

**PROCEEDINGS
of the
ATLANTIC STATES MARINE FISHERIES COMMISSION
WEAKFISH MANAGEMENT BOARD**

**February 20, 2002
Swissotel Washington, The Watergate
Washington, D.C.**

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Attendance

Board Members

Gordon Colvin, NY DEC
Paul Diodati – MA DMF
David Borden, RI DEM
Jerry Carvalho, proxy for Rep Naughton, RI
Ernie Beckwith, CT DEP
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
Bill Goldsborough, MD Gov. Appointee
AC Carpenter, PRFC
Jack Travelstead, proxy for William Pruitt, VA MRC
Ernie Bowden, proxy for Sen Chichester, VA
Catherine Davenport, VA Gov. Appointee
Preston Pate, NC DMF
Melvin Shepard, proxy for Rep. David Redwine
Damon Tatem, NC Gov. Appointee
David Cupka, SC Gov. Appointee
Bill Dukes, proxy for Sen Drummond, SC
Susan Shipman, GA DNR
Ken Haddad, FL FWC
Bill Cole, USFWS
Anne Lange, NMFS

Ex-Officio Members

Des Kahn, Technical Committee Chair
Mike Bloxom, Law Enforcement Representative

ASMFC Staff

Carrie Selberg
Megan Gamble
Tina Berger

Public

Louis Daniel
Jim Fletcher

Wilson Laney

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

WEAKFISH MANAGEMENT BOARD

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

February 20, 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., February 20, 2002 and was called to order at 3:20 o'clock p.m. by Chairman Gordon Colvin.

Approval of Agenda

CHAIRMAN GORDON COLVIN: I would like to call the Weakfish Board to order, please. This is a meeting of the ASMFC Weakfish Board. My name is Gordon Colvin; I am board Chairman. We will not conduct a roll call unless there's objection. It appears that a quorum of board members is present.

The first item on the agenda is the approval of the agenda, itself, which has been distributed by staff. Are there changes or additions to the agenda? Seeing none, we'll proceed as indicated. Let me just make one announcement at the outset.

Although, we've already had some good news in this regard, you'll note Agenda Item 8 relates to the Plan Development Team. Outside of those members who have PDT members at present -- and Florida who graciously added a name today -- those of you who don't have, until we get to Agenda Item 8 to give hard thought to supplementing the membership of that team, because we really do need a couple of additional members.

So let me just make that announcement now. I thank Ken for bringing forward a member to staff's attention earlier, and we'll get back to you when we get a little further down.

Approval of Proceedings

The next item on the agenda is approval of the proceedings from the October meeting. Are there

additions or corrections to the minutes of that meeting, which have been distributed?

Seeing none, is there a motion to approve? Pat Augustine; second, Susan Shipman. Is there objection to the motion? Without objection, so ordered. The minutes are approved.

Item 4 of the agenda is Public Comment. Is there public comment at this time, recognizing that we will recognize members of the public on action items later? Thank you.

We are now at Agenda Item 5, Technical Committee Report. Let me recognize the Chairman of the Technical Committee, Des Kahn.

Technical Committee Report

MR. DESMOND KAHN: Thank you, Gordon. We were able to complete the ADAPT VPA as the assessment to date. I want to talk for a minute about the development of the data for this type of analysis and the problems we ran into.

The primary input data for this is the catch-at-age matrix, which is, in essence, how many fish of each age were harvested or killed by the fishery.

This was previously developed by Dr. Douglas Vaughan, the National Marine Fisheries Service, and this year the 2000 update was the first time that other people on the committee worked on it, including myself.

In doing so, we discovered the problems that Doug Vaughan had been trying to tell us about for quite a few years. I just want to talk for a minute about how you go about this.

You need two basic elements to develop an estimate of the catch at age, and that is you need samples of fish with their age and their length. You use these to convert the numbers caught at length into the numbers caught at age.

Then you need much larger samples of the numbers caught at length, so that requires sampling the landings. What you do is you get these numbers at length, convert them into a frequency distribution, then you can convert them into the numbers caught at age using your age sample data.

We get adequate length samples of our recreational catches from the MRFSS. However, our commercial landings are more problematic. We had good length samples from North Carolina and some from Florida in the southern region, as we categorize it.

Then from Virginia north, we had Virginia, Maryland, Delaware and Rhode Island. We had some good length samples. For Virginia, Maryland, Delaware we had age samples. We had, however, no length or age data from states that landed over 1.3 million pounds of weakfish.

This is in the northern end of the range where the mean length, or possibly the growth rate may be different from the areas where we were getting most of our data.

So what we have to do in constructing our catch-at-age estimate is we have to assume that the lengths in these unsampled areas are the same as the lengths where we get our samples. Secondly, we have to assume that the age at length, or basically the growth rate is equivalent in these two areas, the unsampled areas and the areas with data.

What I want to do is show you an effect of this. What you have here is a length frequency distribution that we use as part of our catch-at-age development. The lighter bars, which are actually a light blue, they're labeled Virginia, Maryland and Rhode Island.

This is pound net data which we use for also trawl, because we had virtually no trawl lengths in the northern region at all. We used them for several other gears besides gillnet, which is very size selective.

We combine these data from various states, weighting them by their landings. The states with the higher landings, those samples have a heavier weight, and we pool them. Now, the lighter bars are the pooled samples.

Now, look at the Rhode Island samples in yellow. They're exclusively 23 inches and greater from their floating trap fishery. If you look at the mean size and the size range, they are very large fish compared to these smaller ones.

Now, also, I have cut off here at 16 inches on the small end, because New York and New England have 16-

inch minimum size.

New Jersey similarly has a 13-inch minimum size for most of their fishery.

But the point is we're using this data primarily from the more southern regions to represent areas with no data, and it may not be accurate. If the Rhode Island samples are more representative of the northern area, we seriously have a serious bias or a large uncertainty and error in our catch-at-age matrix.

One thing that came out of this process was the technical committee made a unanimous recommendation that the new amendment require states to sample their commercial landings, and the criteria we suggested was any state that in 2000 landed over 2 percent of the coastwide commercial landings should be required to adequately sample their landings for age and length.

So we concluded, in developing the catch-at-age matrix, there is large uncertainty in our catch-at-age matrix. We are basically guesstimating fairly significant portions of the landings.

The problem is that the ADAPT VPA formulation makes the assumption that there is no error in the catch-at-age matrix. The alternative VPA is what's known as separable VPA. That makes a different assumption.

So, particularly, in light of the assumption made by ADAPT, this is troubling in our basic input data. Let's look at the landings for a minute. Starting in, I believe it was '95, Amendment 3 went into full effect.

You see that in the 80s, of course, the commercial landings were relatively high -- well, they were very high. They declined primarily driven by decline in abundance of the stock.

Since '95 they've been fairly flat, although in the last couple of years or so they've been declining. I can't talk in detail about the 2001 landings. I believe they have declined as well, but I have to confirm that. It depends on the state, I guess.

Recreationally, we see -- and this is in pounds -- there's really some good news in pounds in that 1998 and 2000 had the highest recreational landings in pounds since 1988, I believe. So there was a dip in '99, but '98 and 2000 were up.

You see that the recreational landings are approaching the commercial. Historically, they have been a smaller proportion of the total landings. Let's look further at the recreational catch.

One thing that's happened is, of course, we've instituted minimum sizes. If you look at the top, yellowish line, that is the total number of weakfish caught by recreational anglers coastwide, including those that are released.

You see that this estimate has been climbing. Now, it did peak in about '96, and it has dropped somewhat since then, but it's back up in 2000. In contrast to that, the harvest has been somewhat increased, but this is in numbers.

You notice that actually '99 and, again, 2000 were down from the peak year of '97. This may be due to a strong year class that passed through the 1993 year class. It made up a large part of the '96 through '98 catch, and it's kind of passed through the fishery at this point.

But if you look at the total catch as some kind of index of abundance, roughly, because there's no regulatory restrictions, it indicates the stock has increased substantially from the dip in the late 80's and early 90's.

It has bounced around somewhat since then. Actually, in terms of total catch, it's equivalent to most of the years in the 1980s at this point.

Part of the reason why the recreational landings in pounds have been going up, whereas the harvest in numbers has been flatter or declining slightly, is that the mean weight has increased.

It's up to about two pounds which is the highest since the early 80's. This is partly due to the fact that we have an improvement in the age structure. In the year 2000 our age samples, we had a handful of fish age nine, and that was the first year for quite awhile we got fish of that age.

So the age structure has been increasing. Another effect on the increase in mean weight, however, is the increasingly higher minimum size regulations that the states have enacted over the last several years. So that's part of that picture, too.

I am going to give you some of the results of the ADAPT VPA. If you look at the blue line there, that is the estimate of spawning stock biomass trajectory shown by the 2000 run, which is the most recent run.

It, of course, shows an almost expedientially increasing spawning stock biomass, which is a very happy picture.

In fact, it shows that the level is much higher than what it was in the 1980s when we had the -- the early 1980s at least we had the booming trophy type fishery.

However, we've discovered a problem here where there is a bias in these estimates. We did an analysis, which is the standard one with ADAPT, and I guess a lot of EPAs where -- it's called a retrospective analysis.

You're trying to see how your terminal F and your terminal stock size estimates are moving around. So what you do is you back up your analysis and remove your most recent years of data using the same inputs.

If you look at the black line there, that is the result of the analysis if we only use data through 1996. Now, what happens when we add additional years of data -- and when you do that, a VPA gets a better fix on the actual stock size and so forth -- it becomes more accurate.

What you see is that as we added four years of data with the 2000 run, the estimate of spawning stock biomass has declined by 50 percent, down to the blue estimate for 1996, which is slightly over 20,000 metric tons.

So what does this tell us? Well, this tells us that the most recent years estimates of spawning stock size, it's reasonable to assume they are highly inflated; that is, if we assume that the same type of retrospective bias that affected the estimates for '96 and then for '98 when we used data through '98 in the pink line; if we assume that bias pattern is still in the analysis -- and we have no reason to believe otherwise -- that means the actual essence of spawning stock biomass given here are almost certainly inflated.

