

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

**Crowne Plaza Old Town  
Alexandria, Virginia  
May 4, 2010**

**Board Approved August 4, 2010**

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2. **Motion to approve proceedings of February, 2010 by Consent** (Page 1).
3. **Move to accept Florida's modified weakfish management measures as presented and reviewed by the Technical Committee** (Page 2). Motion by Robert Boyles, Jr.; second by James Gilmore. Motion carried (Page 3).
4. **Move that the Weakfish Management Board recommend to the ISFMP Policy Board that the state of North Carolina be found out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish** (Page 17). Motion by Pat Augustine; second by David Simpson. Motion carried (Page 21).
5. **Motion to adjourn by consent** (Page 21).

## WEAKFISH ATTENDANCE

### Board Members

|   |  |
|---|--|
| Paul Diodati, MA (AA)                               | Russell Dize, MD, proxy for Sen. Colburn (LA)    |
| Mark Gibson, RI, proxy for B. Ballou (AA)           | Kyle Schick, proxy for Cathy Davenport, VA (GA)  |
| Seth Macinko, RI, proxy for Sen. Sosnowski (LA)     | Rob O'Reilly, proxy for Steve Bowman, VA (AA)    |
| Dave Simpson, CT (AA)                               | Bill Cole, NC (GA)                               |
| Lance Stewart, CT (GA)                              | Mike Johnson, NC, proxy for Rep. Wainwright (LA) |
| Jim Gilmore, NY (AA)                                | Dr. Louis Daniel, NC (AA)                        |
| Pat Augustine, NY (GA)                              | Robert Boyles, SC (LA), Chair                    |
| Brian Culhane, NY, proxy for Sen. Johnson (LA)      | John Frampton, SC (AA)                           |
| Tom McCloy, NJ, proxy for D. Chanda (AA)            | Malcolm Rhodes, SC (GA)                          |
| Tom Fote, NJ (GA)                                   | Spud Woodward, GA (AA)                           |
| Gil Ewing, NJ, proxy for Asm. Albano (LA)           | John Duren, GA (GA)                              |
| Craig Shirey, DE, proxy for P. Emory (AA)           | Jessica McCawley, FL (AA)                        |
| Roy Miller, DE (GA)                                 | A.C. Carpenter, PRFC                             |
| Bernard Pankowski, DE, proxy for Sen. Venables (LA) | Brian Hooker, proxy for Chris Moore (NMFS)       |
| Tom O'Connell, MD (AA)                              | Jaime Geiger (USFWS)                             |
| Bill Goldsborough, MD (GA)                          |  |

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

### Ex-Officio Members

#### Staff

|                 |             |
|-----------------|-------------|
| Vince O'Shea    | Toni Kerns  |
| Nichola Meserve | Robert Beal |

#### Guests

|                            |                            |
|----------------------------|----------------------------|
| Charles Lynch, NOAA        | Gregory Breese, USFWS      |
| G. Ritchie White, NH (GA)  | Michael Luisi, MD DNR      |
| Dick Brame, CCA            | Arnold Leo, E. Hampton, NY |
| Frank Kearney, CCA VA      | Sean McKeon, NCFA          |
| Allen L. Burgenson, HSC AP | Rick Robins, MAFMC         |

## **CALL TO ORDER**

CHAIRMAN ROY MILLER: Good afternoon, ladies and gentlemen. I'm Roy Miller, governor's appointee from Delaware. I'm serving as the chair of the Weakfish Board. I'd like to welcome you to the Weakfish Board meeting this afternoon.

## **APPROVAL OF AGENDA**

CHAIRMAN ROY MILLER: Before you, you should have an agenda for today's meeting. Are there any changes or additions to the agenda as proposed? Seeing no changes or additions, I'll assume the agenda is okay.

## **APPROVAL OF PROCEEDINGS**

CHAIRMAN ROY MILLER: Concerning the proceedings from the February 2010 meeting, are there any suggested changes or additions to those proceedings? Seeing and hearing none, I'm assuming they're approved as read.

## **PUBLIC COMMENT**

CHAIRMAN ROY MILLER: At this point in the program I'll allow public comment on any agenda item that is not before us today. If and when we come to an action item and there is a vote, I will, of course, again open the floor to audience comments as well.

Is there anyone that wishes to make a statement now at this point in time before we move into the rest of the agenda? Seeing and hearing none, let's go on to the state of Florida proposal. Jessica McCawley, may I call on you to present the Florida proposal to the board.

## **FLORIDA PROPOSAL FOR ALTERNATIVE MANAGEMENT**

MS. JESSICA McCAWLEY: In your packet you have a letter sent from our chairman to the management board that is asking to reconfigure the size of the management area that we requested before. As you remember, Florida weakfish and sand seatrout are inter-breeding and have formed a hybrid population. Our law enforcement officers and our anglers are unable to tell the difference between these fish. They're basically indistinguishable.

Morphologically they can only be told apart using genetic analysis. When we came to you the last time, we had requested a two-county area. When we took that to our commissioners, they did not like how

we had delineated. It was a full two-county area. We had split the middle of one of the counties based on a bridge, which was where four counties came together, and that is a high traffic area for recreational anglers.

Our commission just felt like it was still too confusing with the area that we had chosen. We are coming back to you today to request a different size or configuration of an area that still includes much of the two-county area that you already approved. The slide that you're looking at there I had shown to you before, which is showing some of the data done by our Fish and Wildlife Research Institute, the genetic analysis sampling done by Mike Tringali. If you'll go to the next slide, this is just a refresher on the percentages, that the largest percentage of pure weakfish that we have are in the St. Mary's River, which is the river that's partly in Georgia and partly in Florida; and then as you go further south, the percentage of pure weakfish decrease.

This was the area that we had shown to our commissioners and we had tried to split this two-county area up. It was about one county and 75 percent of the other county, and we had split it at that Buckman Bridge. As you can see at the inset map on the right, it was where four counties come together, very high traffic, and our commissioners just felt like this didn't really help our law enforcement officers nor the anglers because if they were on one side of the bridge they were inside the weakfish management area and if they were on the other side of the bridge then they were outside the weakfish management area.

Once again, we're recommending that whatever area is established we would call all weakfish-like species in that area weakfish, so that would be weakfish, sand seatrout and the hybrid would all be considered weakfish and have to abide by the weakfish regulations and outside of that area all weakfish-like fish would be considered sand seatrout.

This orange portion, which is very zoomed in on the most northern portion of Nassau County, and that is showing the delineation for the new area that we're asking for. The area includes the St. Mary's River, which is at the northern most portion of this map, and that's the southern portion of Georgia up there.

It would include the St. Mary's River. It would include all of its tributaries. That line that cuts through kind of the middle of the county, there is a highway running through there, and there is a bridge

there called the Shave Bridge. However, there is not a lot of recreational anglers right around that bridge like there were around the Buckman Bridge, which was the previous bridge that we had chosen.

