chairman of the advisory panel and I can't say enough in terms of appreciation for the job you've done. Thank you so much. (Applause) With that, other questions? Mel.

MR. MELVIN SHEPARD: This Weakfish Advisory Panel was set up as kind of a pilot study, and I think I would be remiss if I didn't back up something that Ernie said mildly about the Weakfish Advisory Panel operating somewhat under a handicap and feeling like -- and they expressed this.

I sat in on the meeting and kept my mouth shut, but they were not able to do their job adequately based on the fact that they had not had in the past the meetings that they needed and the interaction with Desmond and the technical committee.

Desmond did a great job of trying to feed back and forth to answer the questions they had, but they still had questions when they left the meeting. I think that's a reasonable thing to say, Ernie. They really felt like they had been shorted in the process in order to do the job that we needed to come to us.

CHAIRMAN COLVIN: Pres.

MR. PRESTON PATE, JR.: Ernie, your presentation on the results from the reference period discussion was put in the context of the recreational fishery. Was the consensus to maintain the '90 to '92 period for the commercial fishery as well?

MR. BOWDEN: I believe it was, but really there was very little discussion about that. All the discussion was about the one we were changing and it was very concerning to the recreational community, mostly in the north, because of it.

CHAIRMAN COLVIN: Jack.

MR. JACK TRAVELSTEAD: Ernie, I need a little clarification on the AP's recommendation on the minimum size of bycatch issue. You mentioned a couple of options that were discussed, the one percent tolerance or a number of fish, but were those not endorsed? It wasn't clear to me what was the final recommendation.

MR. BOWDEN: We felt like we would give the management board two options, basically.

They were included in the one option here. One was one percent and then people wanted a cap, and we said not to exceed 300 pounds.

Law enforcement a lot of times has a problem with the percentage because it's hard to enforce. The only way you can enforce is dockside when the fish are weighed. That's the reason we went to a number. 300 fish was suggested and 250.

I mean, there were different numbers suggested and we felt like that way would make it easier on law enforcement because they could actually count the individual fish, and they know whether a person was in compliance. It could be done at sea or at landing, and we just thought that would be a better option for law enforcement.

CHAIRMAN COLVIN: Other questions?
Paul.

MR. PAUL DIODATI: Can I go back and ask Des a question about some of the information he presented? Des, can you just refresh my memory on what the estimated life span is for weakfish?

MR. KHAN: Paul, we, on the technical committee, used 12 years as the expected average age. There have been one or two fish aged older than that from the late 1980's. I would have to say that we don't have otoliths from the period when there were a lot of large weakfish around to much of an extent at all, say, the early '80's, late '70's. So, I think our age data on the age of those large, older fish is kind of soft, but we used 12 years.

MR. DIODATI: I guess my question is -- first of all, I'm impressed at the increases in biomass over the past several years. It looks like the instantaneous annual population growth is pretty healthy.

But I guess I'm not familiar with the given minimum sizes and ages of weakfish, but why are the bag limits are so generous in the tables that I see in this draft amendment, given that when we look at a stock like striped bass, or the stocks of striped bass, and that management approach where we're down to one or two fish for a 28- or 30-inch fish -- I mean, relatively speaking, you've got a striped bass stock that's triple the magnitude and biomass of weakfish. What's the contrast between those two and why would the

weakfish bag limits be so generous? Do you have a thought on that?

MR. KHAN: Well, I'd have to think real hard. It's a very good question. I actually believe the numbers of weakfish -- I would have to review this, but I'm sure that the numbers of weakfish out there estimated are much greater than the numbers of striped bass estimated.

Now, the biomass may be different, but my impression is weakfish may be lower on the food chain, if you look at things in those terms, than striped bass. Striped bass is closer to a top inshore predator.

But another factor is the life history where striped bass have a delayed maturation, where females are not mature until somewhere between ages 6 to 9; whereas, weakfish are 90 percent mature at age one.

So when you look at things like spawning stock biomass and so forth, you get accumulation of that much earlier, at a much earlier age with weakfish. Those are two factors that I think may come into play.

But, you know, I would have to really maybe refer that question to the technical committee for a thorough discussion or possibly some analysis. It's a good question.

CHAIRMAN COLVIN: Pete Jensen.

MR. W. PETE JENSEN: I just wanted to go back. When you made your presentation, Des, you didn't mention young of the year, but just to refresh my memory, my understanding is that the young of the year indices, over a rather large number of years recently, has been trending sharply up and that may have a relation to Bruce's question about some anomaly in '98 that certainly underlying all this population growth is those young of the year.

And so, I would just like to refresh my memory and make sure I'm remembering this correctly. Is that true that the young of the year indices are ascending quite rapidly?

MR. KHAN: If we go back and look at the age 1 estimates in the VPA, what we see is, I believe

it was in the '80's, the estimates of recruitment were relatively low; and as the stock biomass increased, the recruitment increased to a certain level and then they more or less leveled off since then.

But they're up at a higher level now. The implication of that could be that the abundance, the stock abundance was so low we may have been into recruitment overfishing where we were actually reducing recruitment, possibly.

Now we're up at a much higher level and it's bouncing around, of course, but it's fairly stable, I think, the last several years. That's what comes out of the VPA now. For the recent years, you know, we have some bias there and so forth. We're definitely at a better recruitment than we were in the earlier part of the time series.

CHAIRMAN COLVIN: Any further questions and I want to focus on the advisory panel report. Bruce.

MR. FREEMAN: Thank you, Mr. Chairman. I have a question both for Des and for Ernie relative to whether in fact there was any discussion by either the technical committee or the advisory panel of the change over the last ten years or so of the catch of weakfish in that recall when we first got involved in the plan, we saw that the majority of the catch, both in numbers and weight, was by mobile gear, and more recently that's changed dramatically with the majority of the catch on the commercial side is gillnet where mobile gear now holds a much more minor role.

I'm just curious. When you look at numbers of fish and the size of fish, was there any discussion either by the technical committee or the advisors of this change in the composition of the catch between what it is today and what it was ten years ago?

MR. BOWDEN: We really never got in that issue at all, but I will say gillnet is a mobile gear. It has been on everything I've ever seen discussed. Generally, I would believe that the fish are larger, period, because you have more large fish now than you had ten years ago and that's going to influence some of it.

We have no trawl fishery in the state of Virginia, so I

really can't answer anything along those lines, and it was never brought up at the AP. I don't know what the technical committee discussed.

MR. KHAN: I don't know that we've really focused on that point, but we have in passing mentioned that, for example, in North Carolina the offshore gillnet landings have increased above the trawl, and specifically I guess the flynet landings.

Some of that may have been due to the closure to flynets south of Hatteras. North Carolina is the dominant state, so that probably has a large part of the explanation there.

MR. FREEMAN: The reason I say that, I just looked at North Carolina's catch; and when the so-called flynet fishery was in operation, about 80 percent of that catch was landed by otter trawl, what I consider mobile gear.

I don't dispute the fact, Ernie, that you move your nets around.

But more recently, 20 percent of the catches is otter trawl in that state and 80 percent is gillnet. I mean, certainly a great part of it has to do with the prohibition of the use of nets in areas where most of those fish were taken.

But it's very revealing; and working with gillnet fishermen ourselves in our state, they're fishing for dollars and whatever fish brings the highest price, that's what they're trying to catch because they can maximize their profits.

And by using whatever mesh you want, you can pretty well select what size fish you want to catch with a gillnet, and I agree that when you look at the numbers, that gillnet sizes are increasing.

Then one last question to Des. I mentioned this to you off the record, but I just recently looked at the average lengths in the recreational fishery.

I essentially took it off the MRFSS website from '82 to 2001, which is the most recent by state, and it's quite interesting that the sizes we're seeing now, the average recreational catch size fish is fairly close to, and in some instances greater, than what it was in the period '81 to '85.

So we are seeing certainly more larger fish throughout the fishery and it continues to increase. Now, whether we've reached a plateau or not, I don't know. But you look at the 2001 catch information, it seems to be increasing over what it was in '99 and 2000. I don't know if you've looked at that all or if your committee has looked at that.

MR. KHAN: Yes, one comment on that, Bruce. That's true. I think there's a graph of the average weight in some of the material I passed out. It is going up, but in the more recent years, that's affected heavily by the fact that we have instituted minimum sizes, which means we're removing the smaller fish from the calculation, whereas in the early '80's we didn't have that.

CHAIRMAN COLVIN: Any further questions on the AP report? Thank you. Before we move to the next agenda item, I do want to briefly address the issues that have arisen from Ernie's report and Melvin's comments with respect to the AP process.

I know that I have communicated with the board about this and the staff has on my behalf, but let me address the issue again with all of us here assembled.

At the recommendation of a group of members of the legislators and governors' appointees, and the Commission's Advisory Committee, the development of Weakfish Amendment 4 was selected as a process in which to pilot what were perceived to be a desired improvement and enhancement of the process of using advisors in the development of a new fishery management plan amendment, a major amendment.

It was not an ideal choice in that we had already begun the process of the development of Amendment 4 at that time, and in fact had drafted and largely completed, in fact, the public information document that needed simply to be fine tuned in light of the final assessment.

So for that reason, because we chose something that was less than ideal as an example, we did start with something that perhaps had already gone farther in its development than you would have done in an ideal circumstance, and we understand that now and we understood it, I think, at the time we got started.

Nonetheless, it shouldn't affect our commitment at all to the importance that we assign to the advisory panel process as it relates to the continuation and the completion of the development of Amendment 4.

As I said, I've communicated with the board members about the importance of individually, and I hope pretty much on an ongoing basis, communicating with your respective advisory panel members, staying in touch with them on this entire process; monitoring how they feel about the process and, frankly, securing their input on a state basis as well as on a collective basis.

And I do mean that. Now, I also sense from Ernie's comments that there's some concern about the level of attendance and participation at this AP meeting, and that's a matter of concern to me since I had talked to Carrie about that a couple of times before the meeting and had asked her to specifically reach out to people and find out what we expected ahead of time.

Again, I don't think that the members of the board should leave it to Tina and Carrie to deal with communicating to their AP members about what's going on.

I call on the members of the board to work on that at home. And that said, New York had 50 percent attendance at this meeting, but we have a good excuse, and I see George is in the back of the room and I'm glad that he was able to be here.

Brad Lowen, who is our commercial member, had every intention of being here, but apparently -- Brad's a poundnet fisherman and apparently had quite a bit of gear damage in that bad storm we had on Saturday and needed to stay home and work on fixing his gear up. He was able to get an e-mail off to Carrie with some comments.

And I do note Ernie's comments that we are pretty thin on commercial representatives north of New Jersey, and I guess Brad's the only one even on the panel, so what we may also need to address is the composition of the advisory panel.

I think that's going to come up later on our agenda and I think it's a very important issue. With that, one more time let me thank the advisory panel. Let me assure them that they have support of the board chair

and the staff in trying to work through this process that's been identified.

Wayne, you know, by all means -- and I'll tell you, the guy you're sitting in for today is the guy that spearheaded this, and I hope that you'll be very candid in talking to him on behalf of the advisory panel about your sense of what's needed to make this process work effectively. And I assure you, I'll listen to everything he tells me in that regard. Thank you.

The next issue on the agenda is the review of public comment on the PID. Carrie.

Review Public Comment on the Public Information Document

MS. SELBERG: On the briefing CD, you received a large packet which included all of the public comment. The public comment packet includes a summary of each public hearing, as well as a summary of the written comments, as well as a copy of each written comment that we got.

What's being passed around right now is one written comment which did not make it on the CD, which I wanted to make sure you had, as well as a memo sent from Bruce Freeman to Gordon Colvin last week, which I'm sure will be coming up under this or the next agenda item.

I'm going to briefly review the public comment from both the hearings and the written comment. I, of course, am not going to be able to include everything that was said at every hearing, or everything that was included in all the written comments.

I'm going to do the best I can to capture what happened at those hearings and what was included in the written comment. And especially with the hearings, if those commissioners who were at those public hearings would like to add anything, that would be great.

We had several public hearings up and down the coast from April 8th to April 18th. I'm going to do just one slide on each hearing, and what I'm doing is picking the topics that the hearings spent the most time on or seemed the most concerned with.

In Maryland, we spent much of the Maryland hearing talking about bycatch. They were interested in seeing the bycatch allowance increased to 300

pounds. They did bring up the idea of using a sliding scale for bycatch.

For example, 15 percent of your catch could be weakfish which would ensure that it wasn't a directed fishery. They would like to leave the 12-inch minimum size in place. They believe that bycatch will become more of an issue as the fishery rebounds, and they have concerns that bycatch should not be wasted.