So we cannot have confidence in the terminal year estimate, and we cannot have confidence in the picture of an expediential increase in spawning stock biomass. Now, the committee had some divergence of opinion on this.

A minority sentiment was that there was not a real

serious problem with retrospective bias in this analysis. Also, that some years we added more data, it didn't really have a major effect and so forth, but the strong majority of sentiment was expressed that this is a serious problem with this analysis.

Here is something I did to try to show the possible effect of that bias on spawning stock estimates. What I did was I assumed that the bias that was in the '96 run that you saw earlier, that that same percentage overestimation would apply to the most recent four years of data.

Once we get additional data, this could be reduced. If it's reduced in the same proportion, then the bias-corrected estimates are those in the red line there, the lower red line. That would indicate -- if that is a good correction -- we don't really know for sure how this will work out in the long run.

But if we assume it's the same type of bias as we've seen recently, that would indicate the spawning stock biomass is around 20,000 metric tons. Now if that's true, we're still above the recommended overfishing threshold of 14,400 metric ton.

So we're safe. We're not saying the stock is overfished, but it's not growing at the rate that the uncorrected analysis estimates. That's the implication of that bias correction. In fact, it's right about the level it was in the mid-80's.

So that's the type of problem we're looking at with this particular analysis. Let's look at the fishing mortality estimates here. First off, the black line is the uncorrected estimate.

This would be 2000 data, and you see it shows that, again, fishing mortality was extremely high in the 1980s; up to 2.5, an F of 2.5.

This is somewhere -- I will have to check -- it's somewhere around 80 to 90 percent exploitation, and that it's dropped of significantly and is now below 0.5.

Now, if you remember, 0.5 was the target under Amendment 3, so that is good news. However, again, when we do the retrospective, we see a bias; that is, if you look at the orange line using data only through '96, we get an F estimate of about 0.14 or 0.15 or so for 1996.

However, when we've added four more years of data, that estimate is increased to about 0.35 or so. That suggests the analysis has been underestimating F in the terminal year or years. On the other hand, when you stand back and look, you look at the whole range of F, it's a very relatively small effect.

So we're not suggesting that the F is -- this doesn't indicate the F is up at 1.0 or anything approaching that. However, if you calculate the bias, it indicates the F estimate -- let's see, the most recent F estimate was 0.17 for 2000.

That could rise up to 0.45 or something if you were to try to correct for the bias, so the F estimate is highly uncertain. At least it's uncertain enough to say it is 0.2, 0.25, 0.3, 0.35 -- there is uncertainty among the committee.

We felt the most likely estimate for the terminal couple of years was in the range of 0.3 to 0.4. That's our best estimate, given the extent of the retrospective bias. The F has been more than doubling when we've added several years of data.

Here's where I have done a similar analysis where I tried to correct the F estimates with the same proportion that it changed when we did the retrospective. If you look at the dark line, that's the estimate of F from the 2000 run, our most recent run.

However, if we assume that it will change the same way the estimates for the '96 run and the retrospective analysis changed, then the F estimates jump up to 0.65 for '98, 0.55 for '99 and 0.43 or so for 2000.

Again, this is speculative. It's assuming the same kind of bias will continue. Now, what is the committee's response to this? Well, what we are trying to do is pursue some other approaches to use models that do not have quite the same assumptions as the ADAPT analysis, and one of them I mention as a separable VPA.

We've got some work being done on that by Janeka DeSilva of Florida and Bob Mueller had helped out with that earlier. So that's one thing we're looking at and it does not give quite as optimistic a picture as the ADAPT, but we still have to review it thoroughly as a committee, so I can't talk about it to any extent.

Another thing we're working on is a surplus production model. Mark Gibson of Rhode Island had done one

prior to the last assessment and we're updating that.

A third thing we're looking at is the relative exploitation analysis, which doesn't give you exact levels of F, but it shows you the trends. So those are some of the approaches we're trying to look at this from some different angles.

I'll just make one comment. Given the uncertainty we've seen in the F estimates and the stock size estimates, I would personally caution against including portrayals of these uncorrected estimates of fishing mortality and possibly stock size in the PID for the simple reason that the majority sentiment on the committee is that they are unreliable.

So if we go out there with a graft that says "F is 0.15" when we do not believe that as a committee, I don't know that that's a good thing to do, and that's up to someone else's decision. There are a couple of other things we touched on.

We reviewed a gillnet selectivity study. You may remember in Amendment 3 there were minimum mesh size requirements. U.S. Fish and Wildlife Service conducted a gillnet study in Delaware Bay in 1997.

The conclusion of this work is that for spawning weakfish in the spring, when they may slightly have a higher girth-to-length ratio, you may need to increase the mesh size an eighth of an inch to get the same L-25 of 12 inches.

The committee did not feel this required action at this time. This is not a major effect, and unless this becomes an issue in the future, the committee felt that the current regulations were adequate.

We did note that there is a discrepancy in the landings data. The National Marine Fisheries Service landings data defer, at least for several different states in different years, from the state's own landings data.

We would like to get to the bottom of this and we would hope the board members can help us, if necessary, but we're going to pursue this and try to find why it's coming about first.

Because when people asked for the landings -- I had a request from the National Marine Fisheries Service guy who is doing the report on weakfish said, "What are the

landings?" I said, "I don't really know." I mean, there are two different versions.

The third thing, the issue of a reference period for commercial fishery. we have recommended in the past, the technical committee, that that be changed to the early 80's to reflect a more equilibrium stock.

However, we have uncovered some problems with the data and also problems with the fact that the gears and the fisheries themselves have changed over the ensuing time so that right now that's still a work in progress. We have to do some more work to try to fully flesh out that approach. It's not completed. It's not ready to go forward yet.

The last topic, we were asked to look at the North Carolina recreational regulations where they have the option that the fishermen can choose, or the fisher can choose which combination of bag and size limit he or she wishes to use for that day.

There was a divergence of opinions on this. One point was made by a North Carolina representative was that apparently the number of citations issued in their fishery did not change significantly with the development of this institution of this regulation.

In other words, my understanding of his point was that there were a certain number of tickets issued in the two previous years; and I guess 2001 when this went into effect, they did not drop substantially, indicating they're still enforcing.

There is still a level of enforcement there. I am not sure I totally understand the point, but it's the best I can do with it at this point. One person, Dr. Vic Crecco, who is really the guy who developed a lot of the ideas behind the conservation equivalency, felt that there was no problem with the approach because they're using either of two options that have conservation equivalency.

My own personnel take on it was that I felt this type of approach could result in an increase in the recreational catch because in Delaware, we have run into periods in Delaware Bay, like this last summer where people would go out and they would fish.

For long periods they would not be able to catch legal size weakfish. I mean, this would go on for weeks or

even months where they would go out and their boat would catch one hundred fish, they would claim, and they wouldn't have one keeper.

Now, if they were able to switch to 12 and 4 during this period, they would increase the harvest. So I think it allows a greater harvest, myself. I don't have a thorough analysis of this, but I think it could have that effect.

Not everybody saw it that way. Some members suggested that they were disturbed that the state of North Carolina did not bring this proposal, which is really a radical, unprecedented regulation, for review by the technical committee and possibly the management board before they implemented it. So that was another sentiment. With that, I will conclude my report.

CHAIRMAN COLVIN: Are there questions of Des on the technical committee report? Let me start. The chair has one question that I would like to begin with and then I will recognize board members. Des, you expressed, I think, some reservations on behalf of the committee with respect to portrayal of revised estimates of F in recent years in the PID because of the provisional nature of the analysis at this point?

MR. KAHN: That's correct, yes. We do not have confidence as a committee in those estimates and we think they will move upward with additional data.

CHAIRMAN COLVIN: I would say that, based on your presentation, it also appeared that the committee would be equally, if not more uncomfortable, with representation of the actual calculated Fs in the terminal years?

MR. KAHN: Well, that's what I was talking about.

CHAIRMAN COLVIN: I am sorry, I thought you were expressing reservations about use of estimates such as your last slide, which attempted to illustrate the correction.

MR. KAHN: I wouldn't recommend those; I didn't want to give that impression. I was just trying to give the board a sense of what that kind of bias could mean if they show the same type of pattern as it has in the recent past. In other words, what would that bias do

to our most recent estimates of F?

CHAIRMAN COLVIN: All right, I am trying to understand your advice. Your advice is to not rely on the actual calculated values, but to communicate the fact that those values are likely to ultimately increase?

MR. KAHN: Let me try to restate, it if I can clarify. My advice was that the committee does not feel that the estimates of F in the terminal years, the most recent years, are reliable. The committee feels they are bias low. They will move upward significantly.

Therefore, I believe the committee would be uncomfortable with representing them as the estimates, even though they are the only firm estimates we have at this time.

CHAIRMAN COLVIN: Thank you. As you know, we've got to tackle this issue a little bit later about what we do say in terms of the assessments conclusions in the PID, and I appreciate that advice. I think I saw Ernie's hand.

MR. ERNEST E. BECKWITH, JR.: Thank you, Mr. Chairman. Des, a couple of questions. As you know, out of the issues in the PID, there are two major issues that I am concerned about based on what you've just presented to us.

Will this bias affect the selection of the reference points because we've got an F-30 target and an F-20 threshold with specific F values in this PID. Will those change?

MR. KAHN: They shouldn't affect the reference point estimates, Ernie; although, there could be a very minor adjustment because the most -- the reference point calculations involve the proportions of fishing mortality at the different ages or the partial recruitment, but that usually has a very minor effect, striped bass notwithstanding.

MR. BECKWITH: Second question and second issue. We, also, in the PID have estimates of creel limits, coastwide versus regional datasets. Does this bias affect those estimates that are in the PID?

MR. KAHN: The bias that I have spoken about in the ADAPT VPA should not affect those, no. It should not. I can mention something about those, which actually Dr. Vic Crecco, from your state, has

provided data from Connecticut a volunteer angler survey which indicates that at least in recent years, most of the weakfish that recreational anglers have been catching up there have been larger than 16 inches.