Speaking with our own law enforcement officers, we think that this would be a little bit more enforceable than our old two-county area proposal. We're still proposing to regulate out to three miles, and we have included all of Nassau County, which should be all around the state waters, all around Amelia Island there.

That would kind of be the cutoff and that should be easy for anglers and law enforcement officers to distinguish where they are even if they're offshore. That's all I have. We're just requesting to reduce the size of this management area so that we can properly contribute to the weakfish management effort. We would go back to our commission and try to get the size of this management area in place as well as the required Atlantic States regulations from the management board, the one-fish recreational and then the hundred pounds commercial.

CHAIRMAN MILLER: Does anyone have any questions for Jessica? Does everyone understand their proposal? Rob O'Reilly.

MR. ROB O'REILLY: I guess first just a couple of comments. Having looked at the study, the data are mostly back from 2002-2003. The data represent a time which is still going on of a very truncated weakfish stock. It might be important to know as there is improvement in the stock, can be possible there will be followup genetic work? That would be sort of a question for you. The other one would be in terms of the technical committee, which I guess is Nichola, did they have any comments on this proposal?

CHAIRMAN MILLER: Yes, I was going to bring that up that Nichola is going to represent the comments Lee Paramore on behalf of the TC, but, Jessica, do you want to respond to Rob's questions?

MS. McCAWLEY: Yes, those were good points. We are continuing to monitor weakfish and sand seatrout in that area. We've also taken samples from Georgia, so we're continuing to conduct genetic analyses in that area. I also forgot to mention that we would still be submitting our annual compliance report based on the larger full two-county area.

That way we would be able to see – since that would include all of the pure weakfish that we have in Florida, we would be reporting back on that annually even though we're asking to reduce the size of the management area where we're enforcing regulations. That way we would probably get a little bit better indication if there are changes in our landings.

CHAIRMAN MILLER: Thank you. Are you ready for the TC report? Any further questions?

#### TECHNICAL COMMITTEE REPORT

MS. NICHOLA MESERVE: Unfortunately, our TC chairman had some flight issues so he sent me an e-mail of what he was going to say to the board, I will just read straight from that: "The TC does not feel that Florida's plan to monitor and enforce weakfish regulations in the reduced area of the St. Mary's River will likely have any significant impact on the weakfish stock. Florida's landings are low and they are granted de minimis status.

"The TC does, however, wish to make known to the Weakfish Board the following: The percentage of pure weakfish to other weakfish-like species, sand seatrout and their hybrids, is highest in the St. Mary's River area relative to other areas in the current two-county management region. It should be noted, however, that weakfish landings are coming primarily from areas outside of the St. Mary's River, primarily Duval County.

"Based on data from Florida in 2007 and 2008, greater than half of the recreational landings occurred in Duval County and virtually all of the commercial landings have occurred in Duval County since 2001. Under the current management area, these landings occur in the management area, but this will not be the case with the proposed plan that includes only the St. Mary's River."

CHAIRMAN MILLER: Any comments or questions on the TC Report? Seeing none, how do you want to proceed with regard to the Florida Proposal? Is anyone prepared to make a motion in this regard? Robert.

**MR. ROBERT H. BOYLES, JR.: Mr. Chairman, I would make a motion that we accept Florida's modified weakfish management measures as presented and reviewed by the TC.**

CHAIRMAN MILLER: Is there a second to that motion? Seconded by Jim Gilmore. Nichola reminds me that since this is a revised proposal, that a two-

thirds majority vote would be the appropriate vote in this particular instance. Is there any discussion on this motion? Tom Fote.

MR. THOMAS FOTE: I'm just curious with the regulations we put in for the rest of the states that are basically in effect right now with a one-fish bag limit and a hundred pound bycatch, is Florida going to be de minimis since their catch is going to remain on weakfish because of the other two rivers is going to wind up staying maybe the same, but our catches are going to drop so dramatically that the states that were de minimis a couple of years ago will now make up a larger portion of the catch, and they might, as has happened in scup and a few others where New Jersey has gone over that limit, we are no longer considered de minimis and should we be thinking about that as we go through this process, realizing because of the regulations we put on other states, that might happen. How are we going to deal with that?

I'm not saying it against this. I'm just looking at the other proposal because we mentioned de minimis status and I'm saying, well, then, we've got a problem here because you can wind up being – because we've put so much restriction now, that you can wind up being part of the major catch.

MS. McCAWLEY: When Florida applied for the de minimis status this past time, our report consisted only of that two-county area and I believe were at 0.2 percent of the entire coast-wide landings. We're suggesting to continue to report based on that two-county area, which is the only area in Florida where pure weakfish are occurring. We're still going to report to you based on the larger area.

MR. FOTE: All I was saying is that because the regulations now in 2010 will be different for most of the other states, that you probably are no longer going to be at 2 percent. You're probably going to wind u being 6 percent or some other number.

CHAIRMAN MILLER: It sounds like what Jessica is proposing with the two-county monitoring, that she would cover our concerns in that regard.

MR. BRIAN HOOKER: Mr. Chairman, you just answered the question. It was regarding if there were still going to be reporting in Duval County, but it is.

CHAIRMAN MILLER: It there is no further discussion, are we ready to vote on the motion? Okay, all those in favor of the motion raise your right hand; those opposed; any abstentions; any null votes.

The motion is approved. All right, moving on the next agenda item, and that is **review compliance with Addendum IV requirements**, and I'm going to call on Nichola for that review, please. Vince.

## **COMPLIANCE WITH ADDENDUM IV REQUIREMENTS**

EXECUTIVE DIRECTOR JOHN V. O'SHEA: This was a two-thirds vote thing, and it would be helpful for future boards if you would just announce what the count was so that we can demonstrate we're consistent when there is a two-thirds standard. Thank you.

CHAIRMAN MILLER: **Nichola's and my count was fifteen to zero to zero to zero.**

## **PLAN REVIEW SUMMARY OF IMPLEMENTATION**

MS. MESERVE: In your briefing CD there was a table which summarized the states' implementation with the Addendum IV regulations. The due date for implementing Addendum IV was May 1<sup>st</sup>. Looking at that table, you will see that there are seven jurisdictions, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Potomac River Fisheries Commission and Virginia, that had their final rules in place as of May 1, at least. The PRT found the final rules to meet the requirements of Addendum IV.

There are four states, Massachusetts, New York, South Carolina and Georgia, that provided draft regulations or bills to show that they are in the process of implementing Addendum IV and the proposed measures are to the standards of Addendum IV. Each of the states provided an expected implementation date. For Massachusetts it was early June; New York was June; South Carolina, the bill is going to be effective July 1<sup>st</sup>; and in Georgia the bill will be effective upon the governor's signature, and it was expected that would likely be happening in May.

There are two other states, North Carolina and Florida, which the PRT could not judge if their regulations are compliant with Addendum IV because draft regulations or the plans to implement were not available at the time, and, of course, the regulations were not implemented by May 1<sup>st</sup>. The states fall into different categories here.