In Virginia there were some concerns with Objective Number 2, about the phrase "restoration of the trophy fishery". They did discuss bycatch as well. There was some support for increasing the 300 pounds as well as a suggestion from a trawl fisherman to use a percent tolerance for undersized weakfish on weakfish landed during closed seasons.

The recreational fishermen at the Virginia hearing did support Option Number 3 for creel limits. As far as age and size structure, they supported having multiple years of strong year classes.

In New Jersey, we had the most turn out at this hearing of any of the hearings. There were a lot of people there. As far as the objectives, there were many people who were concerned with the trophy fishery phrase.

As far as reference points, many people at this hearing supported the public seeing a range of reference points, including status quo. As far as bycatch, many at the hearing did not support increasing the bycatch allowance.

Creel limits, this is probably where people spent the most of their time at the New Jersey hearing. There were many who were extremely concerned with the reductions in bag limits that New Jersey would be facing.

Age and size structure, many at the hearing supported using management measures in Amendment 3 to expand the age and size structure.

Other issues, there was a lot of discussion about their concerns that the commercial fishery would not be facing reductions while the recreational fishery would be.

In Jamestown, Rhode Island, at their hearing, there actually were no comments on the PID at the hearing.

It was just a presentation of what was going to be happening. There were some comments turned in by Gerry Carvalho based on the conversations with Rhode Island fishermen, so I have included those.

There were concerns with Objective 2 with the trophy fishery phrase. Reference points, there was concern that the reduction was not reasonable. Under bycatch, they thought it should be increased to 300 pounds to lessen waste, but increase the minimum size to 16 inches.

Creel limits, there was support for applying no size limit for all land-based recreational fishing with a six-fish creel limit and applying a size limit of 16 inches for all commercially harvested fish and recreational fish harvested from a vessel and adding this as an Option Number 4 as a coast-wide regulation.

North Carolina had three hearings, so I'm trying to summarize what happened in three hearings in just one slide. There was some discussion at some of the hearings about supporting an SSB target under reference points.

Under bycatch, varying options were supported. There also was a call in North Carolina for using a sliding scale percentage-based bycatch allowance and a tolerance for undersized weakfish. There were others in North Carolina who were concerned with allowing any undersized weakfish.

As far as creel limits, at the three North Carolina hearings, there seems to be the most support for Option Number 3. There were some other issues that came up at the three North Carolina hearings.

There was discussion about both the experimental permit for the flynet fishery and their concerns about selling fish under 16 inches in the New York market and their desire for the ASMFC to be involved in both of those issues.

In Connecticut, under reference points there was support for the recommended reference points and for reference points which continue to allow the expansion of the geographic range and for the age structure.

Under bycatch there was some concern that an increase in allowance would lead to a directed fishery. There was a poundnet fisherman there concerned with the escape panels because it would allow squid to escape.

Under reference periods there was general support for the technical committee recommendations. Creel limits, all of them were in support of creel limits. Most supported Option Number 1. They were in support of having a minimum size that allows fish to spawn several times.

In Delaware, under reference points there was one comment to support 0.4 instead of the recommended 0.31. Under reference periods, there seemed to be no consensus; suggested using both 1981-1985, as well as the reference period which is currently used in Amendment 3.

Under creel limits the majority wanted a coast-wide determination and there was some support for a reasonable limit. For age and size structure, most agreed not to manage just for the trophy fishery.

Data collection, all agreed that states should be required to collect commercial and recreational statistics. Some other issues that came up at the Delaware hearing was some support for requiring a commercial quota, requiring trip limits for commercial fishermen, and the protection of spawning areas.

In New York, reference points, there was general support for the recommended reference points with some calling for leaving things at status quo. There was one recommendation for an SSB target.

Under bycatch there was considerable discussion about bycatch with many supporting an increase to 300 pounds and others concerned that increase would lead to a directed fishery during the closed season. There was also a call for allowing commercial hook-and-line fishermen a bycatch allowance or allowing them an allowance during the closed season.

Under creel limits, there was overall support for the current six-fish bag limit in the state of New York. There was concern with the larger bag limits in neighboring states, and there was support for both the coast-wide and the regional determinations for creel

limits. As far as age and size structure, there was general support to continue expanding the age and size structure.

All right, I'm going to review what I got in written comments. Overall, we received about 50 written comments. I'm just going to go issue by issue, and, again, do the best I can in summarizing what we heard.

As far as goals and objectives, overall the comments were supportive of the goals and objectives as written. There was some concern with the language in Objective 2 with the restoration of the trophy fishery.

One suggestion thought that Objective 2 should be revised to read to continue or enhance the restoration of weakfish to a more natural size and age structure in their historic geographic range.

Under Issue 1, overall there was support for the reference points as recommended. There were some people who thought there should be an SSB target. Then there were a handful of people who thought 0.31 seemed to be arbitrary, and that the public should see options with various targets from 0.31 to 0.5.

Under Issue 2, overall bycatch allowance, the written comment had support for all three of the options; decreasing the bycatch allowance, remaining status quo, and increasing to 300 pounds.

There were some additional options suggested, including using a sliding scale bycatch allowance and allowing commercial hook-and- line fishermen the bycatch allowance.

Minimum size, most comments were not in support of this option and that option being not keeping the 12-inch minimum size in place. So most people were in support of keeping that 12-inch minimum size in place.

Pound nets, most comments were in support of using escape panels in pound nets. Some comments did call for mandatory use. For the Southern Shrimp Fishery, most comments supported maintaining the Amendment 3 regulations.

Discards, there's a general call that this was a problem and should be eliminated if possible, and there were a couple of comments asking for a plan pilot program which would use regulatory discards for charity purposes to feed the hungry.

Issue 3, reference periods, there was one call for reference periods to be based on stock size in the '60's and '70's, several who supported the '81 to '85. Most of the comments said that the public should see options based on different periods.

There was one comment which indicated they were unclear on whether a reference period is going to be used strictly for possession/ size limit regimes or for allocation as well. They thought that should be clarified in the future.

Creel limits, there was support for Option 1, Option 2, and Option 3. As far as speaking to the question, should there be a reasonable maximum creel limit, there was some support for that and others concern with ASMFC to finding what reasonable is.

As far as regional versus coast-wide, comment letters have support for both options. Additional options suggested including quotas, slot limits, and uniform bag and size limits by region. And, finally, recreational fishermen should not have increased limitations. This was a theme running through many of the comment letters.

Issue 5, age and size structure, these were some specific comments that were in letters that most fishermen are not trophy hunters. Most anglers are happy with a five- to six-pound fish. Another comment was there seems to be an attempt to create a trophy fishery, which is hard to define from region to region and even within the states.

There were several comments about allowing Amendment 3 to continue to expand the age and size structure. There were a lot of comments for endorsing the continued restoration of the age and size structure of the weakfish population with no specific indication of how.

There was one specific comment saying that weakfish of at least age six should be common in the northern range of the fishery, and that should serve as a reference point of when the stock is restored.

And data collection, several comments: should be mandatory if states can afford it and have the staff to do it. The lack of data makes estimates inaccurate, so good data should be a priority. There was one comment that, no, it should not be required because it's not a depressed stock.

Talking about a minimum level should be required. Specifically, data should be required on bycatch and several calls from volunteers from the fishing community to help with data collection.

These are some other issues which were raised in the written comments that don't specifically fit into any of the six issues or the goals and objectives. There were a lot of comments about the recreational community's concerns with commercial fishery.

They thought that allocation issues should be directly addressed. The recreational community should not take reductions unless the commercial community does so as well. There was some support for a quota or a total allowable catch to be put in place.

Some other considerations; that economics should be considered when developing this amendment; increasing ASMFC funding to enforcement; some concern that if there are reductions in bag limits now, that they wouldn't ever increase, and that the 10-inch minimum size in southern states is counterproductive to rebuilding the stock.

That concludes my summary of public comment. There is, of course, much more information in the packet, which was included in the CD. Does anyone want to add to that?

CHAIRMAN COLVIN: Thanks, Carrie. Do any of the board members want to add any information with respect to their observations about the public comment process in their own states? I think certainly Carrie's report was very comprehensive. Is there anything further to come forward on the issue of public comment at this time? Thank you.

We're now at Agenda Item 8, providing direction to the PDT on the draft of Amendment 4, and, Carrie, I thought maybe it would be useful, just at the outset of that discussion, if you could kind of briefly outline the steps and the schedule from now until completion

and adoption of the amendment, and then we can talk about what we need to do today.

Direction to the PDT on Draft Amendment #4

MS. SELBERG: Okay. First of all, there's the document we're going to be working off of for this portion of the agenda, which is titled "Board Guidance to the PDT, Draft Amendment 4 to the Interstate Fishery Management Plan for Weakfish." That was sent out via mail and e-mail about a week ago. If there are any board members who don't have that in front of them, if you could just raise your hands so staff could pass that out.

All right, the schedule. The weakfish management board approved the PID last February. It went out for public comment in April. That public comment period closed at the end of April, and you now have just heard all of the public comment that was gathered.

Today the board needs to give guidance to the plan development team so that we may spend the summer drafting Amendment 4. In August the plan development team plans on coming back to this board with a completed draft Amendment 4. We're hoping that at the August meeting you approve that draft Amendment 4.

It will then go out for a round of public hearings this fall. The advisory panel will be meeting at the end of that round of public hearings, and then in November the board will review public comment, review the advisory panel recommendations, and make their final management decisions, finally approve Amendment 4, and then the commission would approve Amendment 4 in November as well.

CHAIRMAN COLVIN: Thanks, Carrie. Any questions on the schedule and the process? Bruce.

MR. FREEMAN: Gordon, I do have a concern based upon the comments that we heard at our public hearing. I generated the letter to you which has been handed out. From our perspective, we're very concerned that some of these issues need to be addressed and need to be clarified.

I mean, one of the issues that created, I think, the most concern was when the report was given from the stock assessment, people were saying, "Well, this

is wonderful. The stock is expanding, we're meeting our goals, the number of larger fish are expanding".

Everything we wanted to occur in the plan is occurring and the question is, well, why are any further restrictions needed? Aren't we going in the right direction and isn't the plan doing what we're doing?

Notwithstanding the comments from the technical committee, there needs to be a very clear explanation to the public as to why any further action is necessary. Otherwise, it's going to be very confusing.

CHAIRMAN COLVIN: Bruce, I understand. That addresses an issue of content and we'll get to that as we work through the decision document. What I want to get to right now is are there any questions on the process we're following between now and November?

Thank you. Let me then suggest that we're going to work through the PID, following the decision document that the plan development team has prepared. Carrie will lead that discussion.

There's a lot to go through here, and you'll notice that there are a number of questions that she will guide us in discussing. I think, Bruce, the time will come when the questions you're raising will arise in due course.

I'm not necessarily looking for the board to pass motions to provide specific direction on each of these issues. There may be some that we decide to do, but what we're basically looking for is some general sense of any specific advice we need to give or some general consensus in terms of what we expect the plan development team to do as they prepare the text.

We are expecting that there will continue to be a range of options available, just as they were proposed in the PID, that will be written up in the draft FMP amendment as it's developed.

We don't need to necessarily limit that range of options today, although we may choose to do so in some instances. So with that, Carrie, I'm going to ask you to start us going down through here. We have

about an hour and a half for this discussion.

MR. SELBERG: At the top of the document, it talks about the purpose of what this document is, and the purpose is to guide the Weakfish Board through the decisions that need to be made in order to give the Weakfish Plan Development Team the necessary guidance to develop draft Amendment 4.

This document includes much of the PID text for each issue, followed by key questions for the board. Due to the tight time line for Weakfish Amendment 4, the PDT needs as much guidance as possible from the board at this May board meeting.

So we are looking for as much guidance, as much clear guidance as you can provide so that we can come back to you in August with a document that meets your needs.

It starts with goals and objectives and then goes through each issue. In the document in front of you, you have the PID text. Up here on the screen are just the key questions.

Now, these key questions are based on discussions with the plan development team, discussions with various board members, and public comments. You'll see some ties of things that were brought up in public comment that we specifically asked questions about.

Now this document was completed before the advisors met, so there might be some additional questions based on recommendations that the advisors came up with yesterday. I'll ask all of you to remember that presentation and ask Ernie to keep an eye on things to make sure that we are incorporating their recommendations well.

Goals and objectives: the first question, are these the appropriate -- I'll run through all three questions for this one. Are these the appropriate goals and objectives for Amendment 4?

Should the phrase "restoration of the trophy fishery" in the second objective be removed, which would focus this objective on the restoration of the age and size structure, and should Objective 2 be split into two, with one objective focused on the age and size structure and the other objective focused on

geographic range?