He had some questions about the idea of a 16-inch minimum size, whether it actually affected any conservation savings in that light. That is sort of a different issue that we'll have to discuss maybe later down the road.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. Des, you mentioned that there was some concern by the committee on the approach that North Carolina had taken. I was looking for a little more clarification on that.

I thought the coastwide minimum for both commercial and recreational was 12 inches, and then they have a plan where they actually have a seasonal ten-inch minimum size. Did I miss a point somewhere here, or is that the issue you were talking about?

MR. KAHN: No, Pat. What I was discussing -- maybe I should have clarified it -- was their new regulation, which I think they instituted this last year, where a fisher can go out and decide to fish either at a 12-inch minimum size four-fish bag limit, or else at 14-inch minimum size ten-fish bag limit. They can pick it for that day.

CHAIRMAN COLVIN: Paul.

MR. PAUL DIODATI: Des, just a quick question. I am going to assume that the commercial regulations haven't changed all that much since the late 90's, '98 or so I guess I am puzzled that your modeling shows such a significant increase in SSB, even though there's some uncertainty as to the level that it goes up.

Yet, you've got landings declining or remaining fairly static, even the recreational fishery. Doesn't that signal something to the committee that something is wrong?

MR. KAHN: That is a very good point. The unmodified ADAPT analysis, shows as I mentioned, an expedient increase in spawning stock biomass, stock size, et cetera. Yet, the landings don't reflect that.

Particularly, the commercial landings have been declining somewhat. So the question is where are all the

weakfish? They don't seem to be in evidence, as depicted by the ADAPT analysis.

MR. DIODATI: Also, has the committee tried to develop some biological reference to characterize restoration for this stock?

MR. KAHN: A reference point or a measure or --

MR. DIODATI: Or some measure, some --

MR. KAHN: Well, in Amendment 3, there was a table, which was I think originally developed as a gauge, and it was a depiction of the age structure each year as a result of the VPA. That is problematic because of our changes in ages.

The committee has produced an alternative which is a length frequency depiction from the MRFSS samples, I believe, for each year.

When you use that -- and I think that was supplied to the board in the past -- when you use that, you can clearly see that in the early 80's, which is the earliest years we have there, the average size was larger.

There were more larger fish than there are now that had declined in the late 80's early 90's and has been building up slowly, but it's not back to what it was.

Since fishermen measure length, they don't measure age, I think length is a good thing to use when you're trying to judge whether a stock is restored to a trophy fishery or that type of thing.

MR. JACK TRAVELSTEAD: Des, earlier, you talked about the need to require states to collect more or better length-at-age data. Is that part of the solution to eliminating this bias?

MR. KAHN: Good question and, actually, I wish I could answer that. We don't know for sure what's causing the bias. I will mention that there is a similar problem, although not as severe, in the Gulf of Maine cod stock assessment with ADAPT VPA.

I understand there was a workshop held up at the Northeast Fishery Science Center last week to try to get at the problem. It may have something to do with the number of ages you use. Maybe we need to try going

to seven plus. We had restricted to six plus in our VPA.

It's an open question at this point. However, the amount of uncertainty that is clearly in the catch-at-age matrix certainly does not help a VPA in catch-at-age analysis. If you don't really have a good handle on what you're catching at what age, it's difficult to have a lot of confidence in your analysis that's based on that.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. How long is it going to take us to sort through the uncertainty in terms of the assessment? What's the general feel of the committee?

Before you answer that, to me, I find the information that is before us today very troubling in terms of how we react as a management board and the types of actions that the commission might take in this.

I mean, it would be fairly easy for any of us to take this and paint a picture that's fairly rosy in terms of stock status, and the pessimists among us could do just exactly the same thing and point out that the end is near. Somehow we have to sort through that, so what is the timeframe for doing that?

MR. KAHN: Well, we have one separable VPA analysis that has been presented to us. We haven't reviewed it as a committee. There are two other major analyses that are should be forthcoming soon -- I can't say exactly when -- I would say, hopefully, within a month that we could review.

But what this is going to take, I think, is that we're going to have to synthesize these different analyses and come to a composite assessment without relying necessarily on just one such as just the ADAPT VPA.

This is good assessment science to use different models and different assumptions and take different looks at the stock you're working with.

It's possible that there might be some wrinkle in the ADAPT VPA that we could implement such as some of the ideas they were exploring at Woods Hole recently that could possibly correct the problem, but I couldn't promise that. It's just an outside chance.

So I would say we've got some work done. We've got a couple of other things underway. I would think in -- and I am hoping the committee is going to continue

working on this and having at least conference calls to try to get a better handle on this.

Just to back up for a minute, there's no indication from any of this that anybody has seen that indicates the stock is overfished. Nothing indicates the stock is over our recommended overfishing threshold, or below it, rather.

And we only have -- the target F Amendment 3 of 0.5, I think the separable model we just got in says that F for the past several years had been around that, around 0.5, but that hasn't been reviewed, so we don't think we've been overfishing in terms of F.

What seems to be happening, and some opinion on the committee, is that F has been reasonably low for quite awhile. The stock has recovered to some extent, but it hasn't recovered to the extent we had hoped and maybe thought it had for some reason.

Now maybe there's environmental factors, not the fishery. There may be increased competition, predation, or some other unknown environmental factor that is sort of restraining stock growth. It doesn't seem to be the fishery.

However, one point I forgot to mention is we have no estimates, aside from the recreational sector whatsoever, of discard mortality.

Now, I guess there's a possibility that could be a large, unincluded source of mortality. We really need to work on that, and it's going to take some sampling to get a handle on that. That is another hole.

MR. BORDEN: Thank you, Mr. Chairman, I have a follow up. Under the management advice on the second page of the technical committee report, the recommendation, if I understand this, is basically for F-30 percent, which is in terms of a new target which would be 0.31.

I mean no disrespect when I say this, but the range of estimates of mortality, some portion of that range of estimates is higher than that potential new target. So, conceivably, we could be in a position where we are overfishing the resource?

MR. KAHN: Yes, and I should have put in here I think that the recommended overfishing threshold is F equals 0.5. So in terms of F, it appears

the sentiment of the committee, the majority sentiment is that F is probably between 0.3 and 0.4 was the conclusion.

Now, again, it's an estimate, taking into account the bias that we've seen. If that's correct, we may be over the target but we would not be over the threshold. However, there may be other analyses which suggest we could be at or even slightly above the threshold. It's quite uncertain at this point. I share your uncertainty and your problem with knowing exactly where we are. It's quite frustrating.

MR. BORDEN: Thank you. And the last quick point is on Figure C on the recreational landings. I guess my question is the actual landings value, do these values include discard mortality rates and What does that assumed to be?

In other words, we don't have commercial discard estimates, and I guess my question is how are the recreational discard estimates factored into this chart?

MR. KAHN: That's a good question, and I didn't mention that. But, the line for the recreational landings in Figure C there does include estimates of discard mortality for the recreational fishery, which is estimated as 20 percent of all fish released.

CHAIRMAN COLVIN: Are there any other questions from the board? Jim, do you have a question for Des? One moment, please, go ahead.

MR. KAHN: I am sorry about that. Let me correct myself. The landings in pounds do not include discard mortality. I got that confused. Somewhere -- I don't know if it's here -- there was a plot of the number, the landings in number, the recreational harvest in number.

Well, I know we have it in the VPA. I am not sure if it's in any of the figures here. It's not in this one of pounds landed. I was wrong about that. That is just the harvest that's landed. I am sorry I gave that. That was a mistake.

CHAIRMAN COLVIN: Jim, you had a question? I didn't hear a yes that you have a question. Thank you. Introduce yourself, please.

MR. JAMES FLETCHER: James Fletcher,

United National Fishermen's Association. I would like for you to put up the Figure 6 --

CHAIRMAN COLVIN: Jim, could I interrupt you for one second, please? We have a guest entering the room and I need to suspend the board meeting for one minute. We'll get right back to you. We won't rush you when we come back. Thank you. We'll make sure you get a full opportunity to get the whole question out and get a good thorough answer. Thanks, Jim.

(Whereupon, a short recess was taken.)

CHAIRMAN COLVIN: Jim, you have the floor although I understand you're feeling a little alienated. Maybe I don't want to recognize you now.

MR. FLETCHER: I will be glad to leave if you want me to.

CHAIRMAN COLVIN: Well, you tell me if you have a concern that you're --

MR. FLETCHER: I have a concern of the way the fishing industry has been treated, but I want to point out to the gentlemen --

CHAIRMAN COLVIN: Now, wait a minute, I recognized you to ask a question of the Technical Committee Chair about his report.

MR. FLETCHER: I am asking a question of the --

CHAIRMAN COLVIN: Please do.

MR. FLETCHER: Do you realize in Figure C that you had up on the board, weakfish landings by fishery, did your committee realize what gear change started in '89 to precipitate that decrease in landings?

MR. KAHN: I am not sure we do.

MR. FLETCHER: If you would like to know, I can tell you. Also, in the decline in commercial landings starting in 1998, are you aware of what state regulations went into effect in Pennsylvania and New York during that year that would have alienated the commercial fish houses from sending fish into those two states?

MR. KAHN: I believe you're referring to institution of possibly minimum lengths for fish import into the states?

MR. FLETCHER: Yes. Now, are you aware of the number of processing houses that went out of business after 1998?

MR. KAHN: No, I am not.

MR. FLETCHER: Well, if you will consider those facts and get them, you will realize why the commercial landings have declined. If you were willing to offer a market for weakfish today at a price above 30 cents, I would be willing to guarantee you 16 to 20 million pounds of weakfish in the next two months.

The problem is that we have a number of boats in Carolina and Virginia that cannot get a market for weakfish. Apparently, you all are not aware of what's happening on the economic side of this system.

Also, in the document that you passed out where it references the commercial landings are the lowest in the 19-year period beginning with 1992 --

MR. KAHN: 1982, yes.