Florida, of course, as just discussed, their implementation of Addendum IV was hinging on the board's approval of the revised management area.

North Carolina's Marine Fisheries Commission voted in March to not implement the weakfish regulations, particularly the 100-pound trip limit. Staff has just handed out a paper from North Carolina that looks at the bycatch issue that is the concern for the Marine Fisheries Commission in North Carolina.

CHAIRMAN MILLER: Any questions of Nichola or comments? It seems we can proceed two ways. We can either vote for approval of the implementation results by this board or we can proceed on to North Carolina's bycatch proposal and then have a vote concerning implementation requirements. Anyone have a firm preference in that regard? Seeing none, why don't we go on to the North Carolina Proposal, and I will call on Louis Daniel for the issue paper which was distributed on the internet about a week ago, if I'm correct, Louis, and also has been handed out in hard copy to you today. Louis.

#### **ISSUE PAPER ON NORTH CAROLINA'S BYCATCH CONCERNS**

DR. LOUIS DANIEL: This is a tough issue for North Carolina. I do want to let you know how things progressed at our March commission meeting. I was going through my director's report and indicated that we would implement the Addendum IV regulations and kind of went on. We came back to that issue and a lot of questions started being asked about the ramifications of this as far as bycatch and particularly unquantified bycatch.

They had voted, I think it was five in favor, two opposed, to direct me not to implement the measures required under Addendum IV to the Weakfish Plan. I, on my own volition as a member of this board, came home and worked up a proposal that I believe my commission will accept if it is approved by the board. I certainly hope they would.

There is a title error on this paper. For the record, Mr. Chairman, it is from the Division of Marine Fisheries and not the Marine Fisheries Commission, if everyone would make that own on there. We did try to get this out as quickly as possible so that folks would have chance to look at it or at least ask your technical folks to look at it. What I'd like to do is just kind of briefly go through some of what I think are the high points of this, Mr. Chairman, and then take any questions that the board may have.

One of the points, I think there is a little stock status background from Addendum IV, and I think there are a lot of confounding factors in this stock and a lot of

us are very concerned about the status of the stock, as we are. We're not arguing that there is not a problem and that the stock is not even collapsed possibly. I think you would be hard pressed arguing that it is not, but in order to determine what is going on in the stock in the future, I think having the majority of the mortalities being unquantified discards is going to really confound our ability to monitor the stock in the future.

We believe that is what is going to happen if we implement the hundred pound trip limit in North Carolina. Everybody knows the history – well, a lot of you don't – in that North Carolina took a pretty substantive hit that had a significant impact on our trawl fishery in North Carolina when we closed south of Hatteras. That was a 42 percent reduction, and we achieved that reduction in spades because of the numbers of small fish that we saved by not going into that area any longer.

There some real hesitancy in North Carolina now that we took such a big hit, we had such substantive moves and it really didn't appear to make any difference. Everyone around this table at the time felt like that was the icing on the cake to the recovery of weakfish. We're all confounded by where we are today.

What I've tried to put together in this document is to kind of show you how significantly the fishery has changed from the last three or four years to the three or four years just as far as back as '97 to '99, while some fisheries have definitely targeted weakfish in recent years, nearly all of the fish that we're taking are either part of a mixed fishery or incidental to other target species.

Because weakfish are rarely targeted under current conditions, the proposed rules under Addendum IV have the potential or will result in excessive discards due to that mixed-species fishery. Per Addendum, the hundred pound trip limit is meant to discourage directed fishing and reduce weakfish harvest without creating a large amount of discards.

This result, however, is unlikely given that most trips in North Carolina are not directed. Also, weakfish discarded by commercial fishermen have an assumed 100 percent release mortality for purposes of the stock assessment, so the end result of a hundred pound trip limit in North Carolina is that the regulations will have little to no impact on our total removals of weakfish. It will just result in most weakfish captured being discarded at sea.



If you look at Page 3 and kind of take a look at sort of a characterization of how the fishery operated back – look down at the bottom of Table 2; from '97 to '99, we weakfish made up 75 percent or more in 3,882 trips and accounted for 45 percent of all the weakfish landed, 4.29 million pounds. It was clearly a very directed fishery.

If you look up now, less than 14 percent of the weakfish harvested are from trips that landed greater than 75 percent of weakfish. The concerning thing to me here is that I don't believe – if you look at that pounds of all other species, I don't think they're going to forego the millions of pounds of other species in order to avoid weakfish.

If there was a season or an area closure or some other option in order to try to avoid these discards, we could do that, but it's just such a small amount of weakfish that are being taken compared to such a large quantity of other species, I don't think it's necessarily right to have such a dramatic impact on the industry to protect just a few fish.

If you continue on to Table 3 and Table 4, I think this is some of the more important information here, and that is that from 2005-2008 25 percent of the harvest came from trips that landed less than a hundred pounds; 75 percent, while not really directed on weakfish, came from trips that landed over a hundred pounds. A lot of these large grips – for example, the 127 trips that landed over a thousand pounds, that comes from fisheries like the ocean trawl fishery and the haul seine fishery, which were also catching millions of pounds of other species in addition to those thousand pounds of weakfish that made up a very small percentage of the trips.

Compare that to the way it looked just ten years ago or so and you can see there has been a huge change in the fishery to where only 8 percent – we had one greater than 5,000 pound trips made up 25 percent of the harvest. That is down to 5 percent today. There is very little directed weakfish fishing because there is really not a lot of weakfish in these various areas.

If you kind of go on to Page 6 of Table 5 it sort of breaks down how the various gears are affected by these various percentages. What we're looking at is how in the world do we allow these fisheries to operate, allow for the unavoidable bycatch of weakfish to be accounted for at the dock, but avoid a directed fishery and achieve some meaningful and quantifiable reductions.

Where we sort of see the tipping point here from a directed fishery to a non-directed fishery is in those trips that land 10 to 25 percent and less. Less than 25 percent, you can see all other species make up a much larger portion. Once you get up to the 25 to 50 percent on any of these fisheries, you start to see they're catching more weakfish or a lot more weakfish compared to the other species that are caught.

If we look at ocean gill net, for example, less 25 percent of the – you're still reducing by 60-plus percent of the weakfish harvested in the ocean gill net fishery. In the long haul seine fishery it is a high level as well percentage of the weakfish landed, 50-60 percent. Looking at these, we can see that there are substantive reductions and avoids some of the unquantified waste.

Other data in here just basically lays out the number of trips with weakfish, the amount of pounds of landed, those types of concerns that have been raised in North Carolina, projected landings based on the percentages and the reductions that we have estimated is with a 25 percent – on the last page, Page 8, Table 7, the last page shows that a 25 percent bycatch allowance of weakfish would still result in a 43 percent reduction in the weakfish harvest, and it might be even more than that if they're avoiding fish.

