

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

July 19, 2001
Quality Hotel & Conference Center, Arlington VA

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Attendance:

Board Members:

Gordon Colvin, NY DEC
Bill Adler, MA Gov. Appointee
Paul Diodati – MA DMF
Vito Calomo, proxy for Rep Anthony Verga
David Borden, RI DEM
Ernie Beckwith, CT DEP
Pat Augustine, NY Gov. Appointee
Bruce Freeman, NJ DFW
John Connell, NJ Gov. Appointee
Assemblyman Jack Gibson, NJ
Andrew Manus, DE F&W
Howard King, proxy for Eric Schwab, MD DNR
AC Carpenter, PRFC
Jack Travelstead, proxy for William Pruitt, VA MRC
Preston Pate, NC DMF
Damon Tatem, NC Gov Appointee
Susan Shipman, GA DNR
Ken Haddad, FL FWC
Anne Lange, NMFS
Bill Cole, USFWS

Ex-officio members:

Des Kahn, Technical Committee Chair

Members of the Public:

Rob O'Reily
Dick Schaefer
Louis Daniel
Tom Fote
Dick Brame
Michael Doble

ASMFC Staff:

Mike Lewis

ASMFC Weakfish Board
July 2001 Meeting

Summary of Motions

Motion for the board to endorse the characterization study for submittal to NMFS. The experiment will be terminated once 175,000 pounds of weakfish are caught or if undersized weakfish make up over 10% of a cumulative monthly catch of weakfish by number in 2002. The possession of any red drum and striped bass will be prohibited.

Motion made by Mr. Pate, second by Mr. Carpenter; motion carries.

**ATLANTIC STATES MARINE
FISHERIES COMMISSION**

Weakfish Board

**Quality Hotel and Conference Center
Arlington, Virginia**

July 19, 2001

The Weakfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room of the Quality Hotel and Conference Center, Arlington, Virginia, July 19, 2001, and was called to order at 8:00 o'clock a.m. by Chairman Gordon Colvin.

CHAIRMAN GORDON COLVIN: Good morning. Welcome to the meeting of the Weakfish Management Board. Staff is distributing a revised agenda. It's a little different than the one that was on CD; and while that's going around, I'm going to ask Mike to call the roll.

(Whereupon, the roll call was taken by Mr. Michael T. Lewis.)

Approval of Agenda:

CHAIRMAN COLVIN: Thank you. If you'll refer, please, to the revised agenda that was distributed this morning, I've been asked to add one other item of new business by Jack Travelstead, and I told Jack that we would get to it if we had time.

I can't make any promises because we don't have a lot of time this morning. I believe that item had to do with the prospect for retaining bycatch on croaker trawls. Jack.

MR. JACK TRAVELSTEAD: It's an issue of tolerances on the minimum size in the trawl fishery. It shouldn't take more than ten minutes to discuss, I think.

CHAIRMAN COLVIN: Like I said, Jack, no promises. Lewis told me the item ahead of it was only going to take five minutes, too, and I did promise Lewis

that if he stuck around, we would get to it.

Are there any other requested modifications to the agenda? Seeing none, let's proceed. The next agenda item is public comment. Is there any public comment at this time, recognizing that we will entertain public comment on agenda items as they arise? Mr. Adler.

Approval of Minutes:

MR. WILLIAM ADLER: I just wanted to make a motion to approve the minutes.

CHAIRMAN COLVIN: Did I go right by that? I didn't finish this cup of coffee yet this morning. I'm glad somebody is awake around the table. Thank you very much.

We have the minutes of the October 18th Weakfish Board Meeting. Bill Adler has graciously moved; Pat Augustine seconds. Is there objection to the motion? The minutes stand approved. Thank you.

We then arrive at Item 5, I think, the Technical Committee Report. Good morning.

Technical Committee Report:

MR. DES KAHN: This is my first meeting as the Technical Committee Chairman. I took over from Jim Uphoff at last year's annual meeting. We had a recent meeting at the end of May in which we discussed quite a few items that the Board had asked us to review, basically looking towards the new amendment.

However, we also had a couple of issues brought before us by representatives of different agencies. One was the Potomac River Fisheries Commission. A.C. Carpenter and Chris Haggar from VIMS presented information about a bycatch reduction device they've developed for the pound net fishery in the Potomac River.

These are plastic panels, and they're designed to let undersized weakfish escape the net; and also, they've been elaborated to allow undersized summer flounder to escape. This fishery is a multi-species fishery.

It operates pretty much a large part of the year. They have a closed season for weakfish, so they have to discard, and there is quite a bit of discard mortality.

But with the bycatch reduction device, they feel that -- the data they presented is persuasive -- they'll be able to reduce bycatch and discard mortality quite a bit, and this is highly commendable. The committee was very welcoming to this development, and we understand that the original impetus came from the commercial pound net fishers.

This does save them culling work and the Potomac River Fisheries Commission has developed an incentive to -- as I understand it, they currently do not allow pound netters the 150 pounds of bycatch that they're allowed under Amendment 3.

As A.C. Carpenter presented it, they will allow anyone who uses these bycatch reduction devices to enjoy this 150 pound bycatch allowance. Of course, those would be legal size fish.

Many or most of the sublegals would, hopefully, be able to escape through the bycatch reduction device. He was discussing the possibility of doing some kind of season extension to compensate or as an incentive for this device, and Jim Uphoff from Maryland volunteered to examine this issue with him, looking at the effects on spawning stock biomass.

So, there may be some developments in the future on this. Second, the North Carolina flynet experimental fishing proposal was brought before the Technical Committee. We spent a fair amount of time on this.

The primary question explored by this proposal, as I understand it, is whether to change to larger mesh nets, as required under Amendment 3, would render the flynet fleet capable of harvesting weakfish in the area south of Cape Hatteras without the large catches of sublegal weakfish that occurred there in the past.

In the past, the fishery south of Hatteras, approximately 92 percent of the fish were less than 12 inches, according to Dr. Louis Daniel. He gave us a lot of information on the proposal.

So, the mesh size will again be 3-3/4 inch diameter, 3-1/2 inch square mesh. This is a fairly rigorous proposal. There will be outside observers on board for each trip, as expounded in the proposal.

There is a plan to run two trips per week, I believe, from January 15th to April 1st, which is the traditional season for that fishery. It's fishery on the overwintering aggregations off the Hatteras area.

The idea is that every tow's catches will be unculled and stored on board, either in the hold or on deck, and that when the vessel returns to the dock, Division of Marine Fisheries personnel will sample the

unculled catches.

They will take length frequencies and the proposal states that the study would be terminated if any cumulative monthly sample yields more than 10 percent undersized weakfish. So, this was a very strong point in our view.

Now, since our meeting, one member has pointed out that the proposal does not specify whether this is 10 percent by number or 10 percent by weight, and it is true that small fish -- there could be a lot of small fish for a given weight compared to legal size fish, but that may be worked out.

We limited our discussion to the implications for weakfish; however, the proposal does specify that up to 30 red drum or striped bass will be retained per tow, and it's unclear exactly the purpose of this.

It is prohibited, currently in the EEZ to possess either of these species. This may be something that the National Marine Fisheries Service or possibly the Commission will have some discussion of, anyway. Now, one thing it's important to understand this gear, as Dr. Daniel explained to us, this is a very large net, a flynet; whereas a conventional trawler, the net opening might be 40 feet by 6 feet high, a flynet opening is 20 to 25 feet high and 80 feet wide.

They are capable of harvesting up to 100,000 pounds in one tow, according to Dr. Daniel. They also do not employ turtle exclusion devices, which may be an issue as there are turtles present in this area, according to some data.

In light of the fishing power of these vessels, the committee was concerned that the proposal could increase the fishing mortality imposed on weakfish, even as an experimental proposal.

Therefore, we approved the proposal on condition that a landing cap of weakfish be in effect. Our cap was based on approximately 10 percent of the most recent landings by the state of North Carolina. So we set the cap at 175,000 pounds.

If these poundage is reached, the experiment must be terminated for the year, according to our motion of approval. Second, the state of North Carolina will do a full report after the first year to the committee to determine if continuation is warranted.

Now, I did a quick calculation. If there were 175,000 additional pounds of weakfish harvested, and if they were in the fully recruited age group, that is age four and five weakfish, then fully recruited F would increase by about 2 percent.

So, it would not be a major impact. Now, on the other hand, probably in fact many of those fish

could be less than age four or five, which would not affect the fully recruited ages, but it could have a greater effect on the younger fish in terms of total number removed.

So, the proposed study seems to us to be a good approach for gear characterization -- a quantitative gear characterization study. The qualifier to that, of course, is that the captains of the vessels will be selecting the areas to fish.

There will be an observer on board; and if there were no observer on board, behavior could be different. However, we feel the study as specified is rigorous, and we approved it with the cap I specified.

The third point I'd like to -- getting back to the agenda items that the Board had actually had for us to review, one point that I think has been presented before, but the reference points that we're suggesting, and I know Jim Uphoff has presented them; just to review them quickly, we recommend that instead of just one target and overfishing combined reference point, as in Amendment 3, which is $F = 0.5$, we recommend a separation where the target reference point would be a lower fishing mortality than the overfishing threshold.

So, just to review, the target we recommended is $F = 30$ percent of spawning stock biomass and that is 0.31, and the overfishing threshold is $F = 20$ percent, which is 0.5.

Then, we also developed a biomass overfishing threshold, which is not currently in the amendment, and that would be 14,400 metric tons.

Currently, the spawning stock biomass is estimated by VPA as of 1998, which was our latest year, to be 30,000 metric tons or more, so more than twice the threshold we're recommending.

Okay, an item we covered that I don't think has been covered is the commercial reference period. As you know, in the past the committee has recommended a recreational reference period be changed from the present one, which is in the early '90's, back to a time when we had a more extended age structure and size structure in the stock, and we're recommending 1981 to '85 for the recreational.

We also recommend the same reference period for the commercial regulations. There's a separate reference period for each component of the fishery. In the early '90's, it was 1990 to '92 for most states.

For New Jersey and Delaware, it was 1989 to '91. This was the period when the stock was overfished. The age structure was truncated, and the VP estimate of spawning stock biomass for this period

ranged between 5,000 and 10,000 metric tons, which now we're over 30,000.

So, that was under our overfishing threshold recommendation by quite a bit. So, percentage of age six-plus weakfish during the current reference period was close to zero.

The stock is now recovered and the closest to an equilibrium, or recovered stock, in the data available is the period 1981 to 1985, and we recommend that as the commercial reference period.

However, I should point out that in the VPA, the SSB estimates from this period, which we're recommending are higher than 1990 to '91, but they're still below the recommended threshold of 14,400 metric tons.

They're roughly around 10,000 metric tons on average, so that we still have a smaller stock, but it's the best data available. So that's one point.

Second, commercial regulations, this was an issue the Board wanted us to look at for the new amendment. The committee foresees situations where the states may want to revise their commercial regulations.