MR. FLETCHER: 1982 -- the records and reports of landings between '82 and '90 were voluntary. You're taking what was done voluntary. In Carolina where I come from, over half of the fish houses had enough sense to realize that the data would kill them, so they didn't report. They didn't have to report. It wasn't mandatory.

MR. KAHN: Right.

MR. FLETCHER: My frustration and our frustration on industry's side is to see you all come in and do it and to go to the SARC. Do you realize in 1999, when the SARC reported to this commission, that the F rate was well below 0.5., but the decision was made to say "at or near by consensus". The F was below what was needed.

MR. KAHN: Yes.

MR. FLETCHER: Okay. Well, bringing that

in, how do you expect industry to have any faith in science when --

MR. KAHN: I would like to respond when you get --

MR. FLETCHER: Okay.

MR. KAHN: Well one thing, you raise a lot of valid issues. I think your first point was that there are economic factors that affect commercial landings, things like minimum length regulations, you mentioned, that restrict the landings and so forth; reduce the market price and so forth, and that's quite true.

Commercial landings are only one part of what we use, but it is an important part. Your point about the landings, say, in North Carolina being voluntarily reported in the 1980s; I think what that would do, if they were fully reported, what that tells me is the commercial landings would have increased in that period, right? Okay.

So that's probably a bias. Unfortunately, it's the only data available, and we're aware that there are problems with it, but it's the only game in town.

In the more recent period, however, I think they're non-voluntary. Hopefully, they're significantly improved. What was your last point, I couldn't quite remember.

MR. FLETCHER: The last point was that the 1999 SARC and SAW were going to report a landing below 0.5, and the consensus was not to report it because this group had set a target of 0.5, and the scientists didn't want to tell you that you had reached the point.

I would like to raise one more question. Are you aware of what the economic impact of having outside of three miles an EEZ closed below Hatteras is doing to commercial fishing industry in North Carolina and Virginia?

MR. KAHN: Well, I have a copy of the SARC Report with me, and I want to quote. It says, "The fishing mortality rate has been greatly reduced to 0.21 in 1998 and is below the long-term ASMFC target of 0.50." That's what it said in the SARC, so I think there's a misunderstanding on that last point.

MR. FLETCHER: Well, they might have printed it, but I was sitting in the room when it went down, and I know what was discussed.

MR. KAHN: Okay, well, this is the way it came out in black and white, though. I can show it to you. I would be glad to.

MR. FLETCHER: Thank you for your time and trouble.

CHAIRMAN COLVIN: Thank you. Are there any other questions for Des? Bruce, why don't you go ahead and take your question and then we're going to need to move on. Jack's going to take over for a minute.

MR. BRUCE FREEMAN: Des, I am looking at the Figure A, retrospective bias of F. As I had jotted down, you indicated that the projected F in 2000 is 0.17, but if you look at the bias, it could be as much as 0.54 -- I am sorry, 0.45, as I wrote down. In your opinion or the opinion of the technical committee, the true F lies somewhere between those bounds or do you think it could be --

MR. KAHN: That's our best estimate. It is a ballpark estimate. It's just based on the kind of bias we've seen in recent years when we've done the retrospective.

Again, we have to assume that a similar bias affects the most recent year's estimates. That's the most reasonable assumption, we feel. It's tenuous, it's the best we could do right now.

We certainly don't have -- the majority opinion was firmly that you can't have a whole lot of confidence in these uncorrected estimates for the 2000 run.

MR. FREEMAN: Let me just add one other thing from observations in New Jersey. Historically, going back at least the last 15 years, there was a very large fishery, commercial fishery for weakfish, as there was a very large recreational fishery, you well know.

A number of the boats became involved in the offshore squid fishery and directed their effort into squid. As a result, there was only one or perhaps two boats that fished for weakfish in the fall, particularly, as they're

moving out of Delaware Bay.

Although there were no requirements that we reduce effort --in fact, that transfer of effort from an inshore fishery to offshore had tremendous impacts in our Delaware Bay area.

As Jim Fletcher indicates, there are other actions that occurred in North Carolina, which essentially eliminated the high-rise net fishery for weakfish south of Cape Hatteras or south of Okracoke.

That also had a tremendous impact on the decline of the harvest, particularly, of the smaller size fish. What is somewhat puzzling with those changes and a great reduction in the commercial fishery, that we could be fishing as close to the target as perhaps could be indicated by your data, would mean that we would have to maintain those levels, or even perhaps reduce them somewhat if we wanted to stay lower than our target.

That's something -- the last three or four years it was like resources recovered, we were home free and here we go, and apparently that's not quite the way it may turn out.

MR. KAHN: It looks like there was an increase in, say, '96 through '98 that has flattened out or declined slightly. That's sort of a general picture, maybe, but, yes, it's possible.

We really need to get a firmer handle on this, obviously, before we could say, "Oh, we're above the target," or -- you know, we can't definitely conclude that kind of thing at this point. It's not an all-bad picture. It's just not as rosy as maybe it had looked a couple of years ago.

MR. A.C. CARPENTER: Des, looking at that Figure A and recognizing that this bias is in it, what year do I have to go back to that the technical committee has a confidence in saying that F was at whatever value in whatever year? Do I have to go back to 1990 to say that's the last time that there was an agreement with these three?

MR. KAHN: For a total, what we call, convergence where it doesn't change at all, '91 was the most recent year that does not seem to move at all, so that's the firmest year. That is quite far back. We were rather dismayed we had to go back that far. That's

somewhat unusual or it's not good, I'll put it that way.

MR. JOHN H. DUNNIGAN: Mr. Lesser.

MR. CHARLES LESSER: Thank you, Mr. Chairman, just an observation. We realize, too, that our small gillnet fishery for weakfish has dramatically dropped in the last two years, but so has our recreational fishery.

We do not have the fish, the small ones nor the large ones. For a recovery mode, it's embarrassing to go home and tell everybody these fish are here, but they're not going to come to Delaware Bay.

MR. DUNNIGAN: Other questions for Des? If not, thank you very much, Des, and let's move on to the next agenda item, the Law Enforcement Committee Report. Mike Bloxom.

Law Enforcement Committee Report

MR. MIKE BLOXOM: Thank you, Mr. Chairman and board members. With regards to management measures in general and conservation equivalency in particular, the Law Enforcement Committee recommends that the managers utilize the guidelines that were developed, I guess, about a year and a half ago now when making any management measures, in particularly conservation equivalency.

This guideline was put together by the Law Enforcement Committee, and it took several years to put it together. It wasn't something that was just slapped together.

Utilizing the committee members, law enforcement officers from their respective states to gain input for the development of these guidelines, we think it's a pretty good effort in showing how management measures should be developed with a regard to law enforcement.

The officers that put input into this are the ones that are out there enforcing these laws and regulations that the states put together for the fisheries. To make those enforcements successful, these guidelines should be followed.

We highly suggest it to the management boards that have utilized this document in making measures. And with regard to the conservation equivalency, the Law Enforcement Committee, first of all, would highly recommend that whenever a conservation equivalency

comes before the ASMFC, that the LEC be allowed to provide input into these regulatory schemes for enforcement purposes, whether or not they're enforceable or unenforceable.

So those are the two main regulations regarding fisheries measures in general and conservation equivalencies.

As far as the North Carolina measure that was put into effect, I can briefly comment on that. In just looking at the guidelines, first of all, one of the general precepts is that any measure should be easy for the anglers to interpret and to know what the law and regulation is.

They should be simple, realistic. That's one of the main precepts in the guidelines. One of the other precepts is that -- I know it's hard to do with 13 states -- but that the measures particularly should be the same across the board for the states.

Of course, we realize that's hard to do. But when it can be done, it should be done. The North Carolina regulation in particular -- I don't really want to harp on that too much unless you want me to -- allowing an angler to choose on a daily basis what size limit and creel limit they're going to utilize is not simple.

It's confusing to the angler, it's confusing to the general public, it's confusing to the officers that enforce it, and it's particularly confusing when you get into the judicial system.

When you find somebody in violation and they decide not to pay a preset fine and they want to take it to court, and when it gets to court, the judges have a big problem with this type of regulation.

I don't know yet what type of problems they've had in North Carolina with the judicial system on this particular regulation. But just knowing from experience in Maryland, when a law or regulation is not simple, it causes a big problem in the judicial system.

Another thing with this measure is that you're giving the angler --you're putting a big onus on him to decide what the creel limit and size limit is going to be on a daily basis. That can cause problems.

It can cause problems when you have multiple anglers on a boat. I understand that in North Carolina they have to make a decision on which size creel limit they're going to use that day, and everybody on board

the boat has to go by that decision.

Well, that can cause problems, particularly, if there are, say, three anglers on board a boat and two of them have opt -- well, they all opt to go with, let's say, the 12 inch, the 13 inch and four creel limit.

During the course of the day, they keep their bag limit either separate or combined, and when an officer comes and checks them, there are eight fish in there that are 12 to 13 inches, and there are five fish in there that are 14 inches and above.

Which angler made the decision to not go by the guideline that they set for the boat? Then the officer has to make a decision. When that gets to court, you're going to have a real big problem. That's one of the biggest issues I see with it.

CHAIRMAN COLVIN: Thank you, Mike.

MR. BLOXOM: That's pretty much my report. If anybody has any questions, I will be glad to answer them.

CHAIRMAN COLVIN: I appreciate that. We might have time for just a couple of short questions if there are any from the board. A.C.

MR. CARPENTER: I am assuming that the PDT does have a copy of the Law Enforcement Report that he has presented available to them, and would ask that they at least review it in light of Mike's report.

CHAIRMAN COLVIN: Anything else? Now I am not sure where we want or need to go with this issue. As I recall, and as Carrie has reminded me, the regulation in question was not brought forward to the board by the Plan Review Team as an action item, but was brought up by member or members of the board for some discussion.

There was a request at that time for Technical Committee and Law Enforcement Committee review, the results of which we've heard. I guess it leaves it in the hands of the board where, if anywhere, it wants to go, including a referral to the Plan Review Team for further consideration or no further action at the board's discretion.