That is real close to parity with the reductions on the recreational fishery in North Carolina. I don't know that we did an analysis of the parity amongst all the various fisheries and how each state was impacted by the hundred pound trip limit. I'm sure there are some states that were not impacted much at all because of the status of weakfish right now; whereas, in this fishery I just don't see how we can avoid them.

If it is the pleasure of the board to require us to implement the hundred pound trip limit, the discards and the waste are going to be catastrophic, and they're going to get worse if the stock starts to recover, which I think we all hope it will. In good conscience, it was hard for me to dissuade them too much from this issue because I felt like the board – we had this discussion at the last meeting.

This meeting I'm coming back asking again with the hard numbers to show you the millions of pounds that are going to be unavoidably lost. If we're found out of compliance and we're ultimately forced to implement the hundred pound trip limit, I don't know how we'll ever have confidence in our assessment

again when the dominant fishery and the majority of the landings are going to be unquantified discards. I really don't know how we do that.

I think we need to think consistency in some these things. We've talked about the concerns on river herring and yet we're allowing a fishery with excessive amounts of discard mortality in the herring fishery continue to go on. We know that bycatch is occurring; we know that it's extraordinary waste and compromises our ability to manage herring, but at least we're getting the numbers on them.

In this circumstance I think the data shows that there is a very little way that we can avoid these fish in North Carolina in these multispecies fisheries. Our proposal is to request that the board give North Carolina the ability to implement a 25 percent bycatch allowance on weakfish that would be monitored very closely and carefully by our marine patrol; that we could come back to this board on an annual basis with a report on the reductions in landings and the harvest levels and the information that we were collecting off the fishery.

When the time comes, if I've answered your questions, I will make that in the form of a motion. I will say, Mr. Chairman, one final thing is that my Marine Fisheries Commissions meets next Thursday to discuss this issue; so whatever the board decides, it will be acted upon on Thursday of next week and I will be able to implement – if the board so chooses to give us the 25 percent allowance, I will have that implemented by Saturday, after 48 hours, by proclamation.

I don't know what the commission will do as far as the compliance issues if we don't, and I can't really speculate on that, but I will certainly encourage them strongly to implement this immediately if it is accepted by the board.

CHAIRMAN MILLER: Thanks to Dr. Daniel for preparing that report for this purpose specific purpose. Are there questions or comments for Dr. Daniel? Tom Fote.

#### **BOARD DISCUSSION**

MR. FOTE: As Pat Augustine pointed out earlier today that sometimes you take a lot of heat for things that you basically do when you think it's right. When I basically made the motion to allow for a one-fish bag limit and a hundred pound bycatch, I got beat up by a whole bunch of people because they wanted a moratorium on this fishery.

I thought that this was the right measure to basically put in place because I did not want to see fisheries basically discard. The problem with North Carolina's proposal, I can see the commercial fishermen in New Jersey who will have the same problem and the same consideration coming in for the same exemption, to look at 25 percent, and this is really where we get into the problem of how we handle this.

Again, New Jersey basically eliminated – as you know we had the same dragger fishery that operated out of Cape May many years ago and we eliminated that fishery and basically turned it into a gill net fishery. The draggers have never went back into the weakfish fishery once we raised the size limit from six to thirteen inches in New Jersey because they were basically doing the small fish fishery.

I was basically looking at when this fishery starts increasing, the problem is we have done everything right and the fishery is still going down, and I think it's not because of fishing pressure. That's why I allowed it. I have a real problem with this because again I would see the floodgates of other states coming in the same way and all of a sudden we wind up with a 25 percent in every state that allows for a bycatch, and then all of a sudden I hear from the recreational, well, now you have us down to one fish, and it's a difficult sell in a majority of the states.

I don't see myself being able to support this after making the motion for the hundred pounds and the one fish and basically trying to do what I thought was the right thing there, and New Jersey and other states coming into compliance. Again, our gill net fishermen have the same problem with the discards.

Yes, I know we talked about it earlier today with the summer flounder discards in the recreational and we do this because the regulatory discards is the fact of life, and I don't like it. I think we need to do better management, but I don't see an alternative right now with the weakfish. Thank you.

CHAIRMAN MILLER: Thank you, Tom. I'm going to call on Jim Gilmore next.

MR. JAMES GILMORE: Louis, along the same lines of what Tom brought up; when we went out to our Marine Advisory Council and put in the 100-pound, 2-fish bag limit, we heard in spades that all these dead fish we're going to leave in the ocean, and I agreed with them. I would rather have had that we

should be landing those fish, but that was not the agreement we got to.

I must agree with Tom. If we go this, which I don't want to leave all those dead fish in the ocean, but I think the bigger ramifications of this is that every one of the states is going to come back and want the same thing. Now, I haven't quantified it so I don't know what the size is and I guess all the other states would have to do that, but that's I think what we're talking about. If we go with the North Carolina proposal, we're going to have to go back to our own states and they're all going to want the same thing. Then we've kind of undid what we did a couple of months ago.

MR. O'REILLY: I was looking at the information, Louis, and one of the things that you mentioned was how difficult it would be to design some type of seasonal measure. In looking at Table 6, since this is not broken out by month and I know a little bit about the timing of North Carolina fisheries, are there some of these fisheries that seasonal restrictions would be available? First of all, they're all lumped together. The landings are four years' conglomerate and definitely a couple of those years are much higher than the recent years, but when you look at each of those six fisheries is there something about a seasonality that you were even thinking about before in terms of some type of management?

CHAIRMAN MILLER: Do you want to respond to that, Louis?

DR. DANIEL: I guess in some of these fisheries maybe you could look at it, and I think if you look at the ocean gill net fishery to see that they landed 30 million pounds of other species and an average of 100,000 pounds a year on weakfish, it is going to be hard to justify a closure to one of the major fisheries during the wintertime to protect weakfish. I think they'd rather have the hundred pound trip limit and have that discard mortality than forego several million pounds of croaker or what other species that they're fishing for.

The haul seine fishery, you know as well as I do the way that fishery operates. That is a true multispecies fishery. I think that's one of the issues and maybe I don't understand it as well up north, but it seems like some of the discussions we've made in the past, you know, a hundred pound trip limit, it is not going to have an effect in certain locations because they're not even catching a hundred pounds.

What does that mean for the reductions? They're really not get any in some of these areas. If you say there is a moratorium on flounder, you don't fish 5-1/2 inch tailbags and you don't catch flounder. Most of the time if you say you don't catch striped bass, there is some bycatch but it's not substantial. This is one of those fisheries where there is not an avoidance ability there. I tried to look at that, Rob, because I knew that there would be interest.

I heard the comment made several times that North Carolina has got a problem and we're coming to you for a solution. I think we've all got a problem, and I think the problem is going to be millions of pounds of weakfish being discarded when we may be able to come up with a way to account for them.

I personally think that in the time that we've thought about this since the last meeting, I wish I had thought of it before we even went out to public hearing. But if we're not overfishing and if the stock may not even recover under a moratorium, then why would it be such a bad idea to go back and provide these opportunities instead of sticking to our guns and saying it's a hundred pounds or bust.