For example, they may want to change their seasons, and we need to have a flexible methodology to allow them to do so. So, currently Rob O'Reilly from Virginia and Vic Crecco from Connecticut are working on this.

They're looking at the 1981 to 1985 period, the data available in that period, and they're trying to -- we want to develop flexibility and incentives for states to raise their commercial minimum sizes -- as you know, it's now 12 inches -- and also to reduce their bycatches.

The Potomac River Fisheries Commission is a good example. One idea for this approach is to base it on spawning stock biomass per recruit, somewhat as conservation equivalency is now with recreational regulations.

Secondly, we need to complete our review of the gillnet selectivity work done by the U.S. Fish and Wildlife Service. We have not done so as a Committee. We've had very few meetings over the last year or two.

The next point was the bycatch allowance. This was an issue in the PID. There was some sentiment on the committee for liberalizing bycatch, but the majority seemed to have reservations.

One problem is that we currently do not require states to report bycatch. The committee would like to see some good hard data on the current bycatch

levels.

Several members had reservations about changing regulations until we know the current amount of bycatch. We would like to see reporting of bycatch by gear. Bycatch is an issue particularly in Virginia and North Carolina.

They have small mesh multi-species fisheries that go on most of the year, targeting fish like kingfish, spot and croaker, and weakfish are a bycatch in these fisheries.

In the closed season for weakfish, they must be discarded and there's regulatory discard mortality at a relatively high level at times. So, this is part of the impetus for reexamining bycatch. Some people wanted to liberalize it.

Other people were not so inclined. So, we really feel that it would be good to require more vigorous reporting. One member suggested that commercial hook-and-line fishers be allowed bycatch. Currently, that's prohibited.

In Maryland, this component of the fishery, their hook-and-line fishers have reported bycatch, which is a little surprising, but the issue with bycatch, first off, is discard mortality.

If the fish can be released and survive, there's not as much incentive to allow bycatch in a closed season; and with hook and line, there is a relatively low discard mortality. So, there seems to be a weak rationale for it, at least to myself and some other members.

Also, if they're allowed -- if hook-and-line fishers are allowed 150 pounds a day, that, I think, is a good day's catch for a hook- and-line fisher, so, in effect, there would be no closed season for them. So, those are some of our thoughts on the bycatch issue.

Now, the Board asked us to examine de minimis status, and I believe this partly came from the Plan Review Team, which had reported this should be looked at. The committee could see no technical issues involved with the definition of de minimis.

We feel it's a policy decision. Currently, South Carolina, Georgia and Florida claim it. They all voluntarily adhere to the recreational regulations, although they are not required to do so.

Currently, several New England states, Connecticut, Rhode Island and Massachusetts, could claim de minimis under the plan, and they would not be required to adhere to bag and size limits.

Hopefully, they would do so if they did claim de minimis, but that is a concern for some people, due to the perceived migratory pattern where larger fish

travel north.

The natal homing issue, recent research suggests that at least two- year-old weakfish tend to be found in their natal estuary, which suggests that we have various spawning stocks along the coasts.

However, again, how does this match with the idea that older weakfish are believed to migrate north? The committee felt there is more data and clarity needed on this issue before it would be suitable for management action.

The study will be continued, following the same year class as they grow and age, so that, hopefully, we'll be able to get a lot of good information about what the weakfish are doing. In the future, we may want to look at this from a management point of view.

Of course, if there are separate spawning stocks, then they still would migrate to overwintering grounds where they would aggregate off of primarily Virginia and North Carolina. So, they still would be a coastal aggregate at least some points in the year.

On assessment timing, the stock assessment subcommittee will be updating the VPA through both 1999 and 2000 this summer. The 1999 update is ready to run and the 2000 data will be assembled shortly and we want to focus on keeping assessments in a more timely fashion.

We have a new vice chair. We inquired to several committee members about serving. Two of them are going to retire shortly, Dr. Charles Winter of South Carolina and John McClain of New Jersey, and other candidates were too busy.

Jim Uphoff of Maryland volunteered as vice chair and his offer was gladly accepted. I understand Jim has had an emergency operation in the last week or two and I hope he recovers quickly.

On the issue of retirement, Dr Winter's retirement will leave a gap in our data generation process because he has been a real work horse.

He is currently been aging about 1,500 otoliths a year from the NMFS survey, the SEAMAP survey, which are both major tuning indices for us, and also from some states, and we are concerned how this work will be continued in the future. I believe that's it.

CHAIRMAN COLVIN: Thanks, Des. Are there questions about the Technical Committee report? A number of these issues that the Technical Committee has reviewed will come up later on our agenda. A.C.

MR. A.C. CARPENTER: Mr. Chairman, I'd like to express our appreciation to the Technical Committee for letting a couple of non-scientists come in the room and talk to the gentlemen.

They were very gracious and we think that we can work with Jim Uphoff and Rob O'Reilly and come back with some concrete information, but they were very polite to us and we appreciate that. Thank you.

CHAIRMAN COLVIN: Thanks, A.C. Bruce.

MR. BRUCE FREEMAN: Thank you, Mr. Chairman. Des, relative to the Potomac River proposal, you describe what they ask for. Was there any action taken or is there actions needed by this Board?

MR. KAHN: There was no action in that we did not make any motions. They did not ask for anything at this point. They wanted to inform us, and basically what they're proposing to do at this point is completely within the confines of the plan. They're going to institute the bycatch allowance as an incentive for installing bycatch reduction devices.

CHAIRMAN COLVIN: And, Bruce, presumably, if that were done, it would be part of what the Commission would include in their annual report to us and we would be on notice in that fashion.

MR. FREEMAN: So it's really one of information then at this point? They're just informing us what they intend to do?

MR. KAHN: Well, they would like to explore the possibility of some kind of possible season extension as a result of this or sort of as a tradeoff in the future, and that's what Jim Uphoff and maybe Rob O'Reilly are going to be working with them on, I believe.

MR. FREEMAN: Well, as I understood, and, A.C., chime in here, as an incentive for doing this, the vest of the pound nets now are not allowed any bycatch, but if these panels were installed, as I understand it, they would be able to catch the 150 pound a day bycatch allowance. Is that the incentive or are they looking for a season extension in addition to that?

MR. CARPENTER: The 150 pound bycatch, under the plan, is allowed right now. That's already on the books. Our Commission has not granted that 150 pound bycatch up to this year.

This year we allowed that exemption for pound netters that have the panels installed. Ultimately, what we're trying to do is get all of the pound netters to install these things and then work with the scientists to try to arrive at a longer season because these culling devices are going to be in there year round.

Many small fish that would otherwise -- well, that are killed during the open season, but aren't allowed to be retained, would be surviving.

MR. FREEMAN: Okay, so right now what you're saying is the Commission has the authority to put in the 150 pound allowance, which you are doing for those who have it, with the ultimate determination of monitoring this and then coming up with some other possible season extension, which then would have to go before the Board; is that correct?

MR. CARPENTER: Yes.

CHAIRMAN COLVIN: And I think, Bruce, that we'll see that the issue of incentives, generally, is likely to come forward from the PDT and possibly the Technical Committee as an issue for further development in Amendment 4.

MR. FREEMAN: No, I certainly think it's a good idea.

MR. CARPENTER: Bruce, if I may, these things work and they work very well. They're also designed to let small flounder out, and we have a lot of small flounder in the river. So, it's a two-barrel deal for us. It is not only weakfish and flounder, but anything, small croaker, small spot go through these things.

MR. FREEMAN: A.C., just for my information, these are plastic cull panels; is that what this is, circular?

MR. CARPENTER: Actually, they're about 12 by 12 panels. It takes eight of them to a net, two in each corner. There are, I think, 15 rings at the top of it and six slots at the bottom with rings for roundfish and slots for the flat fish.

I'll bring some at the next meeting to show everybody. We passed them out at the Technical Committee, but I'll bring a supply here the next time.

MR. FREEMAN: Just a quick comment. I like the

idea and I think, as you do Gordon, these things we need. This regulatory discard issue is becoming more and more critical, and to have industry working with their scientists to find ways to reduce this is absolutely the way we need to go.

CHAIRMAN COLVIN: Thank you. Pat.

MR. PAT AUGUSTINE: Thank you, Mr. Chairman. I would like to go back to the TC approving the North Carolina experimental flynet study.

CHAIRMAN COLVIN: Can I cut you off right there?

MR. AUGUSTINE: Sure.

CHAIRMAN COLVIN: That's going to come up later on the agenda. If you have a question for Des, please, but the discussion of this issue will be deferred until 7A.

MR. AUGUSTINE: It wasn't discussion, it was a question. How often and how many trips were we talking about doing on a monthly basis?

MR. KAHN: I believe it's -- I have the proposal here. It's two per week and I think there was a total of 32 per year at that rate.

MR. AUGUSTINE: And then one final question. You said by number and year -- let's see -- undersized weakfish make up over 10 percent of the cumulative monthly catch of weakfish by number in 2002. Is there an assumption that this experiment will be a multi-year?

MR. KAHN: Well, it's proposed for two years originally. The proposal is for two years.

MR. AUGUSTINE: And it would commence in 2002?

MR. KAHN: Yes, if it's approved, you know.

CHAIRMAN COLVIN: Other questions for Des? Bill.

MR. WILLIAM GOLDSBOROUGH: On the same topic. Des, did the committee discuss random sampling as a possible approach for that study instead of allowing captains to decide where to fish?

MR. KAHN: We did not.

CHAIRMAN COLVIN: Susan.

MS. SUSAN SHIPMAN: Was this study referred over to the Striped Bass or Red Drum Technical Committees?

MR. KAHN: I don't believe so, but I understand it has to be approved by the Commission,

and I'm not sure exactly which bodies, and also by the National Marine Fisheries Service.

PID Review:

CHAIRMAN COLVIN: Some of these questions Louis may have answers to later. Are there any other questions for Des on the Technical Committee report? Thank you.

The next issue we're going to take up is a review of the draft PID for Amendment 4. I want to just kind of set the stage for this a little bit with some introductory remarks, and I ask the Board's forbearance a little bit here.

Recognize, please, that we're in a transition in the Weakfish Management Program and that this is the first meeting of this Board that's been convened both by our current FMP coordinator and our Board Chair.

So, we both are still -- and I think Mike is a lot farther up than I am, but we're still on the learning curve here; and as a consequence, we're trying to still get ourselves as organized as we'd like to be.

But one of the things that we both observed is that there are some uncertainties in our mind as to the historic record and the Board's intent with respect to Amendment 4, and I'll come back to this after Mike's presentation.

But I'd like us to give some thought to the issue of just how comprehensive an amendment are we talking about here and are we simply talking about a course correction, a course adjustment, some changes to reference points, the maintenance of the basic management program, or are we talking about a comprehensive start- from-scratch management plan amendment.

In our minds that is not clear and we hope to address that issue later this morning. With that, Mike is going to update us on the development of the PID.