The only point I would make is that we don't have an

awful lot of time left today, and we have one major item still to come. So let me ask --

MR. BLOXOM: Mr. Chairman, one issue that I forgot and left out was a major issue that we feel that the North Carolina regulation in and of itself would lead to a big increase in culling of fish if you allow multiple size limits and creel limits.

Whereas, if they're catching the smaller fish and they would opt with the four fish 12 to 13 inches, later on in the course of the day if they start catching bigger fish, then they might throw those smaller fish overboard and start catching the big fish. That could be also a big problem that we see.

CHAIRMAN COLVIN: Let me ask at this point is there any action that any of the board members want to recommend with respect to the issue? Eric.

MR. ERIC SCHWAAB: Mr. Chairman, I thought it might enlighten the board if we could hear from North Carolina as to what their future plan is.

CHAIRMAN COLVIN: If they wish.

MR. PRESTON PATE, JR.: Gosh, Gordon, this has gotten to be a mountain out of a molehill. I am sorry it has resulted in this. I am disappointed in the Technical Committee's review, because they never gave us an answer on whether or not what we've chosen is equivalent to the measures that are in the plan.

We heard one person say that it was. We heard Des express his opinion that it would cause some potential overharvest but nothing from the majority, so I don't know where we stand as far as what we've done relative to being in compliance with the plan.

I expressed my concern at the last meeting about referring the specific matter of North Carolina's measure to the Law Enforcement Board with the explanation that that's my problem.

If we're in compliance with the plan and it's my responsibility to enforce whatever measure is being put into place in my state, then I either do that job or I don't. Nobody has presented any evidence that I don't.

So if we're going to evaluate potential enforcement problems with regulations, then look out, Virginia; look

out, New York; look out, Massachusetts. I am going to come back with a list of yours for the Law Enforcement Committee to look at. I don't intend to do anything unless somebody tells me I am out of compliance with the plan.

CHAIRMAN COLVIN: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Is the Technical Committee or will the Technical Committee be in any position to tell the state of North Carolina that, yes, indeed, they are in compliance, or can we tell them they are in compliance if this plan does meet the requirements of conservation equivalency?

CHAIRMAN COLVIN: Well, first of all, that's not the job of the Technical Committee. That's the job of the board. The first entity that we turn to for advice as a rule with respect to compliance is not the Technical Committee but the Plan Review Team.

At this point this board has not asked the Plan Review Team to review this specific issue. We did ask for a Technical Committee input and you got it, and you got what you got. So I am looking for somebody to either suggest a course of action or we move on.

MR. AUGUSTINE: Mr. Chairman, then I make the recommendation that we ask the Plan Review Team to review North Carolina's position. If there are any other states that are in contention or of concern, they be brought up at the same time and report back to the board at the earliest convenience.

CHAIRMAN COLVIN: There's a suggestion; it's not a motion. I don't see a lot of people nodding and indicating, "Let's do that." Let me say this, too. I assume the Plan Review Team is going to do its job in any case. There is an annual review process.

Given what's on the record, I would be surprised if they didn't at least give this some passing attention, so perhaps nothing specific is in order.

I don't recall what board member or members, frankly, brought this issue forward and asked that this be done, but I suspect that I am not hearing from them this afternoon.

MR. PATE: He's no longer with us, Mr.

Chairman.

CHAIRMAN COLVIN: Unless I hear from somebody darned quick, we're moving on. Susan.

MS. SUSAN SHIPMAN: I would just say when we get the report from North Carolina on their annual compliance, I think we'll expect to see something. Pres has indicated he will show us how he has complied with the plan.

CHAIRMAN COLVIN: Charlie.

MR. LESSER: The Plan Review Team did discuss this. We didn't take a consensus on whether it was good, bad or indifferent, but we discussed it, and I think we recommended at that time, when the Plan Review Team gave its committee report in Maine, that the Technical Committee should review this from the numbers point of view.

CHAIRMAN COLVIN: Go ahead, Des.

MR. KAHN: Thank you, Mr. Chairman. I just wanted to point out that at least one member of the Plan Review Team was under the erroneous impression that this had already been reviewed by the Technical Committee.

CHAIRMAN COLVIN: Well, let me ask at this point is there objection to moving on and proceeding more or less along the lines that Susan suggested; that we know that North Carolina will provide an annual report, as we are all required to do; that if in light of the information brought forward from the Technical Committee and the Law Enforcement Committee and any other information that may come to their attention, if the Plan Review Team has a problem, we'll trust them to communicate that to us?

Without objection, let's proceed in that direction then. Thank you. The next issue is an action issue to review and approve the Public Information Document for Amendment 4.

Let me just briefly remind the board that we actually have been on a schedule to move forward on the PID that was delayed as a result of the need to complete the stock assessment updates for 1999 and 2000, which have now been done.

By and large, the content material and the structure of the PID were completed last fall as a result of the direction given by the board at its August meeting.

Very little has been changed since then, with the exception, of course, of the addition of the assessment updates which we felt were necessary before we went out to the public.

I have asked Carrie to briefly walk us through the content of the PID in its current version, highlighting the relatively few changes that have been made since the last time the board saw it.

But having done so, I want to just emphasize that the vast majority of what we are covering today is not new, and it is consistent with direction previously given by the board. Carrie.

Review and Approve Public Information Document

MS. CARRIE SELBERG: I am going to make this brief because you have seen much of this text many times before. I will be stepping through the PID which was distributed to you via mail and the briefing CD. It's draft from January 2002.

I am going to start on Page 4 of that document. The first couple of pages are introductory in nature. I just wanted to point out that it has been brought to my attention that on pages 4 and 5 there are some editorial problems with references to tables that are incorrect in the draft you have in front of you.

Those changes have been made and the correct information will go out to the public. The next section I will discuss is the stock status summary section. You've just been handed a one-page document. That is the revised Stock Status Summary Section.

The PDT put this together after the Technical Committee finished their update. This is based on their update. So if you just delete what's on Page 5 right now and insert what is on the one pager you were just handed, that would be the correct information.

I will now start on the top of Page 6 with Public Comment Issues. I will review the goal and objectives for everyone's information. The proposed goal is, "The goal of Amendment 4 is to utilize interstate management so that Atlantic coast weakfish recover to healthy levels which will maintain commercial and recreational harvest consistent with a self-sustaining

spawning stock and to provide for restoration and maintenance of essential habitat."

This is the same goal and the same six objectives that you've seen several times before. The first issue is Reference Points. At the last board meeting, the Plan Development Team was asked to define F target, F threshold and SSB.

That text has been added and clarified for the public. Issue 2, Bycatch, there have been a few minor changes in the bycatch section.

One of them is that the bycatch in the shrimp fishery -- at the last board meeting, it was requested that a specific shrimp section be added. That was added.

Also, under Escape Panels for Pound Nets, there were some language changes to make sure that this was broad enough to look at bycatch reduction devices in other fisheries.

The final section under Bycatch, Discards. That was moved. It used to be its own stand-alone issue. The Plan Development Team has moved that underneath the bycatch issue.

The third issue is Reference Points; what is an appropriate reference period for Amendment 4? There have been absolutely no changes to this section since the last board meeting.

Issue 4 is Creel Limits. At the last board meeting, board members suggested that we add back in some tables which were an original draft that you had seen and then had been deleted. You asked for two tables; we got it down to three.

The Plan Development Team thought these were the three most appropriate tables to bring to the public. The final issue, which, if you're looking closely, you will see is misnumbered. It will, when it goes out to public, be Issue 5. It looks at age and size structure.

This is the only board request which the Plan Development Team did not make in this draft. The board had requested that sizes be used instead of ages.

The Plan Development Team has come back to the board and would like to indicate that the Plan Development Team feels that ages are much more

appropriate because with weakfish there's a huge variability of various sizes at a particular age.

They think that age is a better indicator, and that's why it was used initially. There have been no changes except for an update of the schedule on Page 11. The charts and figures have all been updated.

Table Number 3 on Page 16, this was sent out to Technical Committee members for review. They were asked to make sure that their states' regulations were accurate. I, of course, would like to hear from anyone if they aren't, but we, hopefully, have that all correct at this point.

Figures 1 through 4, the version that you have in front of you, which was on the CD, did not have an updated Figure 1 or Figure 4. So on the back of the one-pager which was just handed to you is an updated Figure 1 and an updated Figure 4 based on the recent stock assessment.

I would be happy to take any questions. I know I went through that rather quickly.

CHAIRMAN COLVIN: Carrie, before you do, could you just run through the schedule for Amendment 4 on Page 11 one more time to just highlight anticipated next steps through the adoption of the amendment.

MS. SELBERG: Yes, we have a very tight time schedule to reach our goal of approving this amendment by the end of the year. It is anticipated that the board would approve the PID at this meeting.

We would hold public information hearings in March and April of this year. Then the board would meet in May, review public hearing, direct the Plan Development Team to develop a draft amendment.

The board would see that draft amendment and approve it in August. There would be public hearings in October of this year. Then the board would hear public comments and review the final amendment in November for approval at that time.

CHAIRMAN COLVIN: Thank you, I would also point out -- and we'll get into it under Agenda Item 9 -- that the anticipated schedule includes, at the suggestion of the legislative and governors' appointees

and the commission's advisory committee, an enhanced process of advisory panel input through the development of the amendment, the details of which we'll get into later. Susan.

MS. SHIPMAN: Thank you, Mr. Chairman. Could that be added into the schedule, this table on 11?

CHAIRMAN COLVIN: It certainly could be; and if there's no objection, we'll just ask the PDT to do that. David.

MR. DAVID CUPKA: Thank you, Mr. Chairman. Did I understand Des earlier in his report to indicate that there were some concerns over the reference period in the early 80s and that there were some problems connected with that. If so, should any of those concerns be expressed in this document in the appropriate section?

MR. KAHN: Well, let me respond there. Yes, you did hear me express -- well, I don't know about concerns. I gave a very brief report. We had a couple of people on the committee examining exactly how to employ the earlier reference period.