What are we doing the right thing for the resource by implementing this? I don't know that we can answer that question. I just know in North Carolina that if a trawl boat fishes half a mile off the beach and hits a bolus of weakfish and catches 50,000 pounds and they're all dead and they're all discarded and they all end up on the beach, I'm going to have a mess that I've got to clean up.

I've looked into trying to get these fish – let them bring the fish in and give them away. It is hard to get folks to accept that volume of fish that would have to be processed. I have a hard time giving away a couple of boxes of flounder to the soup kitchen sometimes. I can't imagine if Danny Mason comes in with 15,000 pounds of weakfish in a haul net what I'm going to do to get rid of those fish.

It's going to probably end up being a marine patrol issue and a littering issue because we have laws against fish offal in North Carolina, and I would think that dumping 15,000 pounds of weakfish in the harbor and Atlantic is going to constitute a violation, so what do you do with them? They're not culling at sea and everybody knows that. It is certainly as big an issue as I've had to deal with is trying to come up with what is a reasonable thing, avoid the directed fishery, take that off of the table, we're still looking at an additional 40 some percent reduction, and that's pretty serious.

CHAIRMAN MILLER: Louis, if I could, it seems to me if memory serves, your reported landings last year of weakfish were on the order of 150,000 pounds?

DR. DANIEL: 170, yes, sir.

CHAIRMAN MILLER: So when you're talking about millions of pounds discarded, are you suggesting that the present level of bycatch is on the order of 850,000 pounds or are you just talking about the potential for a million pounds discarded based upon a conglomeration of years of landings?

DR. DANIEL: That is correct, yes, sir. I mean, certainly not right now; it's not that big of a deal. We had four trips in January that had 40 or 50,000 pounds of croaker and mixed in was 4 to 8,000 pounds of weakfish, so those would have all been discarded dead or been landed and accounted for under this 25 percent bycatch provision.

Again, certainly if we see – I mean, the reports I'm getting right now are that they were seeing a lot of fish, that we're seeing some weakfish this year. We're also seeing some croakers in the Sounds for the first time in anybody's recollection at any size so we're seeing some changes. The fisheries are getting ready to start right now where the high levels of bycatch are going to occur.

We'll be monitoring those and trying to quantify them in the fisheries we can quantify them, like the haul seine fishery, but in the trawl fishery and the gill net fishery we're not going to know what is being thrown overboard because it is going to all be done at sea without observers. I've already got every observer dollar I can muster into my sea turtle observer program to allow the fishery to operate this year.

MR. PATRICK AUGUSTINE: I appreciate your explanation of what your problems are. I reviewed this and when I first looked at it, I thought, well, maybe it is doable; but then when I look at the chart that Rob O'Reilly was referring to on Chart 6, it just seems to me if you were going to flynet and trawl and 52 percent of the landings are weakfish and then in pound net is 23 percent – those are the two high numbers – no matter what the number of fish are, those are still high numbers. Had you considered time area closures for either one of those or are the fish in the waters mixing at all times during the year where it would be impossible to consider a time area closure for either one of those?

DR. DANIEL: The trawl fishery and the ocean gill net fishery primarily operate December through March, and that right now is a fishery that is pretty much directed on croaker, and the weakfish have been just an also ran. There have been no directed trips on weakfish in the trawl fishery in the last few years because they just haven't found them.

The estuarine gill net fishery, they're targeting Spanish mackerel, bluefish and speckled trout. They're not targeting weakfish. It's a difficult situation – put yourself in it – that you close August, September, October to the estuarine gill net fishery and take away the bluefish, the Spanish mackerel and the speckled trout that make up 95 percent of the catch in order to protect weakfish, I think the fishermen would much prefer and really reality would suggest that they're going to just say to heck with the weakfish and discard them all dead if they have to give up all those other species that are also a lot more valuable.

That's the problem with the time and area closures on weakfish at the level they are right now. Now, if we were seeing trips like we saw in '97 and '99 and we could close January to weakfish fishing or close a portion of the winter when the fish were there, then it would work, but right now there is no rhyme or reason to where and when they show up in what fishery, and that's the difficulty I have. I tried to come up with as many options as I could, but the only one that really made sense to me that would account for the bycatch, avoid a directed fishery and achieve substantial reductions that are probably on par to most of the other states with a hundred pound limit was this 25 percent bycatch allowance.

MR. AUGUSTINE: I appreciate the explanation but the fact still remains, Dr. Daniel, that we have a stock that is in such poor shape, it's not overfished and overfishing is occurring, and natural mortality – well, this isn't natural mortality. Well, it is natural mortality because it is being caught by some gear type.

The real question is, is it really natural mortality or is it something being caused by our efforts and it is something caused by our efforts? I guess my concern is rather than going the 25 percent that has been opposed by Mr. Gilmore and others around the table, others states are going to want to jump in and do the same thing. I can understand the dilemma.

I've had calls from our folks, too, saying, hey, we're getting screwed and why should we not have the same shake as everybody else? I would hope that somewhere along the line with a 52 percent of landed weakfish in the flynet trawl area or the pound net, one or the other, it just seems that maybe somewhere you can eke out a short period of time, whether it is a month or three weeks or something, understanding that I don't see any of the other species of fish not being totally caught.

In other words, they're catching their full quotas of the other fish, so would it not be worth at least an effort to identify a small area or some – either an estuarine area or some such thing that you could put on the table to say, hey, folks, this is a real effort that is going to go above and beyond and our commercial folks are going to have to understand this is what we're trying to do; is it possible to do that in your mind's eye? Is there any small area or something that you could put up as a food for thought or tidbit of meat?

CHAIRMAN MILLER: Well, that would require some thinking on your feet in that regard. Louis, do you want to respond to that?

DR. DANIEL: Well, that would be certainly something that – I guess that would have to be my Plan B, Pat. I really don't know off the cuff, and I certainly don't want to offer up a seasonal closure or an area closure without discussing it with the fishermen and looking at the data and finding out exactly what the impacts would be there.

Really, the question in front of the board is do we implement the hundred pounds and have substantial unquantified waste in North Carolina or do we try to take advantage of this trip ticket information that shows us that we can do it with less waste. It would certainly be fine with me if we elected to come back and re-evaluate what we're doing if we're seeing a lot of waste and discards in some of the other states.

I've seen the data from Virginia. You're going to see levels of discards there, too, that are pretty strong. I wish our technical committee chair was here or somebody was here to be able to explain how do you assess this population if a huge percentage of the removals are unknown? That's going to be a major, major issue, and I don't know what level of confidence – how are we going to track our success? We've got the independent indexes, correct, and we've got an age-structure analysis from a hundred pounds, so we will be able to see some hopeful

improvements there, but this problem right now is probably at the lowest point that it has ever been in North Carolina. If we all of a sudden reverted back to the days of '97 to '99 when we were landing 4 million pounds, 3 million pounds a year, all from our high of 20-some million pounds in the early eighties, everything is going to be interacting with these things. We'll be seeing them in crab pots and everything like we did before and then what do we do?