MR. MICHAEL T. LEWIS: Thank you, Mr. Chairman. The PDT is really, at this point, not of one mind with regard to the development of the PID.

People really aren't entirely sure about the level of development necessary for use in the public information document, not entirely sure where to draw the line between the PID and a draft amendment and all sorts of things.

So, what I'd like to do is just show you where we are at this point and we're hoping for some direction from the Board as to what to do next.

The first issues I'm going to have up here now are things that you all have approved already and were not modified in any way by the Plan Development Team.

The first issue in the PID is with regard to reference points, and Des was kind enough to go through those fairly quickly for us in his presentation.

As of now, the no action would be an F target and F threshold of 0.5, and you all approved the possibility of going to an F target of 0.31 and an F threshold of 0.5 with a standing stock biomass threshold of 31.8 million pounds.

That is the Technical Committee's recommendation; and again, that was approved by you as a possibility. I believe the date was in October of 2000.

The other issue, Issue 5 that was not altered in any way by the Plan Development Team, is recreational creel limits. Right now it is, of course, coastwide and F target and threshold are both at 0.5.

There's a list of combinations of these issues and combinations of these possibilities as Issue 5 in the PID. So, if you want to follow and look at those to refresh your memory, that's there.

I'm not going to go through them now because that would take us quite a long time. There are, I guess, seven or eight different options listed, but they're there for your perusal; and again, they were approved by the Board in October of 2000.

Issue 2 in the PID is something the Technical Committee and the Plan Development Team discussed, although not at extreme length. It was just something that was proposed and we felt we might want to bring by the Board, just to give you an opportunity to look at it.

I understand it has been brought before the Board before, and it was not looked favorably upon at the time, but adopt a management program based on annual quota.

That was something that people wanted to toss around to see what you all thought about it and to see if it required further development or if there just wasn't any interest on the part of the Board going in that direction. No action, of course, is to maintain the current system.

Issue 2 are bycatch allowances and non-directed fisheries. Again, Des discussed that a little bit.

There were a couple of different options tossed around by the Technical Committee and Plan Development Team to increase allowable bycatch to a possible maximum poundage of 300 pounds, but the Plan

Development Team and Committee were both very adamant about it not exceeding 50 percent of the directed catch.

Another option tossed around was no allowable bycatch, whatsoever. That was put in there as kind of an extreme option. No action, of course, is the current 150 pound possession limit for non-directed fisheries, with the exception of the shrimp and commercial hook-and-line fisheries.

Issue 4, reference periods for recreational and commercial fisheries, again, Des did discuss this at some length in his presentation.

The recreational has already been approved by you as a possibility for inclusion in Amendment 4; however, the commercial, again, has not been and so we wanted to put that up there as a possibility.

The Plan Development Team was not comfortable with setting a date, an actual reference period, for the commercial fishery at this point and so we talked about just specifying a period more representative of an equilibrium condition.

No action, of course, is 1992 to 1994 for recreational and '90-'92 for all states, aside from Delaware and New Jersey, which use '89 to '91.

Finally, we have Issue 6, which is Table 2. I distributed a copy of Table 2 to refresh everybody's memory. Right now it's based on the old VPA and there have been some changes to the system that make Table 2 no longer applicable.

Historically, we use scale aging techniques and we've gone to otolith, as I'm sure all of you know. That certainly is a compounding factor for using the current Table 2, and then the previous VPA accounted for fish from age zero to seven plus, whereas the current technique includes fish from one to six plus.

To remedy this situation, there were a number of different options tossed around by the Plan Development Team. One was to revise Table 2 based on the current VPA. Another would be using the MRFSS length data.

That was not met with a whole lot of approval by the members, but that was something that we wanted to include as a possibility.

Another is to adopt an alternative to Table 2, which expands the cohort under constant recruitment. This would provide managers with an ability to estimate percentage of fish above a certain age.

That is, if F of 0.31 was applied, then you could use that to estimate the percent of fish above age six plus, for example. Another is just simply add one age group or year class annually.

It's a very, very simple approach.

Another is to not include Table 2 at all in Amendment 4 and just continue as we are now. There were some other issues that were not included in the PID, but were things that the Plan Development Team wanted to bring before the Board for possible guidance if time allows.

One is fairly important, which is the absence of clearly defined goals for Amendment 4. The Plan Development Team does not have a list of goals approved by the Board that need to be addressed and that was something that certainly gave us some trouble as we were talking about the development of the amendment.

The Board's interest in providing incentives for bycatch reduction was something else we talked about. Des discussed the bycatch reduction panels that are being used by the Potomac River Fisheries Commission, and we thought that was a pretty great idea and wanted to discuss the possibility of having incentives just like the PRFC is using with allowing their 150 pound bycatch.

Another issue that the PDT was talking about was the specific management measures that will be taken in the event that fishing mortality exceeds F target and F threshold.

There's always talk about there being some kind of change made or some kind of management measures taken, but those are not often specified, and we were hoping to get some Board direction on that point.

Finally, I did distribute a paper by Jim Uphoff involving the acceptable probabilities of exceeding fishing mortality targets. He gave a presentation to the Board, I believe it was the last meeting, or excuse me, the meeting before last, just on this paper and the concept.

I just wanted to refresh everybody's memory on that and to know that that was still an option that the PDT is interested in exploring. That concludes my PDT presentation, Mr. Chairman.

CHAIRMAN COLVIN: Thanks, Mike. If I can, Board, I'd kind of like to say a couple of words about where I think we are based on my discussions with the PDT and my review of their report and to set the stage for our discussions.

This, I think, is helpful to me in terms of seeing how things have developed and it may or may not be helpful to some of you, but please bear with me.

We've been managing weakfish for some years under a plan amendment that includes defined goals and objectives that were duly adopted in the fishery management plan development process.

From those goals and objectives flowed essentially two major, two principal biological reference points for management, a target fishing mortality rate of 0.5 and a stated objective to achieve a population age distribution that reflected a historic condition that had existed prior to the time that the management program was instituted and was reflected at the time of adoption by what we refer to affectionately as Table 2.

Over time, conditions of the stock -- well, let me back up. In order to reduce fishing mortality, which at the time Amendment 3 was adopted, vastly exceeded the target fishing mortality rate.

The states imposed commercial restrictions that essentially were designed to proportionately reduce fishing mortality by establishing minimum lengths and closed seasons in commercial fisheries or conservation equivalent alternatives such as area closures and combinations of creel limit, size limits, and season closures in the recreational fisheries consistent with tables that were specified in a detailed evaluation manual that was provided for the program.

That was basically our program, to proportionately reduce exploitation until we achieved a fishing mortality rate target of 0.5 and to persist in that program until the population age structure conformed to Table 2.

The last stock assessment indicated that the fishing mortality rate had fallen below 0.5; and while there was some disagreement on the part of some of our Technical Committee members with the final conclusion as to the actual fishing mortality rate that was published in the assessment, there was no dispute to the issue that it had dropped dramatically and probably to or below our reference point.

There was further discussion of whether the Table 2 reference point had been achieved and we've basically been unable to reach a definitive conclusion because of the situation that Mike alluded to in terms of the change in the aging method. We still don't really know.

Nonetheless, based on the fact that mortality had dropped as it had, the Board decided to embark on the development of a management plan amendment to reflect the opportunity to make changes in the fishery consistent with improved utilization of a stock that was approaching, if it had not already attained, our

rebuilding biological reference point targets.

What we did not do at that time, I don't think, based on what I see in the record in front of me, was provide clear direction to the staff and the PDT with respect to the nature of the amendment.

I contrast this with what we have done with striped bass, for example. In the case of striped bass, if you all recall from yesterday's discussion, we basically have started from ground zero, revisited our goals and objectives in our management program from scratch.

We did not do that in this instance. It's implicit, I think, in our record that we are incorporating essentially the goals and objectives of Amendments 3 and 2 and moving forward with fine tuning of the fishing mortality reference points, potentially the stock age distribution reference points and some of the management measures, such as the recreational creel limits and size limits.

I think it's appropriate at this point, particularly with the uncertainty and concern that has been expressed by the PDT, for the Board to take a minute and discuss the issue of how comprehensive and basic a plan amendment are we talking about here, and should we be taking a slight, small step backwards and revisiting the issue of management plan goals and objectives so that we're quite sure what we're doing.

One definitive example that I'll give you, as I said, our current management program has essentially two reference points, a fishing mortality target that was originally designed to be a stock rebuilding target and a population age structure.

Up until now, most of the discussion with respect to the second of those has simply been to focus on converting the information that was in our prior population age structure reference point to an updated one based on the current aging technique.

Rather than reasking the entire underlying question, do we want to have a reference point that's based on population age structure at all.

In the case -- if we were doing a comprehensive management plan amendment, we would be asking that question as a threshold question, and I'm not sure that we've done so.

So, with that kind of preamble, I'd like to ask the Board for some initial advice and reaction to the question I'm raising of what kind of a plan amendment are we talking about here.

Are we talking about tinkering with our reference points, maintaining our current goals and objectives and moving forward, or are we talking about rebuilding this thing from the ground up and should we

be going back to a revisitation of goals and objectives. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Well, it seems this is a recovered fishery, if I may call it that. I don't know why we're tinkering with a document just to fine tune it. And I do believe that, as we are doing with Amendment 6 for striped bass, that we indeed should be looking at this weakfish plan in the same light.

Although the growth rates are different and so on, the fact of the matter is if it's a recovered fishery, are we managing as a recovered fishery? And in response to your question, I personally believe we should look at the document in total and review the goal, and if that's what we need to do, then we have to do it.

If it is sustaining the levels we're at right now, that's a different issue. The second part of my suggestion would be if, in fact, the revised information, the revised reference point would satisfy the need to deal with more current information through the VPA process, then I think we should at least move forward with that.

The question is do we really need this amendment or addendum at this particular point in time; and if it is to make that change so we go away from the outdated data, then I would suggest we take the step, do it as an addendum and then look at the whole package as a renewed visit to the goals and move forward as we are with Amendment 6.

CHAIRMAN COLVIN: You know, it occurs to me, Pat, that maybe one thing I left out could be a little bit misleading and I want to just make sure that this is clear.

We could continue to manage under our current management program, as far as I can see, by just doing one thing and that is updating Table 2, converting it to the proper basis of aging and use the current management program to make a formal determination at the appropriate point in time that we have, in fact -- that the stock has, in fact, achieved or surpassed the biological reference points and manage accordingly by addendum.

That could be done. One of the things that did happen along the way is that notwithstanding the fact that the last stock assessment showed the significant reduction in fishing mortality that it did, there was also a recommendation that more conservative mortality-based reference points be adopted.

The Technical Committee concurred in that recommendation and has in fact developed a control rule-based recommendation that Des mentioned and that is in the PID, and that is a substantial departure from what's in the current management program.