They did run into some problems which they did not anticipate, the two problems being that the gears and the fisheries have changed quite a bit over the ensuing period, so it's a little difficult maybe to use it as a basis for crafting restrictions.

Secondly, there is some lack of data in a few of those years.

However, this is still work in progress, so I cannot say - - we didn't want to change anything at this point. I am just letting you know that we've run into a few problems. We haven't said, "Hey, abandon ship" or anything. It is supposed to be a work in progress.

MR. CUPKA: So as far as the Technical Committee is concerned at this point, this probably is still a better reference period than what we're currently using even though there are some problems associated with it; is that a fair statement?

MR. KAHN: That's correct at this point, yes sir.

CHAIRMAN COLVIN: A.C.

MR. CARPENTER: Yes, on Table 3, the current regulations, I think it would be very helpful to have a current as of a particular date in this.

CHAIRMAN COLVIN: Thank you, we'll make that change. Jack.

MR. TRAVELSTEAD: I am going to get back to this recommendation from the Technical Committee about having states collect better and more age and length data. I certainly don't want to do anything that delays this addendum going forward.

But, I mean, the Technical Committee has made it very clear that there is this huge problem of bias with all of the estimates, and one of the ways you might solve that is by better collection of data.

I would ask Carrie, I guess, is there time to add another question to this public information document that would suggest we should expand collection of age and length data along the Atlantic coast? It seems to me the public needs to --

CHAIRMAN COLVIN: Speaking for the PDT, Carrie, can you answer that?

MS. SELBERG: We do have a very tight time schedule. If we don't want to delay this time schedule, if the board were to give very, very clear direction of language that you wanted included, that might be a possibility if the board was comfortable approving that. Without a meeting, then we could stay with the schedule that we have and include language like that.

MR. TRAVELSTEAD: To me, it would be irresponsible not to put something like this in the plan. Two years ago, when we sat here, a lot of us were convinced that this stock was recovered, and I personally haven't changed my mind.

I am very concerned about this issue of bias in the F estimates and the spawning stock biomass. And when our Technical Committee is telling us that one of the potential solutions to correcting that is to collect a few age samples in a few of the states that aren't doing it, then it seems to me we ought to do it and we ought to do it as soon as we can.

CHAIRMAN COLVIN: Please, Des.

MR. KAHN: Thank you. It is a potential source of the bias. I certainly couldn't promise that if we had perfect catch-at-age data the bias would go away.

But, in general, when you're doing catch-at-age analysis, if you're basically having to guesstimate significant portions of your catch at age, it's not good. It doesn't give confidence in the results of the analysis, and that's a situation I am afraid we're in.

CHAIRMAN COLVIN: At this point I would like to ask a question, and I will turn to Jack for advice on this. Jack, in effect, what's being suggested is that there in fact a sixth issue.

The sixth issue is mandatory data collection programs for states. Obviously, we're not going to be in a position to specify that at this time and maybe not even to complete it in more than a very cursory way for a PID.

Is this something that could be added to an amendment later without appearing as an issue in the PID, or, alternatively, if it did need to be in the PID, could it be presented in a very brief way consistent with what we heard today more or less as a vehicle to secure public comment on the issue of states collecting additional data without getting into the particulars?

MR. DUNNIGAN: Thank you, Mr. Chairman. My assumption would be that if you're talking about requiring states to do this kind of fishery-independent analysis, such as we do with a number of other fishery management plans like striped bass, I would recommend that you deal with it as a part of your PID.

I think the way you stated it, generally as getting some discussion, qualitative sense into the document that can help focus the issue and at least raise it for the member states and their publics, would be a good way to handle it.

I also think that Carrie made an excellent suggestion, and that is give the staff as much as you can today to move forward with and let the Plan Development Team put some language together, vet it back through you via e-mail. Then we think it can still be incorporated into the document on a timely basis.

CHAIRMAN COLVIN: Thanks, Jack. To Jack Travelstead, I think there are a number of board members who probably share the sentiments you've communicated.

There will come a time -- in a few minutes I hope -- when there will be a motion on the floor with respect to the PID. I would hope that perhaps at that time you might be able to suggest something specific with respect to an additional issue, Jack, if you can work on that now. Let me go up the line. I think Bruce had his hand up next.

MR. FREEMAN: Yes. Issue 5 on Page 10, I know Carrie addressed the issue of putting age rather than length. I appreciate the concern; nevertheless, when this goes to the public, they're not going to have any clue what an age two or an age 10 weakfish is.

I would suggest that you put a mean weight or you put the ranges that could occur within that age. The public needs to have some idea of what size you're talking about just for their help.

CHAIRMAN COLVIN: We'll see if we can - the PDT will try to put together a short age-length table equivalent --

MR. FREEMAN: That would be good, yes.

CHAIRMAN COLVIN: -- to help with that; would that do it?

MR. FREEMAN: Yes, that's fine. You could have the variation in there, but they need to have some understanding. A more concerning issue is the biological reference points.

The concern is if, indeed, the bias is such that rather than having an F of 0.2 or even less than that -- it's closer to 0.5 -- the question I would have, would that in any way influence the change in the tables that we're presenting?

In other words, I am fearful of going out with some concepts and then find out, well, the stock assessment is different than what we anticipated, would that affect these tables such that they would change?

MR. KAHN: Bruce, I am not sure which

tables you're referring to.

MR. FREEMAN: The length bag limit. It's on Pages 9 and 10.

MR. KAHN: Well, I would say if the conclusion of the stock assessment process is that we're overfishing what we want to fish at, say, our target rate, we may wind up then saying, well, how do we -- if we want to reduce fishing mortality, one way to do it is, obviously, say, the creel limits or some combination.

MR. FREEMAN: What's concerning, Des, is that we have a target of F-30 percent, which is 0.31 at the present time. If, in fact, we find we're fishing at or above that, it would seem we need to take some action that's going to be more stringent than what these tables indicate.

This timing -- to go out to public hearing and people think, "Here's where we're going", and we come back six months later and say, "By the way, we're now more convinced that the stock assessment is going to show that we're going to have to have a change", it could be very difficult.

MR. KAHN: I see that exactly. I presume, though, the whole plan still has an adaptive management component.

MR. FREEMAN: No, no, I understand. Of course, the other way, Mr. Chairman, is to go out with a public hearing document. Then by the time it goes back to the public as a draft addendum, things may change and they could be presented.

CHAIRMAN COLVIN: Of course, that's never happened before.

MR. FREEMAN: No, no. Of course, well, I am thinking also it may be worth while of putting another set of tables with a different --you know, using a different assumption so that the public would know that we're not certain at this time, but these tables may change and what those changes may encompass.

I am just concerned about going to the public at this point presenting the information, and then coming back later and saying "Whoops, this is all changed. Now, we're going to have to do something quite different." I just don't know how to deal with that, but it worries me.

CHAIRMAN COLVIN: I understand. Of course, as my rather flip remark implied, that problem is a recurring one in our management programs. Perhaps the only way to deal with it is to raise the general level of public awareness about the fact that we update our analyses and assessments all the time, and it does change the way we're looking at things.

MR. FREEMAN: However, it seems a better situation where you tell them the bad news and at the end saying it's not that bad than to tell them it's good news at the end, say, "By the way, you're going to have to have much more restrictive regulations."

CHAIRMAN COLVIN: John.

MR. JOHN CONNELL: Thank you, Mr. Chair. The two issues I have go to Issue Number 3, the reference period. I am a little bit concerned with the language which, I believe, the recommendation here that we go with the 81-85 is a little bit too definitive based upon the input that we received today from Des.

I think, if anything, you're pointing out one isn't so good, and I think you're implying that this other one is great. I believe you should be more realistic in your presentation of the reasoning of why this might or might not be good and some of the concerns you have, as well.

I think you get a false impression from reading the language that exists after hearing your report today. Do you want to respond to that?

MR. KAHN: I would like to. I am not sure exactly what -- you're saying I wasn't quite representing both periods, or could I -- I am not sure I understood the question.

MR. CONNELL: No, it's indicated in this issue, the way this issue is stated, that there's no question 81-85 is the way to go.

MR. KAHN: Right, that's right.

MR. CONNELL: I don't believe I got that message from your presentation today based upon all of the concerns and issues that you indicated. I believe that input should also be incorporated into this issue as well.

MR. KAHN: Yes. I would say we've discovered at least a couple of potential problems. The gentleman who spoke earlier about under reporting in the early period may have another potential problem that we didn't mention. So, you know, there are some other things that we hadn't really realized initially.

MR. CONNELL: The second issue I have relating to Issue Number 4, and I will just add a little bit to what Bruce said. He said more conservative, but I will also point out based upon the uncertainties you said, we could even be talking more liberal.

Based upon those uncertainties, the mixed messages, the if, if, if; and based upon the wording which makes two assumptions that the board is going to make well ahead of time and providing those assumptions and the ifs to the public to consider these three tables, I have some concern with.

I would almost like to see you include status quo here as an option. But when people look at this, they're going to say, "I have got to pick 1-2-3, I don't have any choice."

Then it's going to go back to the board and we might very well not make the assumptions that you're providing here. We may decide that we want to go in a different direction. I think, in that case, we really haven't done the public the right thing.

I don't know whether you should not include tables, or you should maybe go back to those 15 tables you were talking about earlier.

CHAIRMAN COLVIN: Well, that's the difficulty, of course, John, is the last direction the board gave is too many tables. So the PDT has brought back a pared-down version, and it may be that maybe we like 15 tables better after all, once we see this.

But we all recognize, I think we all recall that we have the option of if it's the choice of the board, as we go on this afternoon, to go back and reinstate some of those earlier options that embrace different assumptions.

MR. CONNELL: Well, if the confusion about the science that's whirling around in my mind is anywhere reflective of what's going to be the public's perception, I don't think we can be as definitive as we

want to be here. Thank you.

MR. KAHN: Just one comment, there's some confusing things here. It says the second assumption under Issue 4 is if the board decides to use '81 to '85 reference period, that is the recreational.