CHAIRMAN COLVIN: Pat Augustine.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. It sounded relatively clear that the advisory panel, as well as our group in New York, believe that objective should be changed and take out the words "restoration of the trophy."

I think those four words would probably correct Goal 2. There didn't appear there were any other contradictions or problems with the other goals there as listed so I would suggest that we accept them with that change. Thank you.

CHAIRMAN COLVIN: Bruce Freeman.

MR. FREEMAN: I agree with what Pat has said, although I would go somewhat further. I think 2 needs to be broken into two sections. One is the return of the weakfish to the previous geographic range. I think that's appropriate and needs to stand alone.

I agree, this whole issue of trophy fishery, when you talk to people, everyone has their idea of what a trophy fishery is. Some people believe a 12-inch fish is a trophy because it's the biggest fish they ever caught in their life, and other people would argue a 12-pound fish would be a trophy.

So unless we can come up with an agreed-upon definition of a so-called trophy fishery, then I think the first part of that becomes very difficult to understand. If in fact we delete the reference to the restoration of the trophy fishery, then I think what's left standing is what do we do about the age and size structure?

Probably we need such a thing, it needs to be tied to something, and it's somewhat unknown to me as to what it should be tied to or what it could be tied to if we eliminate the reference to the trophy.

CHAIRMAN COLVIN: Des.

MR. KHAN: Thank you, Gordon. I think the board should be aware of a couple of things that they're probably not aware of, maybe. One is that, for example, in our development of our reference

point recommendations, one consideration in this was the goal, stated goal to restore the trophy fishery.

One of our members, Jim Uphoff, again, had made a tentative definition of a trophy based on the known growth and data available as a weakfish of 28 inches or greater. Part of our consideration of the appropriate reference points was to select a reference point target that would allow for a significant proportion of fish in the stock to exceed that size.

I'm not sure if it was one percent or some quantifiable proportion, and this was simulated so that although we as a committee have never been asked to define what would be a trophy fishery, that was a working definition that was used in our deliberations.

Secondly, we also have data in the past from the various citation programs that the states have in their recreational fisheries management, and we have data, for example, going back into the '80's or '70's of the numbers of citations awarded by states for what they defined at the time as trophy fish in the case of, for example, most of you are familiar with Delaware.

We had raised it up to an 11-pound minimum size and we had hundreds awarded per year at the peak period. So, there is some data and quantification available on this idea.

CHAIRMAN COLVIN: A.C.

MR. A.C. CARPENTER: Thank you, Mr. Chairman. I think maybe if you just strike the single word "trophy" in Item Number 2, and it would read "to restore the weakfish age and structure that is necessary for the restoration of the fishery and to return weakfish", it may be a way of getting around this issue.

CHAIRMAN COLVIN: Okay, Tom Fote.

MR. TOM FOTE: Tom Fote, Jersey Coast Angler's Association. When we originally did the plan many years ago, we basically talked about having a large fish because large fish is what was in the northern region.

And so we talked about expanding this fishery until we had an amount of large fish to basically populate and being caught in Rhode Island to Massachusetts

because that's the only way they would see big fish there.

I think that's the same goal and it's really a trophy fishery. It's just the word "trophy" that basically is the catch phase that's making everybody nervous. If you're talking about to rebuild the fishery so we have an expanded range basically back in the northern region, I think that's acceptable. I think that has more to do with what we really want to happen. Thank you.

CHAIRMAN COLVIN: Jack.

MR. TRAVELSTEAD: I agree with the previous speakers that we probably ought to take the word "trophy" out of Objective 2, but the problem with Objective 2 is that it's very vague. It seems to me the public needs to know precisely what we're trying to achieve there.

So my question to the technical committee is can they identify a specific age and size structure for the entire population that we're trying to achieve and place that in this amendment, not with respect to just the trophy, but the entire population?

Likewise, it seems to me we ought to specifically identify the geographic range that we're trying to bring this fish to. I thought we were already there. I thought we have fish in Florida now and we have fish in New England.

So haven't we achieved that part of the objective; and if not, we need to identify precisely the geographic range we're trying to bring those fish to.

CHAIRMAN COLVIN: Recognize that there's a connection between the implications of the discussion of this objective and what will come up later on the section of the plan that deals with age and size structure, and I'm not quite sure which comes first in terms of how to make a decision here.

Des has suggested something a piece of analysis that's already available that can be looked to for guidance in that regard or perhaps even adoption.

I think maybe at this point it would be most helpful to see if there's a general consensus that rather than specification of trophy, that the focus is on some

general concurrence to achieve age and size structure and geographic distribution objectives and then perhaps define those later on. I sense that there is, but I want to just kind of lay that out there. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Along with both what Tom and Jack said, it appears that if the wording was changed in Objective 2 to read something as follows: "To return weakfish to their previous geographic range and restore the weakfish age and size structure to previous levels as noted in the new reference points", which would encompass what Jack was saying about having a specific period of time and get rid of the "trophy."

Otherwise, I think we're just hung up on the word. We don't want "trophy" in there, so let's just get it out.

CHAIRMAN COLVIN: David.

MR. BORDEN: Thank you, Mr. Chairman. I think regardless of what position you take on the issue of trophy, you end up in the same place. If you leave trophy in, then it's logical to assume members of the public are going to say, well, what constitutes a trophy fish?

And if you take it out and you just leave "to restore the weakfish age and size structure," it's logical to assume that members of the public are going to say to what size. And both of those, I think, gets you right back to the same point.

I have no objections to taking it out, but, as Jack Travelstead suggested, I think some place in the document we have to try to quantify exactly what we want so that we can at least get a reaction from the public.

I think it's possible to do it just with the data that's at hand. You can look, for instance, at just the recreational numbers that are caught in Massachusetts, Rhode Island, Connecticut, and New York and go back to 1982 -- it would be great if we could go back a little bit further than that -- and use that as a barometer of restoring trophy fisheries in those areas based on the numbers that were reportedly caught.

CHAIRMAN COLVIN: Jack.

MR. TRAVELSTEAD: I guess my point was I needed some clarification from the technical committee whether or not they could comfortably identify a size and age structure that constituted a restored population.

If the answer to that is no, then this shouldn't be an objective. It seems to me we need some assurance that at that point in the agenda, when we get to it, that the technical committee is going to be able to say here it is, it's the age and size structure that we saw during this time period, and that's what constitutes a restored population.

MR. KHAN: Jack, I think there is one set of data that could be used for that and that is the -- you know, we have some problems with age data, as I mentioned earlier, from the earlier period, but we do have the size frequencies or the length frequencies collected in the MRFSS surveys.

And, if you plot them coast-wide for each year, you get a pretty good picture of the size structure of the stock as harvested by the recreational sector, and you do see, in the early '80's, a very expanded size structure.

As you follow through to the late '80's and early '90's, you see that as becoming quite reduced, and then it started to rebuild. I think due to some of the problems with aging we have, I think that particular data set is a quite feasible guide or gauge to restoration of the size structure. So I think that's the way to go.

Secondly, there is an accepted method used in fresh water fisheries management whereby you can define, for a given species with a given growth pattern and life history, what is a quality fish, what proportion of fish should be in given categories of size structure ranging up to a trophy, or whatever you want to call it, and that's some of the approach that Jim has applied. I think there are a couple of avenues we could pursue and some data available for that.

CHAIRMAN COLVIN: Does that answer your question, Jack? Pete.

MR. JENSEN: I wanted to raise another

question in connection with Number 2. I had always thought of restoring the age and size structure to be connected with restoration and maintenance of an SSB more than it is to a trophy fishery, and so it seems to me that we ought to have that linkage somewhere in the objectives because it's mentioned in the goal, self-sustaining spawning stock, and I can't think of any better understandable way to do that than to say to the public we want to be comfortable that there is a sufficient spawning stock biomass out there that will accomplish that. So I would raise that as a question aside from the trophy issue.

CHAIRMAN COLVIN: Paul.

MR. DIODATI: Actually, Pete just kind of said what I was going to say, that I think that the goal itself is worded properly. Objective 2 makes me very uncomfortable because it's just too qualitative; and it's not just for this plan, it's for all of the plans that we try to put in these qualitative measures.

It basically sets the board up for failure because I don't think we can ever meet this objective that we can't define. These trophy fisheries, quality fisheries, they mean something different to every individual.

And as far as restoring stocks to a particular age structure, that becomes a challenge that I don't think the technical committees are going to be able to meet, to give guidance to do that.

We've been struggling, I think, for nearly a decade with striped bass just over this particular question. It would be my preference not to have this objective included in the plan.

CHAIRMAN COLVIN: Ernie.

MR. ERNEST E. BECKWITH, JR.: Thank you, Gordon. Actually, I'm going to make a statement kind of contrary to what Paul said. I think it should be in the plan. I think it's a little difficult for us to try to do it at this juncture because there's some other decisions we have to make which could have a direct affect on age structure.

But I think it is something that we should try to quantify the best that we can and try to move towards it. Some of the issues that I have is isn't the -- I'll sort of phrase this as a question for Des, but doesn't the

selection of a -- or tell me how the selection of a base period for the recreational fishery and the selection of a reference point, an F-30 or whatever, how does that affect age structure?

MR. KHAN: Well, the reference point could definitely affect it because it would affect the survival rate since fishing mortality affects survival; and for a given species with a given growth pattern, you need to have a certain amount of minimum survival rate to allow a significant proportion of the animals to attain some given size.

If your survival rate is too low due to high fishing mortality, then you get a truncated age and size structure. So we try to incorporate that consideration in our recommendation of F-30 percent.

Secondly, the reference period itself can help, because in the reference period we're recommending -- in the data set that we used to develop recreational regulations, there were large fish caught.

Conversely, in the early '90's reference period, which we originally used, there were very few large fish and this can -- If you're setting your regulations based on a period when there were hardly any large fish, you can get a distortion of your regulations when you come into a situation where you do start to get large fish.

It is a different ballgame and so it can interfere with your goals of trying to allow restoration and your bag limits, which we saw actually happen. Our bag limits were not really appropriate for a situation where we are getting large fish now.

MR. BECKWITH: Gordon, if I could just make one other comment just as a follow up to this. As I stated, I think we should have some kind of a -- to the best of the ability we can, have some kind of a quantitative goal or an objective for age structure.

But the point I want to make is that it should be the age structure throughout the range. I'm concerned that since we would like to see larger fish back up north, that if we select some age structure that we want to try to achieve, maybe coast-wide that could be achieved, but we could still be wanting to see the larger fish up north. We have to consider the structure throughout the range.

CHAIRMAN COLVIN: As I indicated, this is a little awkward because later on we're going to address the issue of age and size structure somewhat more directly, and that may be where issues of how to establish quantitative measures that could later be referenced in an objective will come, just as Objective 1 talks in terms of establishing definitions that are later specified in quantitative ways.

My sense is this: that there appears to be a general consensus, with some exceptions, that we need to address the basic parameters of age and size structure and geographic range as objectives, perhaps as different objectives, and perhaps that we ought to avoid the word "trophy fishery" because of its vague meaning, and perhaps develop an objective that amplifies on that somewhat, but visit that after we do the age and size structure discussion.

The goals and objectives are important because they are the framework that everything else hangs from. It seems to me that we would not want to simply leave the PDT with advice that just reaches this level.

I think that ultimately we will want to assure that there's a level of comfort on the part of the board on the specifics of the goals and objectives before we come back together in August, and yet, at the same time, it doesn't sound like we're going to be able to agree on the exact words of Objective 2 or Objectives 2A and 2B today.

So my suggestion to the board, and let me see if you can agree with this, is that we essentially appear to have a consensus that this objective should be reframed by the PDT into two separate objectives, one that focuses on the purposes and benefits of an age and size structure that will be defined later in that section of the FMP, and the second that relates to the restoration of weakfish throughout their historic geographic range, and that the PDT give a priority to redrafting those objectives and submitting them to the board via e-mail and regular mail for review, comment, and feedback and refinement early enough in the process that we can have some degree of assurance that we're all on the same page before we come together in August. Seem reasonable? Objections to that approach? Good. Reference points.

MS. SELBERG: Reference points, several questions. Should the plan development team use these reference points as the basis for draft Amendment 4 or should a range of reference points be explored? If a range, then what options should this range included?

The next question is should an SSB target be developed in addition to the threshold? The next question is should the biological reference points be updated based on the most recent stock assessment? And, finally, the PDT is planning on developing a set of triggers based on these targets and thresholds that will lead to management measures. Should these triggers be based on point estimates from the stock assessment, a range around this point that could be developed based on a risk assessment-based approach, or other method?