MR. AUGUSTINE: Thank you, Mr. Chairman. So, having said that, are you suggesting that the way the plan is presently written allows us the same flexibility we had in Amendment 5 of the striped bass plan and that we could probably make some rather small changes to continue under this amendment for a reasonable period of time?

CHAIRMAN COLVIN: I think that we could. I think it would be inconsistent with the advice I just referred to. Pres.

MR. PRESTON PATE, JR.: Thank you, Gordon. It would be helpful to me to understand what timeline we're on now, and if we were to do as you suggested and revisit the intent of the Board, how that would affect the completion of the process.

CHAIRMAN COLVIN: I would say this, Pres. I think most of us expected to be in a position to approve a PID for public comment at this meeting, and we could possibly do that by resolving, as a Board, the questions that the PDT has not been able to yet come to grips with and give them some direction to complete a PID and have public meetings on it and come back to us and possibly to the advisors before our next meeting.

In any event, I would not expect to see a plan amendment done by our next meeting. It's possible, but there's not a lot of time there.

It seems to me that if we can't resolve those questions today, or if we decide to take a step back and take a broader look, in either of those two instances, the likelihood is that we'd be looking at approving a PID at our next meeting either way. That's what I'd be shooting for. I hope that's helpful to you. David.

MR. DAVID V.D. BORDEN: Thank you, Mr. Chairman. I think I'm still a little unclear as to the pros and cons of the different strategies, and maybe it's just because it's the fourth day of the meeting.

It seems to me that the fundamental question that you're asking is actually already a portion of a PID in regards to the fact that throughout this document you've got a discussion of control rules, targets, thresholds, and all of those have implications in terms

of the age structure of the population.

There are fairly explicit discussions of age structure in other sections. So, I kind of envision that if we just move forward with a PID, if in fact we were to add the goals and objectives right out of the current document, and ask for comments on those, and then provide a more explicit explanation of what some of these measures in the different issues translate into, what the pros and cons of those are, I think you get to the same spot.

Where we would be is we would authorize the PID to go forward and then the public would be in a position, as part of the PID process, to actually comment and look at the implications of some of these things. Following that, we would have to answer the question that you've asked, but we would have public input at that point.

CHAIRMAN COLVIN: I think that's a very good suggestion and we would have to work with the PDT to bring that material into the PID.

One of the other issues that has arisen -- and Mike didn't mention it but I will -- is that some of the members of the PID, and I think some of the other members of the Commission staff looking at the work, have indicated that this appears to be a much more detailed -- what's evolving here, what's developing here, appears to be a much more detailed kind of PID than we ordinarily go forward with.

Perhaps it needs to be streamlined and made less complex and detailed if we're going to get meaningful public input, and that is part of the reason that the PDT is asking for some Board guidance on some of these more complex issues.

Frankly, this could go forward with these unresolved options in it as options that we're asking for public input on, but they do get, in some instances, rather technical and do rise to a level of detail that is, in fact, not often included in our early PID's. That's just an observation. I'm, again, looking for some input on it. Bruce.

MR. FREEMAN: Thank you, Gordon. The several concerns I have is that the data we're using -- really, we're lacking the most recent six years.

The data goes through '94 in Table 2, and I would be very interested in seeing what the situation is over the last six years. Has it improved; has it not improved? And it seems to be an issue that will certainly be raised by the public as to what does the

most recent information show.

CHAIRMAN COLVIN: Bruce, can I ask Des to just briefly address that concern?

MR. KAHN: Are you referring to the Table 2 here, '79 through '94 data, Bruce?

MR. FREEMAN: Yes.

MR. KAHN: Okay. In the draft that is available here, I believe either in here or somewhere Mike Lewis has supplied the revised suggestion that Jim Uphoff developed, which does go through 1998. And that's the latest we have now.

Now, we're planning to update through 2000, but at least you have available somewhere the new data and, of course, again, it doesn't have the zeros, which are the largest group, the largest proportion, and it doesn't have age seven, but -- is it in the draft here? So, that is more recent than the old Table 2, which only goes through --

CHAIRMAN COLVIN: Des, can I ask you one follow up on that? That assessment data is through '98 and I know the committee is working on updating it through 2000. What's the likely timeframe for completion of that work?

MR. KAHN: Ideally, it would be later this summer. Maybe it might extend another month or two, but we're hoping to get it done later this summer, and that's the plan. I would hope, ideally, by September. We're going to schedule a meeting in August, I believe.

CHAIRMAN COLVIN: I think, Bruce, also, to nail this down, the Table 2 ages, unfortunately, are based on scale-based ageing, whereas the new ages that Des is referring to are based on the otolith-based aging and we still have to rationalize the two or replace Table 2 with some other reference point based characterization of an ideal age distribution.

MR. FREEMAN: Well, my concern is that we have been using Table 2 as the model, and if, in fact, this is scale based, it needs to be updated for otolith, and then my question is, well, what's it look like? The information I have here is certainly not Table 2 --

MR. KAHN: You're right, Bruce, I stand corrected. It's not in here. It is available. It was developed and provided to the Board, but apparently it hasn't got through to Mike yet. So, I apologize. It is something

we can supply you very shortly with.

MR. FREEMAN: Okay. Well, my question, Des, is has it changed since 1994? I mean, is it --

MR. KAHN: Yes, it has changed. The whole thing about this table is -- I'd just like to comment briefly. If you look at the average of the old Table 2, or the current Table 2, really, it is representative of a truncated age structure.

The majority of these years the stock was overfished. If you see, there's less than one percent of fish -- no age over age three has more than one percent.

Of course, the zeros are included. They are the largest, as they would always be, the largest group, but it's not a good judge of whether the age -- a good tool or standard for whether the age structure has recovered. I did a calculation.

To attain this average age structure, you would have an F that's certainly over one. It's a very truncated yardstick. Now, when we revised it with ages one through six, it changes and, of course, we had different otoliths.

They're slightly different, but this is where the stock used to be, but only in the earlier years do you see something approximating an acceptable or decent age structure. That's one thing to keep in mind about this.

MR. FREEMAN: My point is that if we're trying to duplicate getting an age structure similar to what we have in the late '70's, it appears to me that we're going to do it by trial and error the way we're going.

We're simply going to reduce mortality and see what happens, and I'm just uneasy about that. It seems like there's too much trial and error. It seems like we should be able to be more specific on how we're going to get there.

I'm just concerned that when this goes out to the public, Gordon, that there's going to be tremendous confusion as to what we're trying to accomplish and then how it's going to be done.

MR. KAHN: I would suggest we have the new version that Jim developed and the committee approved in the draft PID, myself. I thought it was in here, but --

MR. FREEMAN: I would totally agree --

CHAIRMAN COLVIN: I think what I've been trying to communicate to you is that I think there's a more

basic question and that is, is it the intention of this Board to maintain and to retain, in Amendment 4, a biological reference point that's based on an age distribution of the population at all?

We sit around here assuming that we're going to carry forward the same basic objective or the same basic reference point that was in Amendments 2 and 3 that utilized Table 2, but I want to assure you that I don't think we have made that decision.

We're assuming it. So that's my fundamental threshold problem and the reason I say this is this, we have decided -- let me rephrase that -- we have made a decision to consider changing our mortality-based reference point.

We are not carrying forward simply the option of retaining F equals 0.5. We are, in fact, actively considering the alternative reference point that has been suggested by the Technical Committee, but we haven't examined this other reference point issue, this age structure reference point issue, with the same level of detail, and I think we need to do that.

MR. FREEMAN: I would agree, Gordon, because I'm concerned that if we adopt our reference points now and we want to attain a more normalized age frequency in the population, we may never attain it; I mean, depending on what happens in the fishery. And I would agree, it's an issue that needs to be looked and we need to agree upon it.

CHAIRMAN COLVIN: Okay, Pres would like to address this as well.

MR. PATE: Well, actually, Gordon, I'd like to expand on the thought that David Borden had about our purpose of the PID and the last five minutes discussion is probably as good an example that I could get about why our meetings take so long and why we get so bogged down in our process, because I think we have, by tendency, over the last several years, become to misuse the PID for something that is not intended, in that we get into excruciating detail in the presentation of our goals and objectives to the public.

I can't get away from the experience that we've had in North Carolina in dealing with a similar process and creating with that tendency, out of our own mistakes, the impression to the public that our minds are made up when we go out to them for advice.

When we present to them an array of options, and in some cases actually those options have been identified as having some preference, that we're not

really asking for their input, other than endorsement of what our preconceived notions already are.

That's not the purpose of the scoping process, and that's what the PID facilitates. So, philosophically, I'm a strong advocate of a very simplified public information document going to the public, which is prepared with the clear guidance that comes from the Board to the PDT of what our stated objectives and goals are, supported by some minimal explanation of what the issues are -- some clear explanation of what the issues are with some minimal explanation of what our options are and allow the public to give us their reactions to that.

We've done this in striped bass in the last plan amendment. We're trying to do it again with the weakfish. We have the tendency to develop a draft plan in the PID and that's duplicative of effort.

We need to either change our philosophies on this or do away with one of those two documents, because it gets to be too much of a burden on us all to lick that calf twice.

I have some examples that I brought with me of a very simple document that we've used very successfully with good public response as a public information document for the current plan that we're developing for southern flounder.

I agree totally with the point that you've made, that perhaps we started without clear guidance to the PDT of what we wanted to achieve, and I think we need to examine that. But I also think that we need to examine our thinking about how much detail we go into at this stage in the process.

CHAIRMAN COLVIN: Thank you and, of course, that's part of the specific advice that the PDT has been asking for. They, themselves, sense that this thing is creeping into an inappropriate level of detail.

One of the concerns that I have is that -- and I don't have it in front of me so I'm not sure, but David made a great suggestion a while ago about bringing forward the current goals and objectives and asking the public are these the goals and objectives we should be looking at or should we be looking at something different, and that's a good suggestion.

I do have a concern and that is that I suspect -- and I'm confirming as I read -- that the current that the current goals and objectives are restoration-based objectives, and we're looking at a management program that goes past the period of restoration into the period of the management of a population that has at least achieved its mortality-based biological reference points,

and it's a little bit different kind of a situation.

So, I think we can do this, but recognize that we're going to have to go beyond simply stating the current management plan objectives and get a little bit more creative than that.

I have a lot of people who have put their hands up, and I suspect many of them are going to comment from a similar perspective, but let me ask before we do, is there general agreement within the Board with the notion that Pres is putting forward that we ought to try to simplify this PID and boil it down to just the basic policy elements for broader public input without getting all these specific details in there that convey a message that we've already made decisions. Is there disagreement with that? Ernie.

MR. ERNEST BECKWITH, JR.: Thank you, Mr. Chairman. I'm not really sure what that means. Reading through the PID, I didn't think it was all that complicated.

The only part that I found somewhat complicated was Issue 5 and all the different creel/bag limit combinations and, Mike, you just skipped over that.

You didn't cover that in your presentation and I think, unfortunately, Issue 5 is just the kind of thing that people want to see. They want to know what's going to happen to me. How is this going to affect my ability to catch fish.