What we were discussing earlier was the problems with the commercial, changing the commercial reference period. So I don't think there's quite the problem that you might think with that second assumption.

CHAIRMAN COLVIN: Thanks, Des. Ernie.

MR. BECKWITH: Thank you, Mr. Chairman. I, too, have a comment about Issue 4. I think there has got to be some additional language added to the narrative in that session to really clarify what we're asking the public to comment on.

We're not asking them, in my perspective, to comment on what the actual creel and minimum size limits are in these tables, but just to show what the relative differences would be based on different choices of the datasets.

Des, these tables were based on an assumed F of was it 0.31?

MR. KAHN: There were two versions. The first was 0.5, then we revised them at 0.31. I wasn't involved with these new versions. Maybe Carrie could speak to that. I hope it was 0.31.

MS. SELBERG: This is a subset of the original large set of tables. At the last board meeting, the board said they wanted limited tables based on two assumptions. One is F at 0.31, and the second, that the board uses the '81 to '85 reference period. The rest of them have been left out.

MR. BECKWITH: Okay, perhaps, if some additional language was added to that section saying that these are minimum size creel limits based on an assumed fishing rate of 0.31 just to show the differences in the choice of the different datasets.

But please be aware that if, in fact, the fishing mortality rate is different, the actual creel limits would be different, so it really clarifies exactly what we're showing them here.

CHAIRMAN COLVIN: I think Ernie's suggestion is one that the PDT can incorporate as a further explanatory preamble to the tables. If there's no objection, we can ask them to do that. Anne.

MS. ANNE LANGE: Yes, I have two comments or questions regarding this one-page, two-sided handout that was revised, the stock assessment status summary. In the retrospective analysis on F's, the F, in fact, remained below 0.5 as noted in the discussion.

Fishing mortality has been steadily declining since '95, and has consistently been below 0.5. That's true whether or not you're using the retrospective analysis. However, when you're looking at the SSB and where the next to last sentence in that paragraph says, "Since '93 SSB has been steadily increasing to current estimates of above 40,000 metric tons", that's not the case in the retrospective analysis.

I think you really need to be careful that you're giving the right impression. So it should be -- it's always been above 30, I think, even with the retrospective. I think that's more accurate to include here.

My other comment is on Figure 4 on the back side. I think the scales for the Age 1 abundance and the SSB metric tons are reversed. SSB only goes up to 40 or so thousand metric tons. So the numbers are on the wrong side.

The headings are correct, but the numbers are on the wrong side of the -- is that right, because the maximum SSB metric tons was only 40,000 and that's on the left side where it says "abundance".

CHAIRMAN COLVIN: Correct. Thanks, Anne, for picking both those things up. They will be corrected. David.

MR. CUPKA: Thank you, Mr. Chairman, just a minor point and Carrie may have already thought about this. On Page 11 the public is invited to have input into this document in three different ways.

One is to contact their weakfish board member or AP member. Perhaps, it might be useful if attached to the PID would be just a table of who those people are and how to contact them. That may help with some public

input.

CHAIRMAN COLVIN: If there's no objection, that can certainly be added. David.

MR. BORDEN: Thank you, Mr. Chairman. I would like to go back to the point about the reference periods, just to make sure that I understand this. I mean, this is a PID. It's not a public hearing document.

CHAIRMAN COLVIN: Correct.

MR. BORDEN: Failure to -- and I will use this example -- if we're recommending in this -- '81 through '85 is the recommended reference period, and we take this out to public hearing, and if, in fact, the public comes in or sectors of the public and advocate -- I am just using this as an example -- '75 through '85 as recommended reference period, there's nothing that precludes the board from adopting that for public hearing purposes down the road. Is that correct?

CHAIRMAN COLVIN: Yes.

MR. BORDEN: Okay, because, I think, to some extent, we're making more out of some of these issues than probably meets the eye. Now, the last point I would make is the point that -- I would echo the concern that Anne raised about the charts and graphs.

The language here, this last paragraph on the revised stock status, I think that -- and I don't have the language before me that I would suggest, but I think that you and the staff should just slightly revise this language to at least raise the possibility that due to some of the uncertainties that the Technical Committee has raised, these parameters may change based on the analysis that's ongoing, just so that it raises it as Ernie had correctly, I think, suggested for another component of it.

I would hate to have members of the public read this and just assume that this is somewhat more definite than it really is, only to have the Technical Committee six months from now come out with a report that's much more dire, that's all.

I mean, some of that is done in that last paragraph, but I think a couple of more sentences along those lines would help. That's all, thank you.

CHAIRMAN COLVIN: I profess to be a little uncertain of exactly what additional message you're suggesting, David, besides that which is communicated by the last paragraph.

MR. BORDEN: Well, as I said, I don't have the language here, but if we were to say, for the sake of example, that the Technical Committee is in the process of completing analysis of a number of different strategies that may, in fact, change these parameters, that's the reality of what is going on right now.

And this does not say that. What this says is there's some uncertainty with it. All I am suggesting is that it should go a little bit further than what it does. If I am the only one that thinks that, leave it the way it is.

CHAIRMAN COLVIN: Des, do you have a suggestion to bail us out here?

MR. KAHN: I think Anne made a similar point. I agree, and I would suggest using wording something such as "tentative stock assessment results" or "tentative estimates" or maybe "recent ADAPT VPA estimates", you know, something that shows these are estimates and gives people at least the idea they may change, that they're tentative at this point.

CHAIRMAN COLVIN: Bruce.

MR. FREEMAN: Gordon, to that point, it may be useful to add the extremes that Des had touched upon, that the final number could range between 0.15 and zero point, whatever, five or something like that, just to give the public notice that there still is some uncertainty and the range is within these bounds or most likely within these bounds, and we'll try to be more precise by the time the plan is ready for public comment for the final adoption.

CHAIRMAN COLVIN: Anne.

MS. LANGE: I think just a brief summary of the retrospective analysis, I mean, as Bruce suggests. It can be worded very simply, you know, just the range of estimates due to uncertainty go from whatever they are in pre-2001 or 2000.

Those are the things that are being addressed currently by the Technical Committee. It doesn't need to be really in depth, but just to let people realize that there is

a level of uncertainty.

CHAIRMAN COLVIN: I want to try to get something in here that I am thinking -- and maybe I am wrong about this -- but I want to try to nail this down.

My sense, personally, is that between now and the time Amendment 4 is adopted, I don't expect to see any substantial difference in where we are now with respect to the variation between the terminal point calculations of biomass and mortality as compared to what they've been.

I don't think we're going to get there. So if we're suggesting that we send the message to the public that right now there's a range of estimates of F, but it's going to get narrower before we implement this new management program, I don't think that's the truth.

I think we're still going to be looking at what we're looking at. But you guys tell me if I am wrong, Carrie or Des. We've got until November, and we've got what we've got in terms of meetings and budgets, remember that, and the chairman has reinforced that emphatically. Anne.

MS. LANGE: Well, I don't know that we necessarily need to lead the people on to think that it's going to be addressed or corrected before then.

But irrespective of what that value actually winds up within that range, the recommendations that we're making are sustainable for the stock.

CHAIRMAN COLVIN: Well, let me make a suggestion. I came away from Des' presentation noting that he had made an effort to indicate an approximate correction, if you will, or adjustment of the terminal calculations based on the retrospective analysis. Those fell within a range. And I think, Des, you concluded mortality was in the 0.4 to 0.5 range -- 0.3 to 0.4?

MR. KAHN: That was the committee's consensus.

CHAIRMAN COLVIN: Maybe that's what we need to say because that's not said here, and that's what I am trying to get at. Susan is going to bail us out. After Susan bails us out, I am going to start looking for a motion because we're going to run out of time. Susan.

MS. SHIPMAN: I think what we can do is just excerpt a couple of sentences out of the Weakfish Technical Committee Report. There's the one that says -- and you can just say, "The Technical Committee reasonably expects that the current terminal F estimate will likely rise to that range", and state that and state a similar one- sentence statement with regard to SSB.

CHAIRMAN COLVIN: I am seeing heads nodding, and I think that's the way to go. So without objection, Carrie will proceed accordingly to make that editorial change. David.

MR. BORDEN: Do you want a motion, Mr. Chairman? I move to approve the document as revised by the discussion today for public hearing purposes.

CHAIRMAN COLVIN: Moved by Dave Borden; seconded by Pat Augustine. Jack Travelstead has a friendly amendment.

MR. TRAVELSTEAD: I would move to amend the motion to add an Issue 6 to the PID that discusses the potential implementation of a mandatory data collection program for the states and to assist staff - - and that would be the motion -- to assist staff in what they might use to describe that.

It looks like you only need a couple of paragraphs really to do it. I would start with what the Technical Committee has provided in their advisory report under "Data and Assessment" where it describes the problem, the data gaps, the fact that there's 1.3 million pounds of commercial harvest that aren't part of the biological collection program.

I think that language is helpful. Then my colleague from Georgia has come up with a good idea, too, I think; and that is to, within that language, talk about the implementation of the biological sampling component of the ACCSP for weakfish, which we just did yesterday, I believe, yesterday morning. I think you will find language there that will help you fill out the document.

CHAIRMAN COLVIN: David.

MR. BORDEN: I will accept that as a perfection if the seconder will.

CHAIRMAN COLVIN: Pat?

MR. AUGUSTINE: Yes, absolutely.

CHAIRMAN COLVIN: So the motion is amended as suggested. Discussion on the motion? A.C. Carpenter.

MR. CARPENTER: I think Jack has got the right idea, but I think the key question here that staff is going to need is what is the question to ask for Issue 6?

I think part of the question has to be phrased in the recognition that collecting this data is not free. The public needs to understand that collecting additional data does have some cost associated with it, and it has got to come from some place.

In some situations, something else is going to fall by the wayside. I think you've got to be up front with them that it's not a free lunch.

CHAIRMAN COLVIN: Well, if it isn't in the PID, it will be on the record. You can bet that it will be mentioned at the public hearing in New York. Further discussion on the motion?