I was asked by a couple of PDT members to highlight to the board that when the technical committee developed this recommendation, they did consider a range of alternatives and this was their recommendation, so they already have considered a range. If you would like to have them go back and look at other numbers, I think more specific advice would be helpful.

CHAIRMAN COLVIN: Well, let's focus on it one at a time. The first issue, I think, is does the board want to suggest alternatives to the target fishing mortality rate reference point? Pete.

MR. JENSEN: What is the F threshold in Number 3? The target is F 0.5. What's the threshold, I don't remember?

CHAIRMAN COLVIN: Currently?

MR. JENSEN: Currently?

CHAIRMAN COLVIN: There is none.

MR. JENSEN: There is none?

CHAIRMAN COLVIN: No. First of all, Amendment 3 was done before we had such things as targets and thresholds, but I would characterize what we have at 0.5 as the target. But maybe it's a target and a threshold, Pete.

MR. JENSEN: Well, I guess that's the practical interpretation of it as it is now, yes.

CHAIRMAN COLVIN: Carrie, just getting back to the very last thing you said, or Des, was there a range of options identified originally and assessed by the technical committee with respect to the target F?

MR. KHAN: Yes, there was.

CHAIRMAN COLVIN: Does the board want to revisit that issue and suggest that the PDT include that? I think the recommendation of the AP was to look at a range, but that was more focused on the threshold, I think; was it not?

MS. SELBERG: My understanding is that the recommendation from the advisory panel was to include another option for the target.

CHAIRMAN COLVIN: For the target?

MS. SELBERG: Yes.

CHAIRMAN COLVIN: So we're comfortable with 0.5, then, it appears as the target and then the issue arises with respect to an option for the threshold of 0.3. I'm sorry, The target is 0.3 and the threshold is 0.5. Bruce.

MR. FREEMAN: Des, in your explanation of the technical committee report at the last meeting, you looked at various fishing mortalities and if I recall -- well, we have in the plan the target of 0.5, and I think you indicated at the time it's the feeling of the technical committee we're below that number, but we're not exactly sure where we're below that number or what level we're at.

And if I recall, the recommendation of the target of F 0.31, it was felt by the committee to be a safe target, but there was some flexibility. It couldn't be pinned down that that is or has to be, and I'm just curious if you could comment on that.

And the reason I say that, it seems to me that there may be a target somewhere between 0.5 and 0.3. I don't know what that is, but I'm just curious as to what the discussion was by the technical committee,

if there's any merit in that thought.

MR. KHAN: Well, we did explore FMSY approaches, and I'm a little fuzzy on this. We had some estimates of FMSY and I believe there were a couple of different estimates.

I'm not positive because this happened before I was technical committee chair, but I believe that was one of the estimates submitted to the board originally, and the board, as I understand it and I could be wrong, but the board shows F 30 percent and F 20 percent out of some other options that we submitted to them.

One thing about this is we don't -- some people from the advisory panel and so forth have said, "Hey, we don't like 0.31; how about 0.4"? You know, we don't do it that way.

We try to estimate a given reference point, say F 30 percent, and we do the calculations and see how it comes out. We don't pick the goal. We try to calculate what it would be and then whatever it is, that's it. But there could be FMSY approaches, there could be some other reference points rather than F 20 and F 30 percent.

CHAIRMAN COLVIN: Paul.

MR. DIODATI: Des, could you refresh my memory. Does the technical committee have a point estimate for the current mortality rate or where it's been over the past three years, let's say a spread of where it's been?

MR. KHAN: We do have point estimates from ADAPT VPA, Paul, and as I mentioned, there is a lot of uncertainty and there appears to be retrospective bias. The risk assessment that Jim did, for example, estimated assuming the same type of retrospective bias affects the 2000 estimate, the estimate would be more like 0.2 with a confidence interval from 0.13 up to 0.28.

You see, we're dealing with a bias here. It makes it difficult to get exact estimates, but the last three years, I believe they're probably either at or below the recommended target of 0.31 if we assume the bias and try to correct for that.

CHAIRMAN COLVIN: Eric.

MR. ERIC SCHWAAB: I just wanted to clarify. I mean, the focus here is on the F 20 percent and F 30 percent and the values associated with that are current values. I mean, recently we ran into a problem with striped bass where we were more focused on the values and less focused on the F 20 percent and F 30 percent, and in fact these actual values that are listed here may be subject to change in future years.

CHAIRMAN COLVIN: Correct. A.C.

MR. CARPENTER: Recognizing the advisory panel's input into this and coming up with an F 25 as an alternate, would that also require us to have a different threshold, maybe an F 15, with the idea that this retrospective analysis, or the bias in this thing, if we get the target and the threshold too close together, are we going to be knee jerking this thing with each report that we get back from the technical committee as opposed to where we have a ten degree of separation right now? Can we have some comment from the technical committee on that?

CHAIRMAN COLVIN: Carrie.

MS. SELBERG: Just to answer the advisory panel portion of this --and Ernie can correct me if I'm wrong -- it's my understanding the AP would like another option, and they suggested a target, and then would expect the technical committee to come up with the corresponding threshold. It doesn't need to be the threshold that's it's listed here.

CHAIRMAN COLVIN: I guess the question before the board is -- you know, the advice we've gotten has been laid out -- do we want to suggest the inclusion by the PDT of an alternative to the F 20/F 30 combination that we have now?

And I guess one thing that may be limiting our discussion a little bit is our ability to recall the other options that the technical committee had looked at sometime in the past, which I seem to recall that I sort of remember along the lines of what Des was suggesting, that at least one of them was an FMSY-based approach. Jim, can you shed some light on this for us?

MR. JIM UPHOFF: It's Jim Uphoff. We had, as I recall, between Mark Gibson and myself, had looked at seven different reference points. There was the F 20 and F 30. These were based on yield per recruit type modeling or dynamic pool modeling.

So there was F 30, F 20, F 0.1, Fmax, two different techniques for estimating FMSY, which were not based on dynamic pool modeling. One was the Shepherd equilibrium model and the other was a biomass dynamic model.

And then there was also an extension of the dynamic pool model that was a basically F 1 percent trophy, using that as a threshold; in other words, using some data we had on growth and distribution of size at age, what fishing mortality rate would be associated with one percent of the fish, or less, being 28 inches, and that actually corresponded very closely to F 20 percent.

One thing about adopting like F 30 percent, F 20 percent is that those reference points are associated with a stock recruitment relationship, and essentially we can't measure the stock recruitment relationship very precisely, so this is kind of a proxy for it.

F 30 percent is a general recommendation for reasonably productive stocks, which weakfish probably fall into. F 25 is not a general recommendation for most fish stocks, other than something that might be highly productive, just to throw that in. Is there anything else I can add?

CHAIRMAN COLVIN: Questions or follow ups for Jim before he gives up the microphone? Thank you, Jim, I appreciate that. Ernie.

MR. BECKWITH: Thank you, Mr. Chairman. Here's a problem that I see. We have an objective that speaks to stock structure and range, and we have reference points that deal with spawning potential.

And in terms of trying to estimate what the stock structure would be from a F 30, we haven't answered that question; and if we're going to propose other options in here for reference points, if I was sitting in the audience listening to the presentation at a hearing,

I'd say, okay, well, what does this other option afford us in terms of stock structure and also range?

So, we've sort of got ourselves in a situation where we've got a goal and objective that says one thing and our reference points are -- I won't say different, but may not directly relate to what our objective is.

CHAIRMAN COLVIN: Bill.

MR. WILLIAM GOLDSBOROUGH: I think, if I'm correct in this, that I heard the technical committee report say that we are currently at or below the proposed F target, so is it not true that we're not talking about any cutbacks under that scenario, and in fact all we're doing is trying to prevent any expansion and thus diversion from the track that we've been on of improving the stock, visa vis, the objective that Ernie mentioned?

CHAIRMAN COLVIN: I think that's likely, but I remind you of what Eric said a few minutes ago. Let me put it this way. Is it the pleasure of the board to call for the inclusion of alternative F- based reference points at this point, or is it the preference of the board that the PDT continue with the F 20 and F 30 approach? Ernie.

MR. BOWDEN: I think the problem that the AP had was not the fact that we are at 0.3. The fact is we were shooting at 0.5 and we achieved 0.2 and they're afraid if we shoot for 0.3, it may affect fishing that we're at a much lower level than 0.3.

We may be at 0.15, whatever. You know it's perception. We know we're fishing below. The people that really know anything about the science know we're below it. But we also know that we've reached 0.2 shooting for 0.5 and if we start shooting for 0.3, we don't know where we're going to be. I think that was the main problem the AP had.

MR. GOLDSBOROUGH: I guess in connection with that observation, I would point out something that was brought up earlier that we actually had no threshold currently and that perhaps the 0.5 was being considered, as has been the case in some cases in the past, more as a threshold than as the target, so maybe that's not as much of a concern.

CHAIRMAN COLVIN: At this point, I do

not sense a strong perception on the part of the board that we need to add alternative fishing mortality target and threshold; and unless somebody wants to suggest that that's not the case, we're going to move on. Bruce.

MR. FREEMAN: The point that troubles me when we use a VPA is that the most recent information we have in order to determine where we are is that the most recent information is the most variable.

In retrospect, if you look three years back, you'll probably get a much better determination of what the terminal F is than if you make it today. My concern is, in looking forward into the plan, since this gyration of terminal F's from year to year may bounce around, that we may very well start to adjust the catch rates in order to believe we're either under or over, and this thing is just going to yo-yo back and forth.

We had problems with that in other plans and I'm just trying to find a way to avoid it. It doesn't answer this question specifically, but when we use VPA's, that's what we get into, and I'm just curious how we can get out of that difficulty.

CHAIRMAN COLVIN: I'm not sure we can go there right now, Bruce. I mean, I think that's part of the terrain that we all have to navigate, but right now I want to stay focused on these questions. Jack.

MR. TRAVELSTEAD: I'm reasonably comfortable with what we have here in terms of reference points, but I'm wondering if it would be possible for the technical committee or the PDT to resurrect that document that Jim Uphoff referred to and get that back out to the board members to refresh our memories on all of those various options and what they might mean. I don't know if there's time to do that and, you know, would there then be time for additional options to be put into the document?

CHAIRMAN COLVIN: Well, we can certainly resurrect the technical committee report that did that and get it out to the board and board members would be able to look at it and discuss it with their own technical committee members.

But I would say this; if we do want to get any alternatives added, we, in fairness, need to advise the PDT as early as possible to give them the time they will need because there's little enough time to write this thing up as it is.

So I would ask that if we do that, that perhaps we could do it in conjunction with the exercise I suggested earlier on goals and objectives, and that we do it in a fairly short time frame that I'll work out with Carrie once we --

MR. TRAVELSTEAD: Perhaps you could propose some sort of deadline for commentary.

CHAIRMAN COLVIN: That will definitely be part of it, Jack. I'm looking at my clock. I'm telling you right now I'm looking at my clock and I want -- the discussion absolutely needs to stay focused on the questions we need to advise the PDT on. Do we need to give the PDT any further advice now on fishing mortality threshold? Bruce.

MR. FREEMAN: One of the issues raised, it's not in this question, but is have a target SSB. We have a threshold, but no target.

CHAIRMAN COLVIN: Yes, I didn't get to that. That was the next thing I was getting to after I got done with the target F's. Anything else on target F's? Okay, yes, Ernie.

MR. BECKWITH: Sorry, Gordon, to wait until the last minute, but, yes, I can see value in offering a few other alternatives for a target F, perhaps one of 0.25 below and one slightly above the 0.31, maybe 0.35 or 0.4.

It serves to give some options and frames the preferred alternative, I guess is the way it would probably end up being if we so chose to go that way of 0.31.

But if we did go that direction, and I see some benefit to it, then we would have to provide the public with some means of determining what those different reference points mean to them, what does 0.25 mean, what does 0.35 or 0.4 mean?

And as I said, I can see some benefit to doing it, but it involves some other work where we can provide

some criteria for evaluation or selection by the public. I guess my vote would be yes, let's get some alternatives.

CHAIRMAN COLVIN: Pete. I'm going to give this conversation about two more minutes.

MR. JENSEN: I was going to answer your question yes because unless I'm mistaken, it seems to me that the 0.5 threshold, which kick into an overfishing, is rather conservative anyway and so I think there needs to be a higher or lower. Perhaps Jack's suggestion would do it, but do we have something to compare this against rather than introducing specific options?

CHAIRMAN COLVIN: Anne.

MS. LANGE: Well, I guess in going back to what Jim was trying to explain, we should not be including values. We shouldn't be discussing values. We're talking about the targets being related to a spawning stock SSB percentage, 30 percent, 20 percent.