So, in answer to your question, Gordon, a couple of issues. I think it's always good to go back and reexamine goals to see where you are, but I also don't think that this PID is overly complicated, other than that Section 5. If we can make that somewhat simpler, that's good, but as I said before, that's what the people really want to focus on.

MR. PATE: Gordon, could I clarify something, please?

CHAIRMAN COLVIN: Please, Pres.

MR. PATE: Thank you for indulging me breaking in the line here. I wasn't suggesting that the current PID is overly complicated. I think that it presents a level of detail that allows the public a reasonably clear understanding of where we're going, but I think the tendency is to go beyond that, and I just want us to avoid that if we possibly can.

CHAIRMAN COLVIN: I have a list and I'll start working down it. If we've already covered what you

have to say, we'll try to move through it rather quickly.

MR. BECKWITH: Gordon, when I spoke, I didn't cover my comments that I raised my hand for, so if you could come back to me later.

CHAIRMAN COLVIN: I got you. Andy.

MR. ANDREW T. MANUS: Mr. Chairman, I think Pres and David covered the points that I wanted to make. I think if we do go forward with a PID as a result of this meeting, that we do try to have a very understandable preface up front about the goals and objectives and as we're moving from a restored fishery to one -- or rebuilding to a restored fishery, I think we ought to really have that articulated in the document so the public understands where we are.

CHAIRMAN COLVIN: Thank you. Dave Borden.

MR. BORDEN: I would just agree with what Andy just said and take it one step further. To me, one of the core issues in the entire document is this issue of the age structure, and it goes back to the points that the Chair has made a number of times.

I think that should be kind of a stand-alone issue with some discussion of what we adopted before and what the implications of different alternative structures might be in terms of what it would result in in terms of the age structure of the population, so that it focuses the public pretty directly on that issue and gives us guidance.

Then when we come back, it seems to me that that based on the comments on age structure, then we would have to look at a whole wide range of the management measures which are already included in this document to see whether or not it would result in what the public wants for an age structure. So, we may have to go back and revise the threshold level or the target level or whatever.

CHAIRMAN COLVIN: Thank you, Dave. Anne Lange.

MS. ANNE LANGE: I guess I have a very basic question. Have we as a Board decided that the stock is in fact restored? I mean, we have the age distribution target, which I don't believe we've stated has been met, even with the modification from scale to otolith. If we haven't met it, are we sort of changing targets in mid-stream?

CHAIRMAN COLVIN: This goes back to my earlier comments. I believe that the Board's record will show that the last assessment indicates that the fishing mortality rate target of 0.5 has been achieved.

However, both the SAW and the Technical Committee have recommended a modification and a more conservative fishing mortality rate be adopted than that for future management and have, in fact, developed a more comprehensive recommendation for a control rule- based target and threshold for fishing mortality and a spawning stock biomass threshold.

I believe that our record will not show whether we have achieved yet the age distribution reference point from the earlier management program because we have not yet concluded the conversion, and so, in effect, I think the record is consistent with what your thinking is, Anne, yes.

Now, we're proposing to change -- whether it's a change in midstream or how you want to characterize it, we're proposing to change the management program.

We're proposing to consider a change to the adoption of the control rule-based reference point and it would seem equally appropriate to consider whether or not to change; and if so, how the age-based reference point. Any reference point, I think, is fair game once we open up the amendment process.

MS. LANGE: I guess I don't have a problem with changing the target, but I think we need to make a decision. Are we declaring it restored, or are we deciding that based on new information, based on the modified and the improved assessments, that we have a better target to be shooting for.

The biomass levels and that type of thing, are those better targets more achievable, more measurable than the age structure, but I think we need to be clear on whether or not we consider the stock to be recovered before we go on. Are we managing a recovered fishery as we are in striped bass or not?

CHAIRMAN COLVIN: Do you want to take a whack at that?

MR. KAHN: Thank you. I just want to make a couple points in response to Anne and some other people. As I understand Amendment 3, the goal was to -- I think it's stated in there somewhere -- return to where we have trophy fisheries, at least somewhat approaching the days of the late '70's, early '80's, when there were lots of large weakfish harvested in the fishery.

Now, we're not there yet. We're approaching it because we are starting to get some larger weakfish. The idea I think the Technical Committee has is that we have reduced fishing mortality, but unless we can maintain it at a relatively low level for a period of years, that age structure will not recover to where it was in the good old days.

It's got to be -- you know, they can only get one age older each year, so it will take a period of years before the age structure at the best period that I just mentioned is recovered. We're not there yet.

CHAIRMAN COLVIN: I have Ernie.

MR. BECKWITH: Thank you, Mr. Chairman. I find today's discussion frustrating. I find it reminiscent of what happened yesterday in striped bass, and what happens is that we as a Board made decisions at a previous occasion, and we made a decision to go forth with Amendment 4 for very specific reasons, and then when we come to the next meeting, we've forgotten why we did it.

We've forgotten what we had decided to do and then we start questioning ourselves. I think there's a need for us to have a summary, not just a listing of the motions that we made at the previous meeting, but a summary, perhaps by bullet points, of the decisions that we made and some of the reasons why; and so hopefully if we have that, this won't happen in the future.

But let me just comment a few things about Amendment 4 and about the PID. I sat here and I tried to think why are we doing Amendment 4, and to me it's clear because I had recalled the reasons why.

Maybe in the transition between FMP coordinators and a new Board Chairman that had gotten lost, but I think there's three or four things, and I could list them if you'd like me to, if it would be of help, I don't know.

And I'll do that, but before I do that, there's one other thing I want to mention. What I think is missing in the PID -- and this goes to some of my previous comments about not really recalling why we're doing things and forgetting -- is that there needs to be a very clear problem/needs statement.

Why are we doing Amendment 4? What are the issues that we're trying to address, and I think that some of issues, as I recall, were that the length bag tables were no longer appropriate because they were based on a truncated size structure.

So we were going to change those tables. For

the same reason, we were going to change the base period to adopt a base period that was more like when the stock was not truncated and reference points.

This stock had been restored quite strongly at a reference point that was higher than what we actually ended up fishing at, and I honestly can't recall all of the reasons that Jim Uphoff presented to us, but as I recall there was some risk element of staying at 0.5 that we wouldn't get the expanded age structure that we were shooting for.

And those were some of the reasons why we wanted to go to a somewhat lower reference point and that prompted a whole discussion of reference points.

I think there, also, in the PID has to be a clearer statement of where we are now with the stock. Certainly, there's a statement of what the current F rate is, but I don't think there's a statement in there as to what the current age structure is, and I think that's needed because the age structure issue is a very important issue, especially to the northern states.

CHAIRMAN COLVIN: Ernie, thank you, and I think you've put your finger on some of the issues, specific issues that do need to be addressed.

Let me just take one of the things you said one step forward because I know this has been an area where the Board has not yet provided guidance, and maybe it's premature.

Maybe this is not the time and place for it, but we have the issue here that even with leaving the age structure issue aside for the moment and focusing on the proposed control rule and the target fishing mortality rate, we may need to address the question now, and it's likely to be asked by the public that if the current assessment, the assessment updates that's being done, indicates that the coastwide fishing mortality rate falls below the target, what will we do?

Up until now, the Board has provided no guidance and up until now the development of the PID has not addressed that issue, particularly with respect to the commercial fishery, and that, in a nutshell, is the clearest I can describe to you the difficulty, in my mind, in terms of where we are.

Now, it may be that -- I heard Des say earlier that Vic Crecco and some folks are working on that issue of some adjustments to how the commercial fishery seasons and so forth can be calculated based on a revised reference period; and when that work is done, that may in fact help us address those questions, but right now it's just a little bit of a fuzzy issue out there, in my mind at any rate. I have A.C. next.

MR. CARPENTER: I'll pass, Mr. Chairman.

CHAIRMAN COLVIN: Jack Travelstead.

MR. TRAVELSTEAD: I think we're trying to write an amendment right here today. I'm just very confused. The PID should be a very simple document, as Pres has pointed out, and I think we have that here now, with the possible exception of adding the goals and objectives and asking the public to comment on those and help us write goals and objectives for the next amendment.

To me, the issues are laid out very clearly. They're not all that complicated, with the possible addition of the comments that Ernie just made about a problem statement. I think we're ready to go out.

I just don't see a need to make this thing any more complicated than it already is. The issue of what happens if we fall below the reference points, it seems to me that's the next amendment beyond this one.

I mean, the stock appears to be going in the exact opposite direction of falling below the reference points. This is a healthy stock, and I don't think we know now what we're going to do if it starts to go the other way. It doesn't seem to be heading that way any time soon, so let's get through these problems --

CHAIRMAN COLVIN: Jack, I think I must have misspoken, because what I was suggesting is exactly what you're getting at. What happens if the stock condition is better than the reference point?

MR. TRAVELSTEAD: Let's get this thing out to the public and let them comment and then come back with all these details and write the amendment.

MR. BORDEN: Yes, two suggestions, Mr. Chairman. I would suggest that we just work through these issues one at a time; and as a number of speakers have urged, add a preface on the goals and objectives and allow the Chair to work with the Technical Committee to revise those slightly in preparation for the fall meeting, where we would do the final authorization.

The second point goes back to this issue of restoration of the age structure, and I know that it's embedded throughout the document, but that whole concept, I can't help but note that when we adopted the target of a restoration of the age structure and establishing a trophy fishery, I mean, if you went back and looked at the record, there was great confusion that

preceded that whole discussion.

I mean, we established a target, but there was never a discussion of is that the final target, is that where we want this fishery to be 15 years from now>

It seems to me that as we have succeeded here over the last few years, that still remains to be an open question. I think that if we go out to the public with that as one of the issues, it will serve us well and we'll get the type of guidance we want.

Do we want to stop at that base period or do we want to establish an age structure that goes beyond that? That's an open issue. Thank you.

CHAIRMAN COLVIN: Dick Schaefer.

MR. RICHARD SCHAEFER: Thank you, Mr. Chairman. I think the point that Anne Lange made earlier is a very important, critical point in terms of how it affects where we go from here.

And what I mean by that is, if my memory serves me correctly, it was 1995 when the Striped Bass Management Board had to make a decision about whether or not the stock, indeed, was fully recovered.

A motion was made and seconded and there was lengthy debate and discussion, and a determination was made that indeed the stock was fully recovered.

That changed the whole management strategy of where we went from there on striped bass and results on where we were yesterday in terms of looking at an entirely new management plan that deals with the recovered stock and maintaining it rather than trying to recover it.

It seems to me until you make that decision, then you're either going to have to fiddle with what you've got in front of you until we make the determination that the weakfish stock is recovered, or indeed, if it has recovered, then I think you can start with a whole new process, with all new goals and objectives that deal with a recovered fishery, but I think you've got to get over that hurdle. Otherwise, we're going to be talking about this forever. Thank you.