Do we need to read it? Are we ready to read it? David, Jack and Pat, are we ready to read the motion? We're not quite ready to read the motion. We need to put two things together. While that's happening, is there further discussion on the motion? David, is that all right? Pat?

MR. BORDEN: Acceptable, Mr. Chairman.

CHAIRMAN COLVIN: I will read the motion, then we'll take the question: Move to approve the document as revised by the discussion today for public hearing purposes and to include an Issue 6 to address the need for collection of biological data.

Is there a caucus time needed? All in favor, please signify by raising your right hand, one vote per state; opposed, same sign; abstentions; null votes. The motion carries.

Now, just in terms of process, we have passed a motion which authorizes staff to make some changes to the text, some additional text material based on the record of today's discussion.

My expectation is that relatively quickly the PDT will complete that task and share their revisions with the members of the board by e-mail and fax on a short turnaround for confirmation that the text meets our needs.

As Carrie has indicated, we're on a short time table between now and November, and I would expect that we'll be in a position, hopefully, to respond just within a couple of days to what comes our way so that we can get on with the process of scheduling hearings.

One of the things I will emphasize is that the hearings on the PID will be at the request of the states, and this is a management program for which we do not have an unlimited budget and for which we do not have an unlimited staff.

We have a staff person, and we have lots of states participating in the management program. It's unrealistic, I think, to expect that we could afford to have Carrie attend hearings in every state.

Particularly, those states that have PDT members can arrange for some alternative staff support for public hearings. I just wanted to highlight that up front.

Of course, now I am going to ask you all to put members on the PDT, but that's the price of doing business and we all know it. Let's go quickly to an update on the Weakfish Advisory Panel.

Review of Plan Development Team Membership

I'm sorry, I skipped over the review of the PDT membership. Can we just review who is on it, now? As I understand it, Carrie, of course, is the staff coordinator and chairs the PDT.

The other members are Alice Webber from New York, Lou Daniel from North Carolina, Jim Uphoff from Maryland, John McClain from New Jersey at the present time, and we've had a new member from Florida that has been nominated today. Who is that, Ken?

DR. KENNETH HADDAD: Andrew Strelcheck.

CHAIRMAN COLVIN: And we thank you. I see the Fish and Wildlife Service is indicating -- can you spell that for Joe, please?

DR. HADDAD: I don't know that I can spell it, either. Andrew Strelcheck, S-T-R-E-L-C-H-E-C-K.

CHAIRMAN COLVIN: Bill.

DR. HADDAD : I will correct that later.

CHAIRMAN COLVIN: The Chair recognizes Bill Cole.

MR. WILLIAM COLE: Thank you, Mr. Chairman. Our previous representative is no longer with us. I am going to get killed for this tonight, but I will suggest Dr. Wilson Laney will be glad to help.

CHAIRMAN COLVIN: Is he here? Hi, Wilson. Thank you so much, once again you've bailed us out. Thank you. Carrie will now update us on the Weakfish Advisory Panel.

Update on Weakfish Advisory Panel

MS. SELBERG: At the October meeting week, the LGAs met to discuss the advisory panel process and they talked about improving the advisory panel process, in general.

Many discussions have come from that, but one of them is that weakfish was chosen as a pilot program in order to improve this process.

Some of the reasons that weakfish was chosen is it's almost a coastwide species. We're undergoing an amendment process. The advisory panel had not been very active in the recent past.

In December a group of LGAs, as well as advisors, met and talked about the advisory process, in general. We also spent some time brainstorming things that we could do specifically with the Weakfish AP.

Some of the specific suggestions that came out included revisiting the Weakfish AP membership, making sure that the right people were on there and that those people were interested in dedicating the time necessary to be on the advisory panel; improving communication between the board and the AP, between staff and the AP, between the Technical Committee and the AP; revising the meeting schedule to make sure we got the proper input into the process; encouraging the active involvement of LGAs with the Weakfish AP; also making sure that the Weakfish Board provided clear

direction to the AP as far as what kind of input was needed for the board to do its job.

I just wanted to give an update to the board on what we've done so far since that December meeting in order to implement some of those ideas.

In the communication field, I sent what I call my "kickoff letter" to the advisory panel. I have had this scheduled for 2002: Technical Committee meetings, board meetings, AP meetings so that they knew what was going on, what current activities were going on.

I did introduce myself, because I have not met with the AP yet. I was also making sure that the members were still interested in serving on the Weakfish Advisory Panel and asking if any of them were interested in being Chair.

I will be working with Gordon Colvin and the new AP Chair to ensure that the board clearly outlines what kind of input is needed from the AP.

Back to the Chair, the reason that we're rolling the Chair is that Ernie Bowden has been an excellent Chair of this Weakfish AP for a long period of time, but we have tried to roll those about every two years.

He has graciously offered to do it term after term after term, and we thought it was time to let him sit back and enjoy being a member of the panel without having the responsibility of being the Chair.

He currently still is our Chair, and at the next meeting that will roll over. I do want to let you know that we have revised the Weakfish AP schedule. In May, they will be meeting during the meeting week.

They will be meeting on their own as well as having the opportunity to attend the board meeting. In August they will have a conference call to discuss the recent board meeting and to encourage them to attend public hearings. In October, they will have a face-to-face meeting outside of meeting week to gather input on the draft amendment.

As far as membership, we have asked commissioners to review the attendance and membership for the advisory panel. Based on that, we do have a nomination for one new advisory panel member.

CHAIRMAN COLVIN: David Cupka, I

recognize you with the respect to the motion on the new AP member.

MR. CUPKA: Thank you, Mr. Chairman. We did review the attendance record, and the gentleman we had on there before was a member of the commercial shrimping industry that we put on there with the initial plan development with the bycatch concerns in the Shrimp Fishery.

Now that we've gotten away from that, we want to put somebody else on there. We're recommending Mr. Fred Kinard, and everyone should have received a nomination form on him.

Fred has been very active serving on an AP with the South Atlantic Council on habitat issues and I think he would be a good addition to the AP, Mr. Chairman.

CHAIRMAN COLVIN: A motion to approve by Dave Cupka; second to the motion by Pat Augustine. Is there objection to the motion? Let me back up first. Ernie, would you like to add anything to the AP Report since we have you here today? I am not going to say good-bye yet because I have seen these things turn around. I am going to wait until next time.

MR. ERNIE BOWDEN: I am ready to go. No, really we haven't had any meetings. We've made a conference call. Last year was the last meeting we had. There were only four or five members that were involved in the call.

That's how I felt before we had the call, that you weren't going to get any participation. It's hard to get participation at a face-to-face meeting. Really, I have nothing to add to it. Most of the people that are on it are long gone.

CHAIRMAN COLVIN: Thank you. I think just one piece of recommendation I would have for everyone is that we are really trying to make the AP process work well through the development of this amendment.

I guess it would be helpful if as many of the board members as possible -- and I don't just mean the state directors, I mean all the board members -- found an opportunity in the next month or so to talk to their state AP members about what we're trying to accomplish here using the Weakfish Amendment 4 as a case study,

if you will, in improving the participation of the advisory panel in the FMP amendment process and urging them to communicate as openly as possible with each of their state board members and to ask any questions they want to ask and to be in touch with Carrie and the PDT with anything that's on their mind so that we know what they're thinking and what their needs are as we try to enhance this process. I really would ask you to do that.

The last agenda item is an update on the North Carolina Flynet Fishery Proposal. That's coming from Anne.

Update on NC Fly Net Fishery Proposal

MS. LANGE: Thank you, Mr. Chairman. Basically, after substantial review within the agency, we have denied the proposal from North Carolina for their Flynet EFP south of Hatteras, primarily for concerns about the current status of the stock.

Although that was not the final issue or the primary issue, it was one of the issues. We were concerned about the actual setup of the experiment as far as whether or not it would result in actually scientific data that would for one way or another actually show that the gear could fish efficiently and avoid small weakfish, or release small weakfish.

One of the primary reasons was the cap that was put on the fishery, which we agree, was important so that it wouldn't be a large fishery.

The problem was that the way the gear fishes, it could potentially take that in two or three tows. As a result you would have two or three samples or datapoints to evaluate whether or not the small weakfish and other species were released.

So there was a question as to whether or not there was scientific merit to the way the proposal was put together. Again, I realize that part of that was a cap that was recommended by the Technical Committee.

Another issue that we had regarded TEDs. The original biological opinion that was implemented relative to the closure said that NMFS needed to develop a prototype TED for the flynet. NMFS has done that but has not had any success in getting it tested in the flynet gear.

Another issue was whether or not there was a need at this point to fish south of Hatteras. One of the concerns was that the flynet gear has not been -- there have been

no samples available from the current fishery as it has been fishing with a larger mesh net in a regulated fishery north of Hatteras.

We have no size samples, no specific data to show whether or not the net fishes cleanly and does, in fact, release small weakfish. Those were pieces of information that were not included in the proposal, and as a result it was really difficult to evaluate what the impact of that gear would be south of Hatteras.

Again, since the area is open north of Hatteras, we felt that information from that area would be important in making a decision, and we didn't have that data. Any questions?

CHAIRMAN COLVIN: Thanks, Anne. Pres.

MR. PATE: Thank you, Mr. Chairman. I am not going to provide any great amount of detail to what our response will include. Obviously, we are going to respond to the denial because the text of the denial did raise some issues that are important to us and, certainly, should be important to the board because it gets into the realm of interpretation of the plan.

We think there have been some misinterpretations there that led to an erroneous conclusion by the Service resulting in the denial. So in fact, we're in the process of preparing the response now, and I will send a copy of that to the board once it's completed. And we'll be asking them to reevaluate their decision.

CHAIRMAN COLVIN: Thanks, Pres. At this point, it would appear that we've concluded the business of the Weakfish Board. Is there anything further? Motion to adjourn. Without objection, thank you.

(Whereupon, the meeting adjourned at 5:45 o'clock p.m., February 20, 2002.)