It's a philosophical decision that we have to make based on the known structure of the stock. The age structure, what we're looking for, the life expectancy, growth rates, everything else, fecundity, that's what goes into the decision on whether or not you want a 30 percent or a 40 or a 20 or whatever, and we shouldn't be looking at whether it's a 0.31 or a 0.35 or 0.26.

It really should be focused on what we want the stock -- you know, the likelihood of the stock to be recovered based on the percentage F, the F percent.

CHAIRMAN COLVIN: Thank you, and I believe that in redistributing the technical committee's prior evaluation of that, that those points should emerge in our minds as we review it and that it will also help with the question, I think, that Ernie has asked. But let's see where we go with that once that goes out. Ernie.

MR. BOWDEN: I think the Ernie's must think alike. That was the decision we made at the AP yesterday. We had no problem with having a preferred alternative of 0.31, but we wanted to see the other options and what they would do as far as stock and age size.

We really want them included more or less as a reference so we could see it; and if it didn't have a big impact, we would prefer using something a little less stringent, but we really wanted to have them added so we could see the data.

CHAIRMAN COLVIN: Let me just make an observation. I've talked to some people about the last order of business this week, and I know there's some views out there about taking a document out to public hearing that has so many options in it that the public will be totally unable to meaningfully respond to it.

I hope that we're not going to do two FMP's that way this week, but I'll just make that comment now and let that sit as we go forward. I would like to move on to Question 2, which is should the SSB target be developed in addition to a threshold. I don't think we need to discuss what it ought to be, just should there be one? Jack.

MR. TRAVELSTEAD: There shouldn't be one. Given all the uncertainty that we have about all of these point estimates due to this retrospective bias, it seems to me we would seriously confound the work of this board if we had two different targets around which there is all this uncertainty.

It seems to me we ought to stick with one target and that being fishing mortality and not have a second target. Also, something I recall about an SSB target with all this uncertainty resulting in some kind of whipsawing of the regulations; up above the target one year and below the target the next, and it just seems to me we would be asking for trouble by adopting that.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: Well, I look at it just the reverse. It seems to me again it's a target. What we've heard from the public, well, what is the target? If we're shooting for something, are we close to it? It seems to me that can be computed. Again, it's a target. We have a threshold. If in fact we're concerned about meeting their F targets, then I would have to ask why do we have an SSB threshold.

And it seems, again, the target is simply an instrument to allow the public to understand where

we are and gauge where we are in this fishery. It would help us in the decision-making if we need to make changes. Have we been above or have we been below?

But it seems like the threshold is going to compel us to move, and it's not the target so much and I would think that it would be useful to have such a target.

CHAIRMAN COLVIN: David.

MR. BORDEN: Thank you, Mr. Chairman. Jack Travelstead raised some good points, but I don't think those points should necessarily deflect us from asking the technical committee to develop a target and bring it back here so that we can look at it. And if the points that Jack is raising are valid, then we can have a debate of that and decide at that point, based on known information and whether or not we want to include it.

CHAIRMAN COLVIN: Anne.

MS. LANGE: Yes, I was wondering if Des could quickly tell us why a target SSB wasn't provided right from the start, just briefly.

MR. KHAN: I've talked to a couple of people on the committee about this and got two different answers. The first answer was, well, we just developed the SSB threshold on our own without being asked, and sort of that was as far as we got and maybe we ran out of time or something.

That was on our own initiative. The other answer was, well, you don't really -- the other person who was involved said we don't want a target because that can jump around due to ecological factors not affected by fishing mortality, and it can be something that we really can't control the exact level of SSB, and it could cause a whipsaw in the management process as it moves around due to increase in predation or other environmental factors and so it would be a problematical target.

MR. BECKWITH: Yes, just to follow up on what Des was saying, that's exactly the kind of technical advice I got from my staff back home.

They said the weakfish matures at a very early age and the SSB would be driven by year class strength.

It's not as much of a concern for the threshold because it's set high enough. It would have to have something dramatic happen to go beyond the threshold, but if we set a target that's quite a bit lower than the threshold, it's very probable we could exceed that quite often and causing us to get involved in whipsaw management.

CHAIRMAN COLVIN: Well, we have some different points of view. Anybody want to suggest a solution? Bruce.

MR. FREEMAN: What concerns me in this, if we go with just the F, and that starts changing, we're going to be whipsawing this. It seems to me in these plans it's much more reasonable to look at several different factors to see if in fact we need to be making these changes.

We started out with F estimates in all the fisheries. A good example is striped bass. We were changing there almost every year for three or four years, had no idea what the first change meant, and we're already making the second change.

But it seems if we have a target SSB or a target fishing mortality, we can look at those in combination and we're more apt to make a decision whether we need to be moving -- if we see we're exceeding the F and we're way below the thresh or the target, we may see the need to make a change.

But if we're driven only by F, particularly with a VPA where our terminal F's are oftentimes lower than what they're estimated to be later, we start moving up and down every year, and it just seems to me by having several factors we look at, it just allows us to make decisions in a more rational manner.

But I would agree with David is go ahead and compute it. We can come back and discuss it. We don't have to at this point say if we're going to put it in or not, and we may decide it's not a good idea.

CHAIRMAN COLVIN: The suggestion out there is to ask the technical committee to essentially prepare a recommendation to the board on what a compatible SSB target would be to the range of targets and thresholds we have now. Des, I think that can be done, I sense from your remarks earlier.

MR. KHAN: Yes, we could. Just one

comment is that, you know, if you're taking -- say, F 30 percent as our target, that would present a natural target as the SSB 30 percent if you have an FMSY type reference point.

On the other hand, you might have a different target. So, if we're going to come up with I don't know how many -- they're kind of linked, in other words. Your F target and your biomass target would tend to be linked. Potentially if we had different F targets available again, potentially we could have different biomass targets.

CHAIRMAN COLVIN: Jim.

MR. UPHOFF: The one technical consideration for this is that if we're going to develop an SSB target, you have to remember the reference points that we have proposed, including the threshold, was based on the '98 assessment, and those weren't corrected for retrospective bias and some of the other things we're doing.

So it kind of opens a can of worms then about do we update all of the reference points or do we go back to the '98 data and do the same thing? So there's a technical consideration.

CHAIRMAN COLVIN: Jack.

MR. TRAVELSTEAD: Bruce's point seemed to be that if we saw changes in fishing mortality relative to our target, then we would then look at where we were relative to some SSB target to determine if there was a serious problem or not, and it seems to me you can do that without setting an SSB target.

You can instruct the technical committee, in all of their calculations, to look at where or how SSB is changing every time they do the assessment without having to have established a target, and that could be informative to the board relative to what's going on with fishing mortality.

The other thing I would note is we've been through three issues now, and it seems like we're three for three now in recommending more work for the technical committee and the PDT. It seems like we're never going to get through this and this document is growing as we speak.

CHAIRMAN COLVIN: Thank you for pointing that out, Jack. I'll also say that we've been through three issues and we haven't had a vote yet, but we're about to have one because I sense that we are not approaching a consensus on this issue and I may need a motion so that we can move on. A.C.

MR. CARPENTER: I'm not going to offer a motion, but I would offer that if you look in the public information document on page 21, there's a Figure 4 with a spawning stock biomass.

Perhaps Bruce's concern could be related if you just simply showed where the threshold SSB is and then each year, when this thing is updated and is presented to you, you'll look and see where you are in relationship to that number. As Jack said, you wouldn't have to set a target, you would just simply know where you were in relationship to the threshold that was set, and I'd suggest we move on to the next issue.

CHAIRMAN COLVIN: Well, at this point we have board members who have specifically suggested work by the technical committee that leads to the development of an SSB target, and we have board members who have indicated opposition to that.

The PDT has not recommended inclusion of it. The PID did not; and unless I get a motion right now that we pass to add it, we're not going to add it. Ernie.

MR. BECKWITH: I was going to make a motion not to add it. Would you like that motion?

CHAIRMAN COLVIN: Well, we can do it either way. But as I said, if we move on without action, there won't be any.

MR. BECKWITH: Let me make a motion to make it clear. I move that the SSB target not be included in the draft amendment.

CHAIRMAN COLVIN: Moved by Ernie Beckwith, second by A.C. Carpenter. Discussion on the motion? Seeing none, we'll take the question. Do you need to caucus? All in favor, please signify by saying aye; opposed, same sign. In the opinion of the chair, the aye's have it. The motion carries.

We move to the next issue. The next question comes to the issue that Jim Uphoff mentioned a minute ago.

Should the reference points be updated based on the current assessment, which would mean that 0.31 and 0.5 and 31.8 would not necessarily be the numbers in the amendment, that F 30, F 20 and SSB 20 would be. Carrie, is there a downside to this? Can we understand what the issues might be?

MS. SELBERG: The only downside I've heard is increased time and workload to do it, but Des might have other downsides.

MR. KHAN: Well, one consideration is the creel limits that are currently in here were based on the F of 0.31, since that was the estimated value of the reference point.

I guess that could shift those if we come up with something significantly different. I don't know if anything else is contingent on the numerical value of the reference point or not.

CHAIRMAN COLVIN: Did the AP address this issue? No. Pete.

MR. JENSEN: Well, I guess my question is why wouldn't you do it? If you choose not to do it, then what are we going to do, stay with '98 data forever? Unless there is some reason not to do it, I would say it's just a logical conclusion that you would do it.

CHAIRMAN COLVIN: I sense that's where everybody wants to go. I see a lot of heads nodding. Let's move on and we'll do that, and that certainly is a task that will fall to the PDT and the technical committee, but I think we anticipated that. The last question here relates to the triggers. Carrie, do you want to amplify on that?

MS. SELBERG: The Plan Development Team is expecting to develop a set of triggers based on the targets and thresholds, and these would lead to management measures. What we were looking for is some feedback on whether these triggers should be based on point estimates or based on a lot of the things that Des Khan has been talking about.

Should these triggers be based on a range or round this point, and that range could be developed based

on risk assessment-based approach or another method the board might suggest.

CHAIRMAN COLVIN: Just to ask a question that's arisen from discussion, would it be true that triggers based on point estimates would be more likely to lead to whipsawing than -- and I know that's been a concern of the board. Des.

MR. KHAN: Real quick. One thing about this comparing your current estimates to your reference points, it's been recently sort of -- in a recent scientific paper that's about to come out -- in fact. I was a co-author.

There's not just uncertainty in your current estimate. There's also actually uncertainty in your estimate of your reference point value, and there's a method which has been proposed to compare the two -- you've got two distributions; a distribution around your reference point estimate and a distribution around your current estimate of the value.

And, you know, there's a method, a formal method for comparing the two distributions, and it is designed to eliminate whipsawing to some extent because you can get a slightly different result than if you just have one point estimate and you're saying are we above or below that.

So, I feel it's a recommended approach. It is new, though. I don't know that we could do it, you know, looking at the actual confidence interval around our estimate of reference point, as well as the one around the estimate of current value.

CHAIRMAN COLVIN: Let me ask, given Carrie's response to my question on the potential for whipsawing, is there interest from anyone on the board for using the point estimate-based approach or are we more comfortable looking at a range and letting the PDT and the technical committee work together on putting the particulars of that down. Yes, lots of nodding. Let's move on. Bycatch. Carrie.

MS. SELBERG: Under bycatch, several sections. First, we'll look at overall bycatch allowance. The first question is we just want to make sure that the board is interested in keeping all three of the bycatch allowances in the draft amendment as options, if any of them should be revised.

I will remind you that the AP suggested cutting the second sentence of Option Number 3; and then based on public comments, ask the board if they would like any special allowances made for the commercial hook-and-line fishery, if they should still be considered a directed fishery.

Based on public comments, asking if should a sliding scale bycatch allowance be explored, which would allow a percent of the catch to be bycatch rather than absolute amount; and, if so, what percentage would be appropriate.

The next question plays directly into the AP recommendation that I just covered about cutting the second sentence of Option Number 3. One last question is should the PDT explore options that tie bycatch allowances to SSB levels, which is an option which wasn't included.

CHAIRMAN COLVIN: The first question, is there any desire to delete or substantially revise any of the three current options? Jack.

MR. TRAVELSTEAD: I don't understand a need for Option 1, no bycatch. I don't recall why we put that in there to begin with. Somebody can refresh my memory, but we've had a bycatch of 150 pounds for years now and it has worked.

It probably needs to be increased. I have not heard any previous justification for going in the other direction on that issue. I would suggest we eliminate Number 1.

CHAIRMAN COLVIN: Any objection to Jack's suggestion? Okay. Now, there was a suggestion that came from the advisory panel on deleting the second sentence of the third option. Is there any objection to that suggestion? There doesn't seem to be, so we should probably go ahead and do that. David.