CHAIRMAN COLVIN: Thanks, Dick. Jack.

ASSEMBLYMAN JACK GIBSON: Yes, I would add my comments that I think it should be kept simple. With what I've heard, that you have achieved success, I think that should be emphasized and I think put the most simplest form of document out there that's possible, hear from the public of where they want this group to go to enjoy that success or to share that

success on whatever is appropriate.

CHAIRMAN COLVIN: Rob O'Reilly.

MR. ROB O'REILLY: I think there are a couple of things. One, it's unusual to have age structure as one of the requisites in a plan. I think it's a good idea.

I think it's something, as Dave Borden said, that you could work with, and you may want to go beyond what was in Amendment 3. The reason that was there, and placed there by you in 1995, is the actual overfishing definition for the F 20 percent.

MSP was an F of 0.31. At the time the F's were very high and you decided that just to have something that was feasible, reachable, over time, which you expected to take much longer than it has, you established an F of 0.5, which you had as your target at that time.

So, in any case, there are a couple things. One, the original reference point was 0.31, the F coming out of the 1998 data year, and I think there should be expectations that 1999 and 2000 haven't changed things too much in terms of the F is below that reference point.

It's below the current reference point that's being used for F 20 as well as 0.5 and currently the target is 0.31, what is proposed, and the F is 0.28. That's one thing to consider.

The other thing, which may be a little more subtle, is that Amendment 3 was really based on age two and older in terms of the criteria for the fishing mortality rate, and now you're looking at a fishing mortality rate based on ages four and five and older as the fully recruited fish.

I think you can see that where it's still based on age two and older, certainly, that would have an impact and even lowering the F that you were looking at.

CHAIRMAN COLVIN: Thanks, Rob. Louis Daniel.

DR. LOUIS DANIEL: I was going to say much of what Rob said, but I also want to bring up a very important point, too, and that is that we know from the SAW assessment and from our current status of F, which is down in the 0.28, 0.3 range, which is actually below our more conservative proposed target from the Technical Committee, that what we have seen every year, since 1996, is an additional age added to the stock, and so that's all we can do.

That's the best we can do and we've been

doing that aging of those fish, particularly those fish that are coming off of North Carolina in the wintertime, and in 2001 we were regularly seeing seven, eight, nine-year-old fish and we had some 10 and 11-year-old fish that were up in the 13 to 14 pound class.

So, I mean, that trophy fishery is being restored. We've certainly exceeded the requirements under Table 2, and I think everybody on the Technical Committee agrees that Table 2 is inappropriate, simply because of the percentages that you use.

Some of us believe that that table, with its percentages, is going to always be artificial, because if you have an extraordinary year class come through, it's going to deflate the percentage of older fish.

So, whenever you have a strong year class, your table is going to change. Your percentages are going to change, but I would say that in terms of a recovery we're pretty doggone close.

I mean, weakfish live to be 15 and we're seeing 11-year-old fish. So, if you want to wait until we have the full age structure of weakfish before it's declared recovered, then let's be consistent in all of our plans when we make that determination, as opposed to deciding based on longevity.

So, 11-year-old fish are what we're seeing. Seven plus is abundant, common. They were very rare when we first started this in 1996.

CHAIRMAN COLVIN: David.

MR. BORDEN: I'm not trying to get down into the picky points, but the PID claims on Page 1 that the fish live to be 17 years old; is that correct or incorrect?

CHAIRMAN COLVIN: Go ahead, Des.

MR. KAHN: There is some dispute about the maximum age. I believe there was one fish aged to 17 or 18, but the majority of the oldest age, most of them are in the 12 to 15 year range. So, we're not totally sure. For example, if there were no fishing, they would probably maybe have a higher maximum age yet.

CHAIRMAN COLVIN: At this point, I'd like to make a suggestion based on the discussion. I want to thank the Board members because this discussion has been very helpful, and I'm sure that Mike and the PDT will find it helpful as they go forward.

I'd like to suggest that the Chair will work with the staff and the PDT to revise the PID to do a couple of major things that the Board members have

suggested.

I think the first is to bring forward some proposed goals and objectives that spring from the goals and objectives of the current management program and perhaps, as Dave Borden suggested, modify them slightly to be more reflective of the current situation.

I thought Ernie's suggestion was very important in terms of laying out a problem statement that identifies the specific issues and needs that need to be addressed.

Then I think we need to boil the issues down in the PID along the lines of Pres' suggestion to a very basic characterization of the options that are available to us to address those problems. And we will work to get that done.

The other thing that I would like to bring into this is to couple the completion of the next draft of the PID with the updated assessment through the year 2000 so that the data we present with the PID is the most current data that we have on the status of the stock, and we won't be confusing the public by throwing some data at them after we've gone out.

I don't think that would be very helpful. Based on what Des has said, I hope to have a revised draft available for you by the end of September so that it can be looked at, reviewed and commented back by the Board so the PID can frankly finish it and have it available to us for approval at our October meeting.

If there is no objection to that overall strategy, and I don't see any, that is how we will proceed. I want to thank you very much for your forbearance and the cooperative and helpful nature of this discussion. It's been very helpful to me as Chairman. Bruce Freeman.

MR. FREEMAN: Gordon, there's one other issue that has bothered us considerably, and this is the issue of the so-called trophy sized fish.

You could look at Page 7 of the draft, Option 3, and I just use this as an example, where we have an F of 0.31 and we have a table there -- it's a coastwide table and again I want to keep this simple -- with size limits and bag limits.

The thing that's concerning me -- and I'm thinking back to the '80's, late '70's and '80's, when we had large quantities of very large fish. According to this table, once you go above 18 inches, you could keep 19 of these fish.

My concern would be once you got up to a 32 or a 34-inch fish, you essentially could keep 20 of these, which just doesn't seem -- I guess the numbers work

out, but I'm just wondering.

To me, there should be some upper limit on these very large fish, and to have a bag limit of that size, in my opinion, is going to give a lot of credibility problem to the people on the other end who are going to be asked to give up their catch of smaller fish.

It seems to me that those very large fish, maybe it's age six and over, need to be capped at some lower level than, again, using this table as a 19 Number.

Perhaps Des could simply comment as to if this issue has been looked at by the Technical Committee or simply give a brief discussion if this is feasible or not.

MR. KAHN: I share your concern, and I'm one of the two people that developed these options. It really bothers me, but the method we used, it's almost inescapable because the method basically is -- first off, the baseline was 12-inch fish, four-fish bag limit.

Now, the theory -- and this was basically developed by Dr. Vic Crecco -- is that you want to give an incentive for increasing the minimum size limit, because that has a great conservation effect, and the coinage you use is the effect on spawning stock biomass per recruit.

If you start at a lower minimum size to harvest, then it has a much more damaging effect on spawning stock biomass than if you wait until the fish are considerably older.

If you start at 12 inches and four fish and you want to calculate the equivalent amount of spawning stock biomass that's produced as you raise the minimum size, the way it works out is that you can harvest more and more fish.

The problem is, as you pointed out, when you get up to an 18-inch minimum size from 12 inches, the bag limit is really horrendous.

I mean, it might be the same conservation equivalency in terms of spawning stock biomass, but yet if we get up to where we're having 24 or 30-inch fish, and you have an 18-inch minimum size, which is good conservation, but you can harvest an unneeded amount of biomass.

With this method that we've used, I don't see a way around it unless we are to just say, well, look, there's a certain bag limit that is enough, and make a decision outside for the higher sizes that say this is the largest creel limit that we should allow.

I don't know that we have a method for doing that, but maybe the Board or maybe the Technical Committee needs to look at things from that point of

view, because this method, it's an improvement on what we have now because there are bag limits on higher minimum sizes, but it still bothers me, personally.

CHAIRMAN COLVIN: We're running out of time, guys. Let me make a suggestion, and that is that I think that Bruce raises a valid issue. I think, frankly, the fishing public is going to want to address this issue and let us try to frame it.

I'll work with the PDT as an issue that we seek public input on and it will basically be, look, notwithstanding the fact that the creel limits can be high, what really should they be, and let's get some input on that.

MR. FREEMAN: And I think especially, Gordon, if we want to, you know, strive to have some fish around as large or as old as 11 years, then we need to reduce the harvest when they start to get around six or seven or something.

CHAIRMAN COLVIN: You know, not for nothing, but fishermen in New York have accepted a six-fish creel limit and have advocated it at sixteen inches, even though they didn't have to have it, because they feel it's enough.

Do we have anything else that needs to come forward at this time, because I did promise Louis that we would get to his issue, and we have just about enough time to cover it between now and our adjournment. Tom, can you be brief?

MR. TOM FOTE: I was just wondering if you were going to call a meeting of the advisors to go over the PID before you basically have the October meeting?

CHAIRMAN COLVIN: I don't know. We'll have to address that because I'm not sure we're budgeted for it. I might want to talk to the staff about actually having an advisors meeting after the public meeting so that they also have the benefit of the public's comments when they evaluate and make recommendations. We'll have to look into that, Tom. David.

MR. BORDEN: Yes, Mr. Chairman, since we didn't go through each one of these sections, do you want to allow some period of time for us to get written comments on these?

CHAIRMAN COLVIN: I would say this, as I indicated to you, we're going to target the end of

September to get this back out to you, so any comments you have before then, get to Mike or your Technical Committee members. Yes.

Let us move on then to the Other Business item on the agenda, and the first item that I have indicated we will definitely cover today is the proposal for the flynet fishery south of Hatteras. Let me recognize Louis Daniel.

Flynet Fishery Proposal:

DR. DANIEL: Thank you very much, I appreciate the time. The Federal Register Notice that closed the area south of Hatteras at the request of the Management Board, through the cooperative agreement with the National Marine Fisheries Service on this plan, one of the comments in that Register Notice was a concern that the area would never be reopened.

And the NMFS response was that once the stock is recovered, NMFS will consider reopening this area to larger mesh flynetting, if the Commission determines that this gear is appropriate for capturing legal sized weakfish.

The questions have come up in the state of North Carolina, with the development of Amendment 4, will there be any commercial harvest relaxation in Amendment 4? I don't think anybody knows the answer to that question right now.

There may not be, but if there were, North Carolina would be the only state that would not have the opportunity to come to the Board and request a relaxation in some way, shape, or form to its commercial harvest reduction strategy and have it be approved by the ISFMP Policy Board, as every other state would have the opportunity, because our reduction is based in federal rule and will have to be addressed in that manner, as opposed to the other.

So, that is a concern to us and what do we need to do in order to determine whether or not this gear is appropriate for capturing legal sized weakfish.

Now, we've already said that it is, based on Amendment 3, because Amendment 3 says that a 3-3/4 inch mesh tailbag in a trawl is appropriate for capturing legal sized weakfish.

However, we all know from the history and the area that that fishery operates, that that may not, indeed, be the case with the flynet fishery south of Hatteras and that they do catch an extraordinary number; had in the past caught an extraordinary number of undersized fish and so can this 3-3/4 inch

requirement placed on the trawl fishery in Amendment 3, does it work with flynets south of Hatteras?