CHAIRMAN MILLER: I for one would welcome the good old days of '97 to '99 again in regard to weakfish. Follow up, Pat.

MR. AUGUSTINE: Yes, follow up, Mr. Chairman, thank you very much. The problem with just going ahead and agreeing with a 25 percent bycatch, it still doesn't capture any number. In other words, 25 percent is 25 percent. Let's take one of the other fisheries outside of this, highly migratory species – no, I'm sorry, squid, mackerel and butterfish whereby you have a bycatch quota of 80 percent.

When you reach 80 percent of the butterfish quota, then the fishery is shut down, which has a direct effect on mackerel and squid. I guess the real question is there is no trigger or no mechanism. It is an open-ended thing trying to be able to account for the bycatch. At least there is a count for it, but there is no limit, and it's 25 percent of whatever the total pounds of other species of fish we're talking about.

I'm not sure how we can capture that to support what you're trying to do. I think I'm looking for answers to grab on to and say, hey, now we have justification, but right now I haven't heard it yet, and I hope you can come forward with something else or some other board member can fill in the blanks.

CHAIRMAN MILLER: Very quick response, Louis; we need to move on.

DR. DANIEL: Just quickly on the last page, Pat, Page 8, if we look at the average pounds of weakfish landed from '05 to '08, we see a pretty substantial reduction in the harvest, and you can look at it varies by gear type. You're looking at a 57 percent reduction in the ocean gill net fishery, which is one of the dominant fisheries now, that and the haul seine fishery, which is reduced by 46 percent.

Now, again, you're going to have to characterize this after a season of it on how it is working and how it can be explored, but you're looking at a pretty

substantive reduction. I guess the other question that I would ask because I don't think we know the answer and I don't think we looked at it, what reduction is New York getting from the hundred pound limit? What percent reduction is Delaware getting from a hundred pound trip limit?

Was there parity figured into that? I don't think it was. I think we just looked at what is a bycatch allowance that will get us something. Tom, bless his heart, came up with an option of the hundred pound trip limit and a one-fish bag limit as opposed to a moratorium. We never really looked at how that impacted all the various states, and I would submit that we're probably being impacted – probably us and Virginia are probably being impacted the greatest in terms of the percentage reduction because we do have these multispecies fisheries that we can just say we're not going to go trout fishing today. We go fishing and that's when we have these problems.

CHAIRMAN MILLER: I think I need to recognize some additional hands. Dr. Rhodes, if you remember your question at this point, I'll go to you.

DR. MALCOLM RHODES: Louis, reading through this, I see where you're talking a 43 percent reduction in bycatch, but that's only because that bycatch becomes landings. This doesn't propose any decrease in landings by seasonality gear-type closures, so the total mortality is not being diminished; correct, but just the amount that is brought into port is increased; therefore, it is less bycatch. We're going from 800,000 pounds down to 500,000 pounds of bycatch; is that the proposal?

DR. DANIEL: Partly, Malcolm. The issue here is if you look at Table 6 and you look at least for right now when the stock is in the condition that it is in, we believe that the trips that land more than 25 percent weakfish appear to be a more directed fishery, and that those landings would be eliminated. Certainly, you wouldn't have these trips that land 75 percent or more weakfish if you could only have a 25 percent bycatch allowance.

They would avoid those fish and not continue setting in areas if it is a gill netter or another fishery and would not continue setting in those areas. If a haul seine bunts up the net and sees that it is mostly gray trout, they're going to have to let that set go. My thinking and my belief is that it will have a significant reduction in mortality but also account for that unavoidable bycatch as best we can.

You can probably shoot a hole in any of this in terms of what do you do if you go out and the first haul you have got 5,000 pounds of trout; what do you do? I mean, technically you're going to need to dump them overboard because you don't have anything to go with them. Maybe it won't be a hundred percent release mortality, but certainly I wouldn't take the risk if I went out there and know that I have to catch 20,000 pounds of something else in order to bring those trout back. If the marine patrol stops you and you've got over 25 percent of your catch is weakfish, you're going to be in violation of the rules. I hope that answers your question.

DR. RHODES: But wouldn't a hundred pounds be even more restrictive and make them more careful about those sets?

DR. DANIEL: In some fisheries, yes, but in these fisheries that are under 25 percent that are fishing for croakers and fishing for other things and having a bycatch of weakfish, it is going to result in a lot of discards, a tremendous amount of discards. I think that is what the data shows you.

MR. GIL EWING: Dr. Daniel, you said that maybe we should revisit these regulations. Are you suggesting or do you have a motion to do that? I spoke to some people in Cape May and asked them about the croaker, and they said, well, effectively we can't even go out for croakers because we're catching too many weakfish with them. Yes, they lost the weakfish but they also lost the croaker fishery. You have a problem and you suggested maybe we ought to revisit this, so I'm asking you if you have a motion for us to do that? Thank you.

DR. DANIEL: Well, my motion and my intent at this point is to get back in compliance with the plan and not be found out of compliance with the plan. That's my first and foremost objective here. Now, if it's the pleasure of the board and the chairman to reinstate an addendum to review this in a different light and look at some bycatch allowances as opposed to the hundred pound trip limit and one-fish bag limit, I certainly wouldn't object to that, but I'm trying to get back into compliance with this plan. My motion is to accept our 25 percent proposal; and when it is time that, I'll make that motion or I can make it now and we can take a few more questions and vote it up or down. If it is timely, Mr. Chairman, I'll make that motion.

CHAIRMAN MILLER: Let me put it this way; I have two more hands to recognize plus an audience

member or two, plus we need to be cognizant of the fact that we were supposed to wrap up by 2:30 if at all possible or we'll be butting up against the Horseshoe Crab Board. Tom, do you want to let Louis make a motion or do you want to comment prior to that action?

MR. FOTE: I think I should comment prior to that action. Louis, if I had went out with this proposal instead of what I went out with on the 100 pound bycatch and the one-fish bag limit, the overwhelming would have been for the moratorium, and that's the way I have to look at what is going on here.

If we went to public hearings with this option, I don't know how other states feel, but I would say some of them would be the same sympathy that have, that they would have chosen the moratorium. The only way I sold and basically did this is because I did not want to see was with the hundred pound bycatch and the one fish – as Gil suggested, we go out to public hearings again with this, then we would basically hear a lot of more cry for a total moratorium, which I don't think is productive either.

I'm really in between here and stuck between a rock and a – that's why I'm looking at this as it is very difficult and if I have to do this, we would have to reopen the whole thing and then we're going to wind up with a moratorium. I mean, if that's the way you want to go, then that's the way we're probably going to wind up doing, and I don't think that is what we want. That's why I basically had made the motion originally in regard to public hearings and the way it went out.