MR. DAVID CUPKA: Thank you, Mr. Chairman. That was what I was going to suggest because I think it makes sense.

CHAIRMAN COLVIN: The second issue here deals with the commercial hook-and-line fishery. Right now it indicates it's considered a

directed fishery. Is there any support for changing that? Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. In the state of New York, we've got an organization that has grown in leaps and bounds in the hook-and-line fishery.

The way this plan, as with most other plans are put together, they are kind of opted out of having their own quota and so on, and there was a lot of concern on the part of our hook-and-line organization -- I think we're 350 strong at the moment -- on this getting on the table and seeing what the interest might be by some of the other states, and if any of the other states have had a similar problem or issue to deal with, and whether it would be worth talking about. Thank you.

CHAIRMAN COLVIN: Ernie.

MR. BECKWITH: Yes, a question for Carrie or whomever. I'm trying to understand what the issue is with this, and this is what I think it is, and tell me if I'm wrong, but does this mean that if it's a directed fishery, they get a 150-pound bycatch or whatever; and if it's a non-directed, they don't get any bycatch. Is that the issue?

CHAIRMAN COLVIN: Well, I'll tell you what I think the issue is, but this has to -- you know, this sort of reflects my perception of the dialogue that's occurred in New York, which I think is a little different than Pat's, frankly.

There came a time when we had to institute a commercial fishery season closure to comply with Amendment 3. The season closure that was chosen ultimately later on proved to be a season that was difficult for the commercial hook-and-line fishermen, and they would have preferred a different season closure.

But that's not what happened, and as a consequence they've been looking for options that would enable them to land and sell some fish during the closed season when the price is high and the fish are more available to them.

But those options have not been forthcoming through the intrastate management process, and so they've

elevated the dialogue on the question of being allowed to take and sell some fish during a closed season.

The problem is that it's been difficult for them to overcome the very clear statement in Amendment 3 and in the PID that a hook-and-line fishery is considered to be a directed fishery, and so they've protested that, but I don't know how to get around the issue, frankly.

And while we're on the subject, I'll mention to you that one of the issues that arose in our hearing was a little troublesome in terms of the degree to which the closed season bycatch allowance may in fact be supporting what are truly directed fisheries, even among some of the net gears, and I think that's something we're going to have to look at closely in the public hearing record after this amendment goes to public hearings.

MR. BECKWITH: Well, it sounds like an issue we should get public comment on. I think it's an important issue. I would say leave it in there.

CHAIRMAN COLVIN: As an option? Any objections to that approach? Bruce.

MR. FREEMAN: I'm just wondering how we reconcile the issue that it's a directed fishery. If you're hook-and-line fishing for some other species and you catch weakfish, I think the issue is they can be released.

In the pursuit of species with gillnets and for otter trawls, we come to the conclusion that it's impossible to release every unwanted fish alive and therefore rather than have them discarded dead, that they be allowed to be brought in a small quantity so at least the numbers are accounted for.

Philosophically, I agree with you, Gordon. The fact is the hook-and-line fishery would be directed and by definition there would be no bycatch. It seems if we leave that in there, where do we go with that? I understand the problem. I'm just wondering what the resolution is?

CHAIRMAN COLVIN: I don't think we can reconcile it, Bruce. I think the only way to put it in there as an option would be to clearly indicate that

it's an exception. It's not reconcilable, otherwise.

MR. FREEMAN: Yes, I mean, if you're going to do anything, you would have to allow them to catch some small number, and I'm not certain how accepted that would be with the rest of the public.

CHAIRMAN COLVIN: Well, last time, is there objection to including it in the public hearing draft as an option along the lines of the discussion that Bruce and I just had? There doesn't seem to be, so let's proceed.

The next issue relates to should a sliding scale allowance be explored again as another option, allowing a percentage? Let me ask is there objection to inclusion of that? There was public comment in support of the concept. Ernie, do you want to reiterate what the AP looked at?

MR. BOWDEN: We did address this issue. Again, we felt like anything that was on a sliding scale would be hard for law enforcement to enforce, and it may lead to people bringing in other species that would ordinarily be discarded and discarding them at dock so they could have a higher percentage of catch, so they could have a larger bycatch amount, and that was a concern also.

CHAIRMAN COLVIN: A.C.

MR. CARPENTER: I think the concept of sliding scale, providing it has some upper bound, is appropriate. We use it in a number of fisheries in the Potomac; you know, one percent up to two bushels a day or something of that nature for the poundnet fishery for the American shad, for example.

So, if you're dealing with a fishery that is small, one percent is a negligible number. If you're dealing with a fishery that's big, the two-bushel cap kicks in, and I think that answers the enforcement issue.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. It just seems that's an enforcement nightmare. Likewise, when the advisory panel suggested either 300 pounds or 300 fish, I think 300 fish are easier to count.

But that, again, in some small fisheries such as gillnet

we have in Great South Bay, that could become a directed fishery, and so it would seem to me to have a sliding scale in our particular state would be very difficult to manage, and I would think it would be against what the enforcement people would look forward to us doing. Thank you.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: Gordon, our experience in New Jersey has been the sliding scale does work. We do have it. It is more complicated for enforcement, there's absolutely no doubt about it, but it gives the flexibility to the fishermen; for example, with summer flounder, 10 percent.

What it does is it prevents a directed fishery on small operations such that, you know, Ernie, for example, 150 pounds would definitely be a bycatch because of the size of his operation, and he's going to bring it in unless he changes operation.

But someone else who is maybe a part-time fishermen and goes out occasionally, they could direct on 150 pounds; and whatever they sell, there's a profit and that's exactly what we want to prevent because if we see that abused, we're going to take it away from the full-time legitimate fishermen.

It may be worthwhile to keep it in to simply get the comments, but there's no doubt it's much more difficult to enforce because you have to know what the final weigh out is of the fish that's brought to the dock.

CHAIRMAN COLVIN: Jack.

MR. TRAVELSTEAD: We have a lot of experience with this sliding scale in the flounder fishery in Virginia. When that fishery is closed, there is a 10 percent bycatch allowance and it has worked very well.

It has not posed any problems for law enforcement, to my knowledge. It obviously is a little more difficult to enforce, but it has worked very well and I think it would work well here. I would recommend that we keep it in as an option at this point.

CHAIRMAN COLVIN: Pres.

MR. PRESTON PATE, JR.: I recommend keeping it in also, Gordon. We've had favorable experience in other fisheries.

CHAIRMAN COLVIN: It seems that there's a consensus building to utilize this as one of the options in the public hearing draft. Is there any strong feeling to the contrary?

Then, let's proceed on that basis. The next question relates to whether the PDT should preclude certain bycatch limits in certain fisheries such as gillnets.

MS. SELBERG: We've already addressed that.

CHAIRMAN COLVIN: We've already addressed that, I think. Is there anything further on it before we go on? A.C.

MR. CARPENTER: I would think that the plan should have a provision in it that a given state or jurisdiction would have the option of setting no bycatch provision for certain fisheries within its state.

If you have a unique situation in your state, there should be a provision in the plan that says you are allowed to set no bycatch for that particular fishery, and it may only be for a short period of time. You may be able to need to tailor it to your specifics.

CHAIRMAN COLVIN: You're saying no bycatch allowance or no bycatch limit? There's a world of difference there because the issue relates to no bycatch limits.

MR. CARPENTER: Excuse me, I had read that as no bycatch allowance.

CHAIRMAN COLVIN: All right. Well, I think that other option always exists for us, A.C. Any interest in the last question, should the PDT explore options tying bycatch allowance to SSB levels? Nobody seems to be. I see a lot of heads shaking. Let's move on without objection. Carrie, minimum size of bycatch.

MS. SELBERG: Minimum size, should the option of allowing undersized weakfish as bycatch remain in Draft Amendment 4? I will call your attention to the AP's recommendation specific to the trawl fishery for allowing a one percent allowance

for undersized weakfish, not to exceed 300 pounds or not to exceed a specific number of fish to address the trawl fishery. But besides that, the AP did recommend not allowing under 12-inch fish.

CHAIRMAN COLVIN: Pres.

MR. PATE: Mr. Chairman, I recommend that we leave it in. It's just a matter of practicality for those large volume fisheries to have some level of tolerance.

CHAIRMAN COLVIN: Is it reasonable to leave it in and use the AP's recommendation as a framework for the PDT to build on?

MR. PATE: Yes, in my opinion.

CHAIRMAN COLVIN: Is there objection to that approach? Let's do it that way. Okay, Carrie.

MS. SELBERG: Escape panels for pound nets, should the PDT include options that provide incentives to states, or fishermen in those states, that use these panels? Should the PDT include options that require these panels, and should the draft amendment include incentives for using similar technology and other gears that may be developed in the future?

CHAIRMAN COLVIN: Susan.

MS. SUSAN SHIPMAN: This is one that's sort of near and dear to my heart, having gone through the bycatch reduction devices in the South Atlantic. That was basically imposed on our fishery really in the early '90's.

Now, admittedly, a lot of work had been done, but there were no incentives given basically for the shrimp fishery. There was a future point in time by which they had to achieve that.

I, for one, tend to favor a requirement, but that it may be at some future point in time to allow people to continue to test these devices and conservation engineering and get there within a reasonable point in time, but we've not given incentives to other fisheries.

We've basically given them the hammer. We've said

you will reduce bycatch and you will do it by a certain level and a certain point in time, and I think we need to be consistent. I think we need to send a clear signal that we want to minimize waste in these fisheries.

CHAIRMAN COLVIN: A.C.

MR. CARPENTER: This was an issue that was near and dear to my heart, as well, and my answer to question number 1 is yes. My answer to question number 2 is no, and my answer to question number 3 is yes.

CHAIRMAN COLVIN: Pres.

MR. PATE: Mr. Chairman, I would agree with the concept of leaving these in with some incentive, but I think it would be helpful to try and frame what some of those incentives may be, because in some fisheries they may not be there at all and you don't want to dangle a carrot with no taste in front of these guys.

CHAIRMAN COLVIN: Carrie, has our discussion of incentives advanced to the point where we have some sense of what the PDT would suggest including as incentives?

MS. SELBERG: No.

CHAIRMAN COLVIN: So if the concept stays in, we will need input, and the PDT will need some suggestions and help from the board members and potentially from the advisors on that issue. A.C.

MR. CARPENTER: In our particular situation, since we are talking about pound nets, our incentive for pound netters to use culling devices is that they are permitted a bycatch up to the 150 pounds a day to be landed during the closed season.

For those pound netters who do not install these, there is a zero bycatch. That's the type of incentive that we are using, and that's sort of what I had in mind with getting this issue before the board.

CHAIRMAN COLVIN: It ties it back to the preceding issue we addressed on the bycatch allowance, and I suppose that could be examined for its applicability to other gears as well. We've heard

board members speak in favor of some different viewpoints here.

My sense is that overall there is support for continuing to include all of these options and for fleshing out the discussion of the incentives more fully.

Do we want to confront the issue of whether or not to include the requirement option? Susan has spoken affirmatively; A.C. to the contrary. If the option is there, we can get public comment on it. Susan.

MS. SHIPMAN: And my suggestion would be some point in the future, a couple of years down the road, effective such and such date, they will be required. I've found a requirement is a real good incentive.

That's what we found in the South Atlantic. But, anyway, I'm not saying effective upon implementation of the amendment they'll be required, but some future point in time. That would be my suggestion.

CHAIRMAN COLVIN: Is there objection to inclusion of that approach? Let's proceed in that regard, then. On to shrimp fisheries.

MS. SELBERG: The PDT has the following two questions: Should options be developed to alter the amount of minimum size of weakfish bycatch in the southern shrimp fishery, and should the PDT include any additional changes in the language concerning this fishery in Draft Amendment 4?

CHAIRMAN COLVIN: What's the AP's advice again?

MS. SELBERG: The advisory panel advice was to leave things as they are with Amendment 3.

CHAIRMAN COLVIN: Is there any strong feeling among the board to do otherwise than leaving that one alone? Good, moving right along.

MS. SELBERG: The last two questions under bycatch; should any other options not discussed above be included in the draft amendment to address the issue of discards, and should the PDT include the option of creating a pilot program which would allow landing bycatch for foodbank or charity purposes?

The advisors recommend against the second option.

CHAIRMAN COLVIN: Anyone want to argue strongly for a yes to either of those? Let's move on to reference periods.

MS. SELBERG: Reference periods; three questions or series of questions. Should the PDT use the 1981 to 1985 period as the base period for the recreational fishery for the draft amendment, or should a range of reference periods be explored; and, if so, what should that range include?