Nobody knows the answer to that question. It may not. We need to find out, and we also need to find out if there's an area in the area south of Hatteras that could be opened.

I don't foresee a total relaxation of all harvest restrictions on weakfish, but there may be some small percentage allowed; and if that's the case, is there an area further offshore that could be opened on a seasonal basis, for short term, with maybe a cap put on it?

I mean, there are all sorts of iterations of what could happen down the road, but until we characterize this fishery and determine whether or not it can even operate in that area, we're not going to know the answer to that question, and so North Carolina is going to be left sort of in the lurch if we end up with some kind of commercial harvest relaxations.

So what we did was, at the behest of our fishermen and realizing that Amendment 4 was coming down the pipe, was we submitted experimental fishing permits request to the National Marine Fisheries Service in April, realizing that because of this cooperative nature of this plan, that our study proposal would go to the Weakfish Technical Committee and the Weakfish Board for their discussion and approval.

I think Des went through it and did a very nice job outlining what exactly we were trying to do, trying to, number one, limit the scope of the proposal, limit the amount of effort in the proposal, and hope that the fishermen would come up with even more restrictive gear parameters that would improve the likelihood that that fishery could operate south of Hatteras without taking extraordinary quantities of not just undersized weakfish, but of juvenile fish period, because we have just as much concern over undersized juvenile croakers, kingfishes, et cetera, that's it's not just a weakfish issue.

So, what I tried to do is based on -- if you recall in 1996 when we met in Providence and North Carolina came up with the 10.1 percent reduction in harvest that we had achieved with the flynet closure and having to go to 12-inch size limit, we brought forward a proposal to do something very similar to this, and there were a lot of comments from the Technical Committee on what they would prefer to see when we looked at this issue down the road and what I tried to do was incorporate that.

Many of those issues were unculled catches, 100 percent independent observer coverage, those types of things, and also I felt it was important to put in some kind of controls on it, and that's why it was suggested

the 10 percent juvenile fish provision -- because we know that's the way the flynet fishery north of Hatteras operates and there should be no reason that the fishery south of Hatteras shouldn't operate as efficiently and as effectively as the north of Hatteras fishery.

So, that's where the 10 percent comes from. That's sort of the gauge to measure how the fishery south of Hatteras operates. It used to be that that fishery accounted for 7, 8 million fish a year with an average size much, much smaller than the north of Hatteras fishery, which averaged about a million fish a year.

So, if the gear operates correctly, and they go in and they put in some skylight bycatch reduction panels, similar to what was done in the New Zealand prawn fishery, put in some square mesh extensions, maybe increase the mesh size of the tailbag, they may be able to operate in a specific area, and we may be able to come back and request that the closure area be moved in just a little bit to give those guys an opportunity to fish if, indeed, the study comes out properly.

So, I think everybody has got a copy of the proposal, going through the study period and the gear used, the area used, the trips, the fact that we will not allow the boats to leave the dock and fish in that area without independent, either Manomet or NMFS, preferably, observers on board and that the catches will be culled.

There was some concern -- I have heard a lot of comments about the red drum issue and the striped bass issue. That was put in there solely for my purposes in terms of scientific information.

With the very little information we're gathering now on the age structure at least of red drum, there is that possibility -- I don't think that there's going to be a regular occurrence of red drum in these catches, but there is that possibility that a large school of adult red drum could be captured in one of these nets, and I don't want 80,000 pounds of spawning red drum coming to the docks in Beaufort.

So, we've got an option. We can either cut the bag loose and let them all go or we can save some of the ones that have died for scientific purposes. If that's not acceptable, then that's really not a big issue. They couldn't be sold, anyway.

Striped bass, the same issue. If that's not a data need, then by all means, I wouldn't want that to jeopardize the proposal of its merit.

But, I'm here to answer any questions that you may have and understand I appreciate the comments

from the Technical Committee. I think they were very thoughtful in their deliberations.

I appreciated their -- I thought the cap was a good idea to make certain because I mean we know that this fishery is a high capacity, it has a lot of opportunities, and it could impact the overall recovery goals.

We certainly wouldn't want an experimental fishery to do that, and I think that the controls that the Technical Committee have put on that, with the 175,000 pound cap and report back after the first year, were some responsible requests put on the proposal.

CHAIRMAN COLVIN: Des.

MR. KAHN: Yes, I just wanted to amplify my brief response to Bill Goldsborough's question earlier. He asked if the committee had considered or had discussed use of a stratified random sample design, and I said we didn't, but I didn't say why.

Really, the reason, I think, is that would be appropriate if we were trying to do estimates of density or abundance or something like that in the area. The idea behind this survey is that the captains feel they can selectively fish and avoid weakfish.

They have discussed using trynets to determine what is the fish below them, if they mark them, and then avoiding schools of small weakfish, for example, and so forth. So, it's a different purpose and we didn't really feel that a stratified random type of design was appropriate here.

CHAIRMAN COLVIN: I'm going to recognize Pres Pate.

MR. PATE: Thank you, Mr. Chairman. I'd like to offer a motion that the Board endorse the characterization study.

CHAIRMAN COLVIN: Seconded by A.C. Carpenter. Discussion on the motion? All right, clarification of the motion.

MR. TRAVELSTEAD: Does that include the recommendations of the Technical Committee for the cap?

MR. PATE: Yes.

CHAIRMAN COLVIN: Okay, I have Pat Augustine.

MR. AUGUSTINE: A point of clarification, Mr. Chairman. Are we assuming then that the National Marine Fisheries Service has, indeed, reviewed this request and that they, indeed, accept it, or are we going to approve this motion and then ask them if they're

going to approve it?

CHAIRMAN COLVIN: I do not believe that the motion addresses the question, and I do not believe that the proposal has been to the Service as yet.

MR. PATE: It has not, Mr. Chairman, and the intent of the motion is to endorse it for submittal to the National Marine Fisheries Service with the endorsement, of course, from the Board.

CHAIRMAN COLVIN: Ernie Beckwith.

MR. BECKWITH: Thank you, Mr. Chairman. A few questions for Louis. Louis, the historical flynet fishery south of Hatteras and the flynet fishery that would be there if this opened up, do they target the weakfish or is it other species they target?

DR. DANIEL: That's a multi-species fishery. The principal components of the catches are weakfish and croaker, have been historically, with butterflyfish, bluefish, kingfishes mixed in the catches, but that's been the historical catches in that area.

MR. BECKWITH: The other question I have concerns striped bass and as you recall, a few years ago there was quite a bit of concern over I think it was a spiny dogfish gillnet fishery and the interactions and bycatch with striped bass.

If this fishery is opened up and also when the fishery is prosecuted under the experimental design, what's your estimate of interactions with striped bass, because I know that when I go home and people learn of this, that's an issue they've brought up to us before in the past and it's going to be a big issue. I'm going to have to address it.

DR. DANIEL: We've done some cruises with the Fish and Wildlife Service tagging cruises off of North Carolina and there are areas where striped bass do occur.

I think that's one of the benefits of this characterization study. If we see that there is interaction with this gear in this area, then it may raise some concerns with the Technical Committee, and at that point it may be appropriate to submit the results to the Striped Bass Technical Committee as well as the Red Drum Technical Committee, depending upon what we find.

But we don't know -- I mean, Des made a good point and I meant to make it earlier about the random sampling. We're trying to characterize the fishery, not the area, in terms of the biomass and the species composition of the area, and how do the

fishermen operate and can they go out there and target on these schools of larger, marketable fish as opposed to interacting with some of these protected species.

I think that some of the results of this program will be that, and it may, in fact, dictate whether or not there is any relief to that fishery south of Hatteras.

CHAIRMAN COLVIN: Bill Goldsborough.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. I think Louis just addressed what I was going to bring up, but I guess I'll follow up a little bit by just wondering out loud whether or not the results of the study, if they are based on the captains' decisions of where to fish, aren't then somewhat skewed if, indeed, the ultimate objective is to determine whether or not to open the area, because then, I mean, the behavior of the boats could change, I presume. So, that was the root of my question, originally, with respect to random sampling.

DR. DANIEL: And I would answer it this way. I feel like if this proposal is endorsed by this Board and ultimately approved by the National Marine Fisheries Service, it's going to be absolutely incumbent upon those fishermen to go out there and sample or fish in areas that they're pretty convinced they can fish without a lot of bycatch.

It would not take much with the possibility of a 50, 60, 70,000 pound tow to have this experiment shut down because of the 10 percent or even reaching that 175,000 pound cap.

We're not looking at a blanket reopening of the area south of Hatteras outside of three miles. We're looking at the possibility of using this experimental fishery permit to go out and search areas.

There was a proposal made to this Board five years ago to open up a very small area off of Okechoke, 10 to 12 miles offshore, where it was historically larger fish, that we wouldn't run the risk of interacting with those overwintering sciaenid populations, particularly croakers and weakfish.

So, if that is the result of this study is that, yes, indeed, they can operate further offshore than 8, 10, 12 miles and that that is restricted to a small area to avoid exactly what you just suggested, that they'd go to one area, they'd use real conservative gear, and then the area be reopened and they move back to the 3-3/4 inch tailbag and have carte blanche movement out there, that's not the intent.

The gear they test would be the gear that they

would be required to use and, hopefully, we would have that complemented by new federal regulation in that area, but also the area that they fished, if they were able to avoid those small fish, would be the area they would be permitted to fish.

CHAIRMAN COLVIN: We are now after our scheduled adjournment time. I have at least six people on the list that want to address the motion. I want to ask everyone to please be brief in consideration of those who are expecting to start their meeting now.

One question I want to get out of the way right now is, Pres, if there are unresolved reservations on the part of the Board with respect to the motion, is a response required at this meeting or can some of these issues be addressed for final resolution in October? I'm not sure about the timing. I know this work is scheduled to start this winter.

MR. PATE: Yes, our intent is to have this study start this winter and I'm not sure about the time necessary for NMFS to process the application through their procedures, but I --

CHAIRMAN COLVIN: Maybe we can put that question to NMFS.

MR. PATE: -- think it would facilitate the preparations for this study, should it be approved to have a decision by the Board today.

CHAIRMAN COLVIN: I'll go to the list and I'll ask you to be brief. Susan.

MS. SHIPMAN: Thank you, Mr. Chairman. My greatest reservations on this have to do with red drum. Thirty red drum per tow, that causes me great heartburn.

Anyone that sat in with the South Atlantic Board the other day, you know we're developing the amendment to the Red Drum Plan. That is an overfished stock. Those fish that are offshore are large fish. They're the spawning stock of the fish.

We've been protecting that class of fish since 1990, and our recommendation for the draft amendment is to continue that EEZ moratorium.

I understand what Louis is saying as far as collection for scientific purposes, but I'm not comfortable supporting any kind of take of red drum until that has been vetted through the Technical Committee, the Red Drum Technical Committee.