MR. A.C. CARPENTER: I've got a question for Louis. I understood in your introductory remarks that when your board voted against implementing this and then you took it on yourself later to try to craft something here; was there any discussion at your board meeting about the implications of their actions or did they have any kind of plan or are they ready for the federal moratorium? Give me your feel for what went on in March.

CHAIRMAN MILLER: Please be brief, Louis, on that.

DR. DANIEL: Essentially what we did was we went through our interjurisdictional fisheries management plan and explained to them what the ramifications of being found out of compliance would be. We also brought up the fact that there is an appeals process in the ASMFC Charter, that we could appeal the

decision; but when we reported that we would basically be signing over acceptance of whatever the ISFMP Policy Board decided on our appeal, that is when they withdrew that as a possibility because they did not want to be thrown at the mercy of the policy board.

I explained to them what the ramifications were and that if we were ultimately found out of compliance and the letters go to the secretary and all those actions, that we would have an opportunity or at least we could request an audience with the secretary to try to convince him otherwise that our approach is a better approach than what we approved in Addendum IV.

My thinking is and having talked to some of my commissioners and having talked to some in the industry I think they would be willing to withdraw that telling me not to implement the management measures if I could get this instead. I really feel like I can do a sale job next week to the commission if this is approved. If it is not approved, I really don't know what they're going to end up doing.

I will advise them again what the implications of being found out of compliance formally are. The New Jersey example, I don't know if that is going to hold true for this one because we have sort laid out here that this bycatch is unavoidable, so how that will play out I just don't know, but I will try to brief them and make sure they're fully up to speed on what the ramifications are if we're not in compliance with the plan.

CHAIRMAN MILLER: Louis requested the opportunity to make a motion and I think I'm going to give that opportunity and then I'll call on the audience for comment. Do you wish to do so at this time, Louis?

DR. DANIEL: **Yes, sir, I would make a motion that the board approve an alternate plan for North Carolina's compliance with Addendum IV to Amendment 4 to include all the measures of Addendum IV but replace the 100-pound trip limit with a 25 percent bycatch allowance of weakfish.** Implicit in that would be annual monitoring and report back to ASMFC on the reductions and how that is going.

CHAIRMAN MILLER: Give us a second or two to get it up on the board, Louis. Your motion was specific to North Carolina; am I correct?

DR. DANIEL: That's correct.

MR. ROBERT E. BEAL: While they're working on that motion, I guess the question would be is this a conservation equivalency proposal or is this – what type of proposal is this?

DR. DANIEL: Well, I believe it is a conservation equivalency proposal because we are seeing substantial reductions here of 43 percent. It is very close to what we get in our recreational fishery with the one-fish bag limit; it is like 50 percent; but without knowing what the reductions are from all the other states, it is hard to know are we on par with other states or not. I would say that it is a conservation equivalency motion, yes.

CHAIRMAN MILLER: We have something up on the board. For the benefit of those back, do you want me to read what we have and, Louis, let us know if this needs to be modified. Move to approve an alternate plan for North Carolina compliance with the Addendum IV to Amendment 4 to include all the measures in the addendum but replace the 100-pound trip limit with a 25 percent bycatch allowance. Motion by Dr. Daniel and we need a second to the motion if that covers what you said. He is nodding his head yes, so we would need a second to this motion if it is to be considered. Anyone seconding this motion? Seeing none, the motion fails for lack of a second. All right, I think this is an appropriate time for public comment. Mr. McKeon.

MR. SEAN McKEON: Sean McKeon, North Carolina Fisheries Association. I guess my comments are probably a little bit moot at this point as the motion did not get a second. I wanted to just say a couple of things. One is that timing is everything. If we had had an opportunity to look at some of these bycatch issues I think prior to this vote I think at the last meeting, maybe it would be a little bit different, but I wanted to just be very clear.

The industry did not support telling the ASMFC the heck with you. What the industry wanted to do in North Carolina was to ask you to help us to stay compliant, but we've got a very serious problem and we wanted to find a way to make it work out. I think that today is May 4<sup>th</sup>, so we're not in compliance with the plan – it is supposed to be May 1<sup>st</sup> – but why aren't we?

To me that is as important as the fact that we're not is why aren't we? When fishermen looked at the possibilities – and Louis has done an excellent job.

In my view I think his presentation is very good and very thorough. Our commission did not vote – the Marine Fisheries Commission did not vote to say we don't want to work with ASMFC but rather the opposite.

They said we do not want you to implement this plan. We met with the division, we met with the commissioners – industry did – and said we support working out some mechanism, we support going back and finding a way to make this work. I think it is just to me a question of whether the technical committee could justify – unfortunately not here – but could the technical committee justify – if you look on Page 2 of the proposal, is there a place in between the lines that are there, between the moratorium and no more moratorium?

I think somewhere in between there is where we come out on this 25 percent and can the technical committee come back and say, yes, this is conservation equivalency, but we have not looked at the other states. The reductions of hundred pounds in other states are not – in certain states are not even going to be remotely close to what North Carolina or Virginia or other states that have these interactions there.

I just think it is kind – it's an awkward day when we really come back – this is the third time we've come back and kind of begged and pleaded with you all to just at least consider what we're doing, and it seems it is more politically motivated in some instances than it is in consistency with what you've done in other fisheries like herring and other fisheries.

I don't know what the step is going to be but I know that fishermen are very, very adamant about not throwing fish overboard. They will try and avoid the fish; there is no question about it; they do now. I mean there is no fish here now. There is a couple of years away from any of these fish really coming back if they do, but if they do there is going to be serious, serious problems.

I think we have overlooked a very important opportunity to go back and find out exactly through a technical committee what would be the right numbers for every state. If one state is being asked – I don't know what the numbers are, I have no idea, but if one state is being asked to reduce its catch 80 percent and one state 2 percent, I don't think that is fair, and I don't think that is the way that this cooperative agreement is supposed to work. Not having a second



on the motion, it is kind a moot point at this juncture, but I wanted to just clear it up.

We were not – industry and I know the commissioners that voted for this were not saying we don't want you to work with ASMFC and the heck with them. That is not all what they voted for. They were voting not to implement far more than to be out of compliance. They were hoping that the out of compliance vote would not happen and that we would be in compliance after you all took a look at these numbers.

Sadly, timing is everything; it's May 4<sup>th</sup>; it's not May 1<sup>st</sup> or the end of April and this is a little bit late. I just wanted to put that on the record. I hope that it is understood I believe our commission, I believe the state of North Carolina's division and I believe the industry have gone to the furthest degree possible at this juncture to encourage this commission to take a very strong look at what we're proposing relative to other states.

My guess is there are going to be some serious discussions next week at the commission, but they've already voted not to implement the measures and I don't necessarily think they're going to change their mind on that, and sadly we're going to have a battle on our hands that I don't think is good for any of us. Thank you.