Second, should the recreational reference periods be used solely for the determination of bag/size limits or should it be used for other purposes such as allocation; and, third, should the reference period for the commercial fishery of 1990 to '92 remain the same as it is in Amendment 3?

I have a couple notes from PDT members. As with the reference points, the technical committee has looked at other reference periods, and they did look at a range already and this was their recommendation.

CHAIRMAN COLVIN: With respect to the first of these questions, should we continue to use '81 to '85, should we use a range of reference points? David.

MR. BORDEN: A quick question, Mr. Chairman. Do we have data on the recreational fishery that we consider fairly accurate prior to 1981?

MR. KHAN: Pardon me, could you restate that, David?

MR. BORDEN: Do we have confidence in the recreational data prior to 1981?

MR. KHAN: No, we don't. I believe it might have started in '78 or '79, but the first couple of years maybe they were working out by some bugs, and that has been looked at askance by the SARC, for example, I believe, and some other people.

MR. BORDEN: Mr. Chairman, if I could just follow it up and it will save me the comment when we get to the commercial side. If you look at Rhode Island being at the extreme of the range of the

resource and you look at our historic landings for both recreational and commercial fisheries, we do have very sizable recreational and commercial landings prior to 1981.

In fact, we have some of the highest commercial landings just two or three years prior to that. I guess my preference would be to try to use an extended range of options here if in fact the data lends itself to that.

I think it gives a better characterization of what the fishery used to look like when the size and age structure and abundance levels were higher.

CHAIRMAN COLVIN: I think essentially this issue is a technical issue. It arises from the advice of the technical committee based on the nature of the data.

I guess the question in my mind for the board is, is there any reason for the board to propose to consider options that would enable it to act inconsistently or in a different way than we've had the technical advice. Bruce.

MR. FREEMAN: Looking at the '81 to '85 time period, there are some artifacts that I think we need to bear in mind, and it leads me to question whether in fact that is the best period.

I can question it, but I don't have a substitute, but the '79 to '81 was the highest commercial and recreational landings on record. This would be coast-wide. The '83 and '84 have the greatest number of adult weakfish in the trawl surveys.

1981 was the highest recorded landings on record and '81 to '85 are among the highest years for the so-called citation weakfish. The point here is that period is very different than what we've experienced on a coast-wide basis.

I'm just very uneasy about using that as a standard that we can maintain a fishery at that level. I'm not sure that can be done and we may be setting our sights to a point where it may be impossible to achieve some of the biological aspects we've seen during that period.

CHAIRMAN COLVIN: Pleasure of the

board? Pete.

MR. JENSEN: Well, I'm confused. I don't know why we need a separate reference period for recreational fishing given all the other things that have been designed into Amendment 4. I'm a little confused as to the relevance of these questions in developing Amendment 4. What am I missing?

CHAIRMAN COLVIN: Well, my understanding is that this is brought forward as a proposal, again, from the technical committee, and I don't know. It seems to be that what's happening here is that allocation is getting introduced to an issue that really wasn't its purpose for coming forward, frankly.

I think the purpose was to use a period of time when the recreational catch was perhaps more representative of what it might be now in terms of developing management measures for things like bag and size limit.

The concern seems to be that using that time period, because it's different that what we're using now, may have an allocative affect, and it might, I don't know. That seems to be the concern. Maybe what we need is some analysis of that question, and I see some heads nodding there. Jack.

MR. TRAVELSTEAD: Is it on this issue that we go back to Objective 2 where the technical committee somehow sets the age and size structure that we're trying to achieve?

CHAIRMAN COLVIN: No.

MR. TRAVELSTEAD: No?

CHAIRMAN COLVIN: No, this is an entirely different issue. It's a technical issue that's come forward. You know, what's the better time period where the age catch frequencies, the length frequencies, and the catch is more representative of the conditions that we're presently managing. Is it this or is it the period that we've been using and in which we have more data on file? Des.

MR. KHAN: Just to refresh your memory, maybe, the current reference period under Amendment 3 was the early '90's, and we used data on how many fish of what size people caught from the recreational survey when we're doing our bag-

and-size limit analysis as to what bag-and-size limit combination will achieve the target reduction.

In the early '90's, people weren't catching any big fish. I mean, I'm pretty sure that's why we came up with the recommendation of a 14-inch minimum size with a 14-fish bag limit.

The reason was it basically didn't matter almost how big your bag limit was. People weren't catching more fish, anyway. So you could have a big bag limit and it wouldn't have an effect on F, you know.

And likewise with 16 inch, there was no limit because with that data, those minimum sizes were so rare that there weren't the catches there, so your F was still relatively low.

Now we've got fish in those sizes and with those bag limits, people could potentially increase F by catching those liberal bag limits or a high proportion. Maybe they wouldn't catch 14 fish, but they could catch 10.

So, we will not be achieving our F targets because the current population is a different size structure than that data in the early '90's. Conversely, the early '80's, there were large fish out there and the data reflects that, so you can get a more accurate estimate of what your bag and size limits should be to attain your F reductions that you're trying to attain.

CHAIRMAN COLVIN: Pres.

MR. PATE: In Carrie's memo, there's a technical committee recommendation that the current reference period be abandoned and we adopt the '81 to '85 reference period. Is that for both fisheries or just recreational?

CHAIRMAN COLVIN: That's recreational.

MR. PATE: Okay. Then, Mr. Chairman, I recommend that we adopt the technical committee's recommendation and maintain the '90 to '92 reference period for the commercial fishery. I'll put that in the form of a motion if it will move us along.

CHAIRMAN COLVIN: Let me take it as a motion, then, because this is clearly an issue that we need to resolve and move forward on. We have a

motion by Pres and seconded by Ernie. A.C. was next to comment on the issue, but now it's to the motion, A.C.

MR. CARPENTER: Well, I'm going to try to address the motion in this fashion. If the explanation that Des just gave for wanting to choose '81 to '85 is that it's more reflective of what could have been in trying to manage the fishing mortality rate, would we not be better off to use the more recent four-year period or five-year period for which the MRFSS data is finalized, so that you could then evaluate your more recent actual harvest and actual fishing pressure with the F's that are going on that you're projecting the next year or the next two years down the road.

CHAIRMAN COLVIN: John Connell.

MR. CONNELL: Thank you, Gordon. A question for Des. Since I take a look at the commercial landings from '82 to '84 and see that they're three times higher than the reference period that you're recommending to use for the commercial fishery now, what would be the impact on this amendment if you were to use the commercial landings from '82 to '84 in terms of your recommendations for the commercial fishery?

MR. KHAN: Well, just to clarify, we did recommend that. The technical committee recommended that the recreational reference period be shifted to '81-'85 and that the commercial fishery period, I believe it was the same period.

It's not stated in here. It's in the early '80's. We recommended that be used also now because again, the stock was more restored. It wasn't a truncated, reduced size stock. We're getting more fish now. We didn't have that in the early '90's.

We did have it in the '80's to an extent, so that's what we recommended. However, I have to say that when we've explored the commercial shift in reference periods, it has become more problematic that we thought because gears have changed.

You know, the commercial fishery's methods have shifted quite a bit. So, the people that were exploring this kind of ran into some problems and they kind of let it hang.

I've been told by one of them that this is still work in progress, but there hasn't been any progress on it. I don't know how that's going to work out in the end for the commercial, but that's still the recommendation at this point.

CHAIRMAN COLVIN: Go ahead, John.

MR. CONNELL: Thank you. Gears may have changed, but the catch is still there, and I believe if you're holding the recreational fishermen to one set of terms, that you should be dealing with the commercial fishermen equally.

I do believe that you should be dealing equally with commercial and recreational fishermen to the point where I would consider making an amendment, offering an amendment that the commercial reference period be the same as the recreational reference period.

CHAIRMAN COLVIN: Well, right now there's some difference of opinion in the room as to what the technical committee's actual recommendation was on the commercial period. Let me make the board aware of that.

The issue before us specifically relates to the recreational data, and I think that it would be relatively straightforward for the board to ask the technical committee to revisit its assessment of the most appropriate reference period for commercial as well.

We know what the recommendation was from the technical committee on the recreational reference period, and understand, please, that the basis of this is to try to develop a range that is most appropriate for review and determination of the effectiveness of management measures.

I'm sure the technical committee can revisit that issue on commercial, and it does not necessarily have to be the same period of time. Pres.

MR. PATE: Thank you, Mr. Chairman. My motion was predicated on the understanding that the technical committee had recommended staying with the later period for the commercial fishery.

If that's not the case, then it changes the way that I would want to approach this; and given that, I am willing to split that motion to accomplish what you have recommended, and that is to move to adopt the recreational reference period of 1991 to 1985 and ask the technical committee to reevaluate the appropriate period for the commercial fishery and come back to us with a clearer representation of that conclusion.

CHAIRMAN COLVIN: Ernie, is that acceptable to you?

MR. PATE: I'm sorry, I meant '81 to '85, Joe. I'm glad you're listening.

CHAIRMAN COLVIN: Now with that change to the main motion, John, do you still want to offer an amendment at this point? Withdraw it? Thank you. Is there further discussion on the main motion? Tom Fote. Quickly, please, Tom.

MR. FOTE: I guess the problem we have, or the problem I look at is when we start doing reference points, a couple of years later down the road we're looking at quotas, and that's happened in many species.

And because you don't have the available data for years, maybe the recreational fishery was higher, like on some species like summer flounder, scup, and sea bass, we've been penalized years later when the quotas are set up.

That is the real concern, I think, with most of the recreational community and probably the commercial community when they look at this in that frame of reference because as soon as we start on reference points, it becomes a time period and then five years or three years later we do quotas. That's our concern. Thank you.

CHAIRMAN COLVIN: Come on up, Bob.

MR. ROBERT PRIDE: Thank you, Mr. Chairman. Bob Pride from Virginia. In the AP discussion we discussed what the impacts of this particular measure might have by using '81 to '85 data, and the principal impact is that the larger fish being available in the population during that time frame has significant impacts on the creel limits.

It might be one or two fish, but one or two fish, when you're talking about a three- or four-fish creel limit, is a lot of fish. If you use the later data, maybe the creel limits would increase by one or two fish.

I think that we wanted to see more analysis of those options before we committed to a time frame, and I think that's the problem maybe the board is suffering, too. We don't really know the consequences of selecting that time frame in terms of the impacts on the creel limits and size limits. Thank you.

CHAIRMAN COLVIN: Thank you. David.

MR. BORDEN: Quick question, Mr. Chairman, to follow up on Tom Fote's point. For purposes of passing this motion, the reference period is going to be used in what manner?

CHAIRMAN COLVIN: Well, that anticipates the next question that we come to, but I'll tell you now that it would be the chair's suggestion that the answer to that question, based on the chair's understanding of Amendments 3 and 4, is that the reference periods would be used for the determination of management measures and not for allocation purposes, as there is nothing in either amendment, that I'm aware of, that suggests the need to base it on allocation.

Now I'm getting ahead of myself, but I guess I have to and maybe it helps this discussion. Further discussion on the motion? We're ready for the question? Is there a need to caucus? All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries.

I've just suggested the response to the second question. Is there any further need to discuss that one? The answer to the third question was covered by the motion we passed, and we're on to creel limits.

MS. SELBERG: Creel limits; the Plan Development Team just has two sets of questions on this. The first is should the PDT include options that have reasonable maximum creel limits? If so, what should this maximum creel limit be?

And should the PDT include options for both regional and coast-wide determination of creel

limits? And if you look at the charts, the reference periods and the reference points play into these charts, but we've discussed those at other points during today's agenda. That's why these questions are limited to reasonable maximum creel limits as well as regional versus coast-wide datasets.

CHAIRMAN COLVIN: The advisory panel did discuss this and suggested that ten might be a reasonable maximum creel limit option to put out there. Pres.

MR. PATE: Yes, ten, and yes.

CHAIRMAN COLVIN: Any disagreement? Again, Tom, I'm sorry but I have to ask you to be quick.

MR. FOTE: Since this is not based on quota like summer flounder -- and Jimmy Rule put out an interesting proposal at a summer flounder meeting is that we measure inches. I mean, if you think about it, we talk about how many inches instead of how many fish.

You combine and you're allow 130 inches of weakfish. That would depend on the size of how many fish you would basically be able to catch and it would take a lot of things into consideration.

We can't do it on summer flounder because it would increase the success rate and push us over the quota. But we can do that in weakfish and start trying to start a new idea of how to manage species in this.

CHAIRMAN COLVIN: Pres made a suggestion. Does any of the board want to suggest an alternative suggestion? Then we'll proceed accordingly. Bruce.

MR. FREEMAN: There's an issue here that I raised in my letter to you, which is the issue of how we determine the impacts on what we're doing on both the commercial and recreational.