CHAIRMAN COLVIN: Thank you. Anne.

MS. LANGE: I guess my comment goes back to Louis' initial statement that the Federal Register Notice indicated that once the stock has been declared recovered, it goes back to my point earlier in this meeting where the Board, to my knowledge, has not declared the stock recovered, and I guess that's my basic comment. The other thing is also striped bass, that this should be going through the Striped Bass Technical Committee.

CHAIRMAN COLVIN: Anne, can you address the question that just came up in terms of how long it might take NMFS to process the exempted fishery permit?

MS. LANGE: I believe there's a minimum of three months, but there's also the question of the Section 7 for endangered species. Turtles are known to be taken in that area, so there's quite a bit of NMFS concern associated with that as well, but it would be a minimum of three to four months.

CHAIRMAN COLVIN: Thank you. Bruce.

MR. FREEMAN: Thank you, Mr. Chairman, I have a couple questions just for clarification. The original application was for two years.

I think the recommendation made by the Technical Committee, Des, was to do this one year and then review the results before there was any approval to do it the second year; is that correct? The other issue was the 175,000 pound limit for a one-year period. How was that 175,000 arrived at?

MR. KAHN: The idea was that it is approximately 10 percent of the previous year's landings by North Carolina. And as I mentioned earlier, if you calculate what that would do to the F on age four and five -- it was all age four and five weakfish, which it certainly wouldn't be, but it could raise F by 2 percent, 175,000 additional pounds.

MR. FREEMAN: Okay and, Des, in the recommendation by the Technical Committee, it was 10 percent by number; is that correct?

MR. KAHN: Actually, I don't believe we discussed it at the meeting. It was pointed out in a document that I received after the meeting that that is not stipulated and

I think that would be good to stipulate that.

MR. FREEMAN: Well, that's my question. The issue is 10 percent by weight or 10 percent by number, and the actuality is that it's quite different.

In this statement from Mike Lewis, the Technical Committee summary, he indicates in there that it would be a cumulative catch by numbers, and I just want to make certain whether that's agreeable.

MR. KAHN: Mike told me that that was stated at the meeting. I could be mistaken when I said we didn't discuss it. I don't really remember it myself.

CHAIRMAN COLVIN: All right, is this an issue that can be clarified in the motion?

MR. FREEMAN: Well, the motion, right now, I'm not sure what it includes. That's why I'd like to get clarification.

CHAIRMAN COLVIN: Well, I'm going to recognize Pres in a moment for a modification of the motion and maybe, Pres, you can address that issue as well as the other that you intended to.

MR. PATE: Well, I'm not sure that it doesn't already address it by having the specification that the 10 percent be based on the number unless I missed something in Bruce's --

CHAIRMAN COLVIN: It says by number in the motion, Bruce.

MR. FREEMAN: Okay. And One last comment, we all need to be aware of the aryan question. Under certain conditions, where we get extremely cold winters in the north, and it's not every year, but under certain years, the entire population, as we know it, the coastal migratory population, is concentrated in the area between Cape Hatteras and probably Cape Lookout, in an area that's probably 60 miles long by perhaps 20 miles wide.

The entire population, from young-of-year fish to 17-year-old fish, if they exist, and what can go on in that area can be devastating to the entire coastwide population.

It's just a unique situation and in the past, 90 percent of the fish by numbers and 70 percent by weight have been taken in that area. It's a very small area.

This has to be looked at very, very carefully and has to be done very carefully because the consequences of this getting out of control could destroy all what we've done to date. Thank you.

CHAIRMAN COLVIN: I recognize Pres for a modification of the motion.

MR. PATE: Thank you, Mr. Chairman. To address the issue that Susan Shipman raised about the red drum, I'd like to offer the following amendment, which is in addition to the parenthetical phrase that's in the original motion, to say that it would then read, "Including the provision of 175,000 pound cap and/or 10 percent of a cumulative monthly catch of undersized weakfish by number in 2002 and a prohibition of the possession of red drum".

CHAIRMAN COLVIN: Acceptable to A.C. Carpenter?

MR. CARPENTER: Yes.

MR. PATE: And striped bass, I'm sorry, add that also.

CHAIRMAN COLVIN: Susan, to that?

MS. SHIPMAN: If I might, just to that, I think that would be fine and, Pres, what I'd suggest is that under samples in your description of the project, it say that red drum or striped bass will be counted and returned to the water as quickly as possible.

MR. PATE: Yes, we can make those changes as a perfection to the proposal once it's submitted, Susan. Thank you.

CHAIRMAN COLVIN: Thank you. Des.

MR. KAHN: I just want to point out, the wording here is not exactly what the Technical Committee motion said because if you read it, it says provision of a cap and/or a 10 percent of a cumulative monthly catch, but what happens? That's not a cap or -- I think the wording in our motion would be the best.

MR. PATE: Can we achieve that, Des, by taking the word "or" out of that?

MR. KAHN: I thought so, but I don't think it really reads clearly. If we just substitute the sentence in our motion, I think it would work fine, but that's my suggestion.

CHAIRMAN COLVIN: I'm going to ask Des to talk to

Pres about that while we move down the list. I have Pat Augustine next.

MR. AUGUSTINE: Thank you, Mr. Chairman. Mine was just a point of clarification. In view of the fact that Bruce has characterized where these fish winter, these 20 by 60 miles, we did not have a determination or a commitment that these captains would actually list their latitude/longitude as to where these tows were taking place, so we could, indeed, track each tow and see if, in fact, they were concentrating in that most prolific area. Would it be possible to put that as a part of your directions?

CHAIRMAN COLVIN: My understanding is that the proposal does include that in the text of the proposal. Lance Stewart.

DR. LANCE STEWART: My question to Louis was just how -- with the particular pelagic fishing technologies, how good is your acoustic determination of different schools or species of fish, and would that be something I think the fishing industry should be really searching for and being able to selectively fish on, not only species, but the size composition of any particular aggregation. Are all these boats equivalently equipped with electronic technology that allows you a better setting prediction?

DR. DANIEL: Yes, and, I mean, these schools make up in specific ways and shapes and forms and the fishermen are able to go and know whether they're setting on butterfish or a mixed sciaenid assemblage. As well, they have used trynets in the past and would use trynets in this issue, I would assume.

MR. STEWART: And my point is this acoustical element of the study well integrated for what we're after here, species selection and size selection? I mean, it seems to be the way to go not only in the north for small net mesh fisheries, but within the south, too.

CHAIRMAN COLVIN: It will be my intention to terminate debate and take the question in four minutes. Vito Calomo.

MR. VITO CALOMO: Thank you, Mr. Chairman. I appreciate the opportunity to speak on this even though I don't know much about weakfish, and I offer no scientific data.

From a philosophical point of view, this is

collaborative research. Yes, we must err on the side of caution, but also for the future of any fisheries in this country, this seaboard, we must have collaborative research, and this is a golden opportunity for us to join in with the fishing community, the scientists and the managers to go forward.

I guess and I know that this is going to do a great job if we get it right, and I know they speak to each other. If they're catching the wrong fish, they're going to stop and move. Thank you, Mr. Chairman.

CHAIRMAN COLVIN: Thank you, Vito. Do we have a perfected motion now, Pres?

MR. PATE: Yes, Mr. Chairman, and I'm satisfied as the maker of the motion.

CHAIRMAN COLVIN: May I ask you to read it?

MR. PATE: The motion reads as follows: For the Board to endorse the characterization study for submittal to the National Marine Fisheries Service. The experiment will be terminated once the 175,000 pounds of weakfish are caught or if undersized weakfish make up over 10 percent of a cumulative monthly catch of weakfish by number in 2002. The possession of any red drum and striped bass will be prohibited.

CHAIRMAN COLVIN: A.C., that's acceptable?

MR. CARPENTER: That is acceptable.

CHAIRMAN COLVIN: I thank you. Is there any further comment? Any comment from the public? Tom Fote. Gentlemen, please be brief.

MR. FOTE: Because of the history of this fishery, the Jersey Coast Anglers Association is opposed to the experimental fishery just because of the fact that it has a huge amount of bycatch.

One of the reasons we see the gain of croakers in our area is because this fishery was eliminated, because it did such a job on the small croakers in that area. And if we were even going to look at a study, it should be a stratified.

We know once you have an observer on board, once you have somebody watching what you're doing, then you're going to have the cleanest fishery.

As soon as that fishery is open without observers on board, it's entirely a different fishery. Because of the bycatch, even though there will be

release of striped bass and red drum, since I am sitting as a red drum advisor, I am very, very afraid of that. So, I basically, as I said, Jersey Coast Anglers Association opposes the opening of this fishery. Thank you.

CHAIRMAN COLVIN: Dick.

MR. RICHEN BRAME: I would just caution the Board to think about --

CHAIRMAN COLVIN: Dick, you need to state your name for the record for Joe.

MR. BRAME: Dick Brame, CCA. Just because this fishery operated before, I think the Board needs to ask itself is that justification for it to operate again? That's the first question.

The second is once you allow the camel's nose under the tent, you allow this incredible fishing power back into an area that is described as an overwintering nursery area. So, does the Board really want to venture down that path? That's the only thing that I would comment.

MR. MICHAEL DOBLEY: Michael Doble representing Recreational Fishing Alliance. Due to ongoing concerns over the bycatch of red drum, striped and sea turtle interactions, the Recreational Fishing Alliance is opposed to the motion.

MS. LANGE: I just have one concern regarding the observers. I'm not sure that the National Marine Fisheries Service, as we are now short of observer funding, how will we be able to accommodate if there is -- is North Carolina going to provide the observers? In here it indicates that NMFS will be doing that, and I'm not certain that it's been accounted for in our budget.

DR. DANIEL: Well, it said NMFS or Manomet observers. Those were two independent observers that we could come up with parenthetically, and that we will be coming up with trying to get the funding to get this research.

But, I mean, we don't want to go forward with the funding until we've received the exempted fishing permit; and knowing how long it takes through the NMFS process to get anything reopened or changed, it's likely that we wouldn't be able to accomplish this through Amendment 5 if we didn't get started right away.

CHAIRMAN COLVIN: Seeing no further hands, I'm going to assume that we're ready to take the question. Take one minute to caucus please. Board, come to order please and let's take the question.

The motion has been read; it's part of the record. All in favor, please signify by raising your right hand; opposed, same sign; abstentions; null votes. The motion carries.

That concludes the printed business on the agenda. As I indicated, Jack Travelstead had asked to bring one item forward. Jack, we're, obviously, not going to have time to discuss that item today.

Perhaps may I make a suggestion that if you could send a memo to the Board that lays out the issue, we would be able to address it at our next meeting, if that's acceptable to you. Thank you. I'm sorry that we ran out of time. If there's no further urgent business to come before the Weakfish Board, we stand adjourned.

(Whereupon, the meeting was adjourned at 10:20 o'clock a.m., July 19, 2001.)