It may be reasonable to put maximum bag limits in place, but effectively what we've done in the various amendments of the plan, we've put a minimum of 12 inches in both the commercial and recreational fisheries and essentially set our sights on how we do that, and we set the fishing mortality at 0.5.

My concern is if you look at the last five or six years, about 70 percent of the fish by numbers are landed in the commercial and 30 percent in the recreational. My whole concern, if we start moving in this direction, this entire amendment is to change the size and bag limit on the recreational side in order to get a more normal distribution of length frequency.

But if in fact 70 percent of that benefit is going to be harvested on the commercial side -- and there's no reason why it can't be; there's no provisions in the plan to prevent it -- then I have to question is what are we trying to accomplish and can we accomplish if any biological advantage we're trying to achieve is going to be harvested by some other sector in the fishery?

CHAIRMAN COLVIN: I understand that issue, Bruce, and I think that it's been a part of the record of the advisory panel discussion and certainly the public comment, and I believe it's appropriate for the PDT to include an assessment of that issue in the text of the FMP draft that will go to public hearing, and it will get commented on and it needs to be.

I would suggest, for what's it worth, that it seems to me that what we're talking about is hypothetically under an option, which is part of a range of options, that some fish between the number ten and some higher number that may be in effect may not be harvested in certain states if such an option were to be implemented.

And I would point out that those fish would then be available to all users of the resource for whatever potential use and benefit they provide, and I think that's got to be thought about in the context of this entire analysis.

The question here is should the PDT include the options. I believe that was the third yes that I heard from Pres, so we're on to the questions on top of page 5.

MS. SELBERG: Age and size structure. This plays into the discussions earlier about Objective 2. Are there measures the PDT should explore that would expand the age and size structure besides revised reference points and reference periods?

Are there particular options of indicators of whether or not the age and size structure have been restored that the board would like to see included in the draft amendment.

I'm not going to read the last one because it has to do with the trophy fishery and we've decided to take that out of the objectives, so my assumption is that the PDT would not be developing criteria to determine whether or not a trophy fishery had been restored.

CHAIRMAN COLVIN: Des.

MR. KHAN: I just want to make one quick point here. In this paragraph, it states that presently weakfish are found up to age 11. That appears not to be correct. I've been examining the age data.

The 2000 samples, out of about over 2000 fish aged on the coast, the oldest fish were age 9; and in 2001 samples, there was one fish age 10, very few fish age 9.

CHAIRMAN COLVIN: Louis.

DR. LOUIS DANIEL: Thank you, Mr. Chairman. Yes, that is correct, the 11 year old turned out not to be true. But from your previous discussions on this issue, I just would bring up two points.

First, early on in the process, our goal was to restore the age and size structure of the population. At that time, with the bulk of the aging samples coming out of North Carolina, it was very rare for us to find a fish over age 5.

Now, I think that's the fully recruited year class. The most abundant fish in the catch are age 5. And every year since we've put our management plan in place, we've added one year to the age structure of the population to where, as Des indicated, last year we did get a 10 year old.

So we've got five more years to go if you want to go to 15. We've got eight years to go if you want to get to 18, but it seems to me, from being involved in this issue, that the principal thing we're trying to do here is to maintain our current progress towards restoring the historic age and size structure of the population.

That's what we're trying to do, and so what we

currently have in place, through the management of Amendment 3, has accomplished that every year by adding a year class to the fishery.

So one option and one possibility, as a member of the PDT and technical committee and stock assessment subcommittee, would be to sit down with the technical committee, use some reasonable estimates of natural mortality and fishing mortality at the target, run a cohort through there and determine what the size and age structure of the population should be that's been exposed to these various mortality rates that we're calling our target.

That's a way, a mechanism to look at that population and age structure as opposed to some of the proportional stock density stuff that we've discussed in the past. Thanks.

CHAIRMAN COLVIN: We have six minutes before we are scheduled to adjourn. Let me ask at the outset, just to kind of check in on this issue, is there objection or strong feeling on any part of the board members that we do not want to pursue the development of what amount to reference points that reflect the age and size structure of the population?

My sense is that we do, we always have, and that it's a matter of elaborating what it ought to be, and I don't think we can do that here, and entrusting our PDT, working with technical committee and the stock assessment subcommittee, to bring forward options that are based on their professional judgement as are appropriate; is that where we are?

Is there disagreement with that in that ultimately that will play out -- Paul wants to disagree -- ultimately that will also connect to what we do with the Objective 2. Go ahead, Paul.

MR. DIODATI: I recognize that I'm in the minority here in having problems with accepting this particular objective. But let me just ask if -- there's a statement in the middle of Issue 5.

It says the Weakfish Board would like input from the public on what they would like the age and size structure to look like for the weakfish population, and I just think putting that kind of language in there is -- I just think there's a danger there that we're not

going to be able to follow through with anyone's response.

I'm not sure how anyone would be able to respond to that. I think what we want is to maximize benefits to recreational fisheries and value to commercial fisheries, and so I think we've got to change this objective a little to really make it that.

CHAIRMAN COLVIN: I think we'll all have to take that into advisement as we deliberate on the proposals we'll get for the objective, Paul. I would say that the question to the public was framed in terms of the hearings that were just held on the PID and we've gotten quite a broad range of input on that issue. Bruce.

MR. FREEMAN: To the suggestion that Louis Daniel just made, I'm having difficulty interpreting what your sense is, as the chair, but I think there's tremendous merit in what he suggested, and I would just like to emphasize our desire that that be carried through, if it's possible to do.

CHAIRMAN COLVIN: Well, my reference was to entrusting the PDT, in consultation with the technical committee and the stock assessment subcommittee, to bring forward options.

I have no doubt that Louis will place that proposal squarely before the three bodies which he referred to that he is members of, and that there may be other good ideas that come forward from other members that will be reflected in the range of options that we see in the draft, and I think that would be fine.

Anything further on age and size structure? The next issue is data collection.

MS. SELBERG: One question; should the PDT develop options for minimum data collection requirements for states based on TC input? The AP recommendation was that there should be a minimum level of data collection required as compliance criteria for the states.

CHAIRMAN COLVIN: Is there any difference of opinion on that? Is there anyone who suggests that it not be identified as an option? Bruce.

MR. FREEMAN: Gordon, I think this plan,

more than any, is the one that would require information. Talking with Des and other technical members, they're limited in their analysis by simply what biological information is available.

But my concern is by putting this in the plan, with some the capabilities that we now are facing under limited budgets and limited manpower, I think we need to list what needs to be done. I think we need to think very carefully of a requirement. Otherwise, many of us may be out of compliance.

CHAIRMAN COLVIN: Pres.

MR. PATE: Gosh knows, we did it on eels. Look at the comparison of the fishery. If we're going to do it on something like eels, we certainly need to have it on a stock as important as weakfish is. I strongly recommend we leave it in there.

CHAIRMAN COLVIN: Thank you. Clearly, we're going to keep it in there. That seems to be the consensus. We're going to expect, I think, the PDT to be discriminating in terms of what they identify as data that's essential to the management program.

I'll just mention this to the board. Some of you are aware of this and some of you are not. This is my second go around as the chairman of this board -- and the first go around, you can ask me over a drink how that happened.

I was chairman when the first weakfish plan was developed; and, interestingly, at that time, that plan became, through the course of some fairly intense debate, only, solely, a data collection plan because there was virtually no data with which to base any decision, any informed decision, on the management of this fishery.

And it's remarkable how much progress we've made, and yet we confront still the question, 18 years later I think it is, that there is mandatory data collection needed in order to effectively manage the fishery. What you see depends on where you sit, I guess, and, believe me, we've come a long way. A.C.

MR. CARPENTER: In that regard, is the PDT talking about fishery- dependent or fishery-independent data here?

MS. SELBERG: Dependent. We'll be working with the technical committee on what they feel the needs would be for future stock assessments.

MR. CARPENTER: And is that going to be consistent with the ACCSP requirements?

MS. SELBERG: I would assume so.

CHAIRMAN COLVIN: There are other key issues identified. The first are on commercial measures.

MS. SELBERG: There were some other questions the Plan Development Team had for the board that didn't fit into any of the issues. The first set revolve around commercial measures.

Should the PDT use the current commercial measures, including combinations of closed seasons, areas, mesh size rules, and other regulations as the basis for Draft Amendment 4 commercial measures?

Should the PDT update the Amendment 3 evaluation manual to be included in Draft Amendment 4, or should other management schemes be explored besides what is used in Amendment 3; and, if so, what should those include?

CHAIRMAN COLVIN: I suggest that the second of those questions, the last part of the second of those questions, is not something that we can probably come to grips with right now, but let me ask.

It seems that the first question is essentially if everything else here gets resolved, should we update the management measures and the basis of the management measures consistent with the other things that we would have done in terms of reference points and reference periods, et cetera. Does the PDT believe that we should, Carrie?

MS. SELBERG: There hasn't been considerable discussion about it. I mean, it hasn't been updated in years and I would assume that it would need to be updated. It was based on Amendment 3 reduction schedules, and I would assume it almost has to be updated.

CHAIRMAN COLVIN: Jim.

MR. UPHOFF: My take on that is that if you do change the reference period, definitely you'll have to do it. Even if you don't, the compliance manual currently for Amendment 3 is predicated on a 33 percent reduction, and you might have to reconsider that, and you may want to reconsider it in light of the fact if F stays in the neighborhood of 0.2.

CHAIRMAN COLVIN: Thanks. It occurs to me that it will be much more reasonable to expect the public to make informed comments on the changes we're making if this is also part of the draft amendment.

Is there any board member that wants to argue strongly that we shouldn't task the PDT with doing this? Then we will. The question of allocation I think is previously asked and answered today. Does anybody want to offer a different opinion? Good, thank you.

Is there anything further that folks want to put down now as suggestions or advice to the PDT on Amendment 4? Thank you.

Election of a Vice-chair

I think that brings us then to Agenda Item 9, which is election of a vice chair. Jack.

MR. TRAVELSTEAD: Mr. Chairman, I would move to nominate Eric Schwaab for vice chair.

CHAIRMAN COLVIN: Thank you. Second to that motion? Seconds all over the place. Pat Augustine.

MR. AUGUSTINE: Move to close the nominations and cast one vote.

CHAIRMAN COLVIN: Without objection? Thank you. Thank you, Eric. We still have a couple of more items. The next item relates to the membership of the PDT. Carrie.

PDT membership – Socioeconomic representatives

MS. SELBERG: Staff has recommended two individuals to be members of both the technical committee and the Plan Development Team and they are Brent Stoffle and Jim Kirkley.

Brent is actually in the audience today. He's from Rutgers University. Jim Kirkley is an economist

from VIMS. The two of them have agreed to be active members of the Plan Development Team and write the necessary sections for Amendment 4. Other Plan Development Team members, including myself, are very excited that they have agreed to take on that task.

I also want to let the board know that we are working on putting together a contract with some money we have for some graduate students to do some socioeconomic work, which will support both Jim and Brent's sections in Amendment 4.

CHAIRMAN COLVIN: David.

MR. CUPKA: I would move, Mr. Chairman, that we approve adding those two individuals to the PDT.

AP membership from NJ

CHAIRMAN COLVIN: Dave Cupka moves; seconded, Pat Augustine. Is there objection to the motion? Without objection, the motion carries. Other business? AP membership from New Jersey. Bruce, you have a recommended AP membership change?

MR. FREEMAN: No.

CHAIRMAN COLVIN: No?

MS. SELBERG: Yes. There were two AP nominations on the briefing CD from the state of New Jersey. We just need approval.

MR. FREEMAN: Okay, I was thinking of something else and I move that they be approved.

CHAIRMAN COLVIN: The nominees are Robert Christianson and Charles Lawe, I believe. Moved by Bruce Freeman and seconded, Pat Augustine. Is there objection to the motion? The two nominees are approved. Florida genetic work. Ken.

Florida genetic work

DR. KEN HADDAD: I just want to make the board aware -- and I think it's inconsequential to some of the stock assessments and so forth, but some recent genetics works is showing we've got a clear mix in our landings that we're calling weakfish of sand seatrout, and we're not even sure we have weakfish in landings at this point based on the numbers.

So it's going to take another six or eight months to get some definitive work to look at seasonally the distribution of these, but we have some sort of a change. It probably won't affect everybody here, but it will have a fairly big effect for us in Florida.

CHAIRMAN COLVIN: Thanks, Ken, and I know the technical committee will be wanting to work with you on that as well. I appreciate the heads up. Is there any further business to come before the Weakfish Board?

(Whereupon, the meeting adjourned at 1:10 p.m., May 21, 2002.