MR. MARK GIBSON: Mr. Chairman, our reason for not seconding over here for discussion was that we didn't see this as being structured as a conservation equivalency proposal. It wasn't clear to us that it could be considered as such. It would need to have technical committee review and so on to establish that conservation equivalency.

The extent that there is an opportunity for North Carolina to reconstruct this or reconfigure this along those lines and get some review so that this board could be convinced of its merits, we certainly would be interested in seeing that. I don't know if the compliance timeline allows for that. I wanted to make that point.

CHAIRMAN MILLER: Well, of course, the compliance deadline was May 1<sup>st</sup>. There are a number of states, as Nichola pointed out, who are in the process of meeting the compliance requirements but obviously are not going to be able to get it done by May 1<sup>st</sup>. North Carolina is not alone in that regard. How do you want to proceed with regard to North Carolina, which is the big issue, and the other

states that have compliance lags, shall we say, but fully intend to implement the addendum as proposed? Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, the compliance review is on the agenda I think later in the meeting. In the meantime could we not ask those states that are in that time bind and have not been able to complete their compliance review when they expect it to be done? Could it be possible that we could get a report at the next meeting? In the case of North Carolina; could their proposal – as Dr. Gibson pointed out, could their proposal be reviewed by the technical committee in a timely fashion where they could come back to the board and say, yes, it meets the measure or not.

And then, finally, they are not complying with the FMP that we all agreed to in terms of implementing a hundred pounds and one fish per recreational angler. I'm having a dilemma personally because you all know I'm very black and white. I listened to Mr. McKeon and he makes a very, very good effort to present the facts. Unfortunately, we have a time sequence of things.

New York would surely love to have more than two summer flounder at 21 inches with a very shortened season compared to our neighbors who have six and eight fish with a season that is six or eight weeks longer. Unfortunately, we're locked into something else, in this case called conservation equivalency. It seems everytime we make an allowance outside of the guideline that we have established, the FMP, if you will, an exception, we just seem to be watering down our efforts more and more.

I'm not sure we have had many FMPs or amendments or addendum where we've all fully agreed unless it's something rather simple, and I think we're going to have controversy on both sides. In some cases it appears your state wins; in other cases it appears your state loses. I would just hope we don't lose sight of the fact it is about the fish and not about us versus them.

I guess if I can answers to those two questions followed by a third question; if a timely report cannot come back from the technical committee giving us a yes or no on North Carolina's behalf, we're unfortunately backed into a corner in my mind that says we're almost forced to ask for non-compliance, and I surely don't want to go down that road. With your indulgence, Mr. Chairman, I would like to get

some timelines here established if Nichola could do that for us.

CHAIRMAN MILLER: To that point, Tom.

MR. FOTE: The simple fact is we've had two fisheries in the last year and a half that we talked about putting a moratorium. One was winter flounder and one was weakfish. There were some hard decisions made in both of those fisheries. Remember, we're talking about a stock that is in serious, serious trouble; and to avert a moratorium I basically made a simple motion that caused a lot of concern.

Basically if we had went out to public hearings with the opposite motion of what is going on here, there would have probably wound up being a moratorium because the overwhelming public comment would have been for a moratorium. We tried to address as best we could going through this process; the same thing with winter flounder.

In order to basically give credibility to the process now – you know, I've been on the receiving end of being voted out of compliance and we're basically taking into consideration when states can't make timelines or other effects of why they haven't gotten in place, as you have done with due diligence in New Jersey and our shark plan so I understand your indulgence, but we have been trying to get that plan into compliance.

I'm not sure and after words I just heard that North Carolina will move to do anything differently than they're doing now if we don't do a vote of out of compliance. That is my difficulty here and then it basically penalizes all the states that do come into compliance. I would not think about three days or four days from after a compliance date of basically voting anybody out of compliance, but I'm not sure that going to your commission, that if we didn't do something, that it would just basically say we're not doing this, go vote us out of compliance and we will take it here and go on for the season.

I need an answer to that question because I don't want to do that today, but unless I have an answer to that question that there will be a concerted effort to try to get into compliance, then I have to use as a hammer to say – because New Jersey has never said we wouldn't get into compliance just because of things. Now most of the states in here, that's why we do latitude so I'm just asking for that simple question so I know how to proceed.

DR. DANIEL: How about this? I think Mark's suggestion is a good one. I can have staff craft a revised proposal for conservation equivalency and have it back to this commission by the first of the following week. I will push to have the measures implemented Friday so that we have the 25 percent in place. If it comes back and it's steady and the technical committee can agree, then we're in compliance, but I can do it in 48 hours.

CHAIRMAN MILLER: Let me just respond to your suggestion, Louis. Even if the TC were to do a hurry-up job of a review of a conservation equivalency submission on your part, that still doesn't imply that it would meet board acceptance just because it was approved by the TC necessarily, so there would need to be board consideration of that issue. Tom, follow up.

MR. FOTE: Louis, I understand what you're – but there is no conservation equivalency. The conservation equivalency – we basically, in lieu of a moratorium, we allowed for a hundred pound bycatch. There was nowhere where we were setting up quotas for each state and how do you basically attain that quota is in order to not shut down the fishery that you basically allowed for a hundred pound bycatch.

We would have to be a conservation equivalency in all the states and looking at that that's not part of what the addendum to the plan went out to. The addendum to the plan called for a moratorium, but in lieu of a moratorium was the hundred pound bycatch, so how do you get a conservation equivalency to a moratorium? I mean, that's really what this is about. That's what I'm trying to figure out here.

I don't think conservation equivalency will ever fit into this detail because it was not where we were setting a quota. We were saying this is how much you could catch to that. We were just trying to basically solve the problem of discarded fish as best as we could under the limitations of not putting a moratorium in effect.

CHAIRMAN MILLER: We have come to something of an impasse and we've got to proceed in some fashion. We have an implementation summary in front of us. Paul.

MR. PAUL DIODATI: I guess similar to Tom's comment, it just seems to me what North Carolina wants to do doesn't fit within this addendum that was

already approved. As it is stated, the conditions that it sets forth just doesn't allow for this kind of a bycatch provision; so I think no matter how you present it back to the board, I don't think we're going to be in a position to approve it unless we change the addendum that says something like bycatch levels or directed fisheries have to be reduced by a certain percentage, 50 percent, 75 percent, whatever it is. Then you can get somewhat innovative in terms of allowing some level of bycatch, but that is not the addendum that we approved. It simply says a 100 pound limit in both directed and bycatch fisheries, so I don't know how you get around that.

CHAIRMAN MILLER: That's pretty much point I was going to raise. Thank you, Paul. We do have an implementation schedule; we do have an addendum that we approved. I would suggest that we need to act on the addendum before us on the implementation schedule for the addendum that has already been approved and then let things play out and react accordingly. Is there anyone that has a motion to get us moving forward? A.C. Carpenter.

MR. CARPENTER: I don't have a motion but I think what we may want to do is look at the states that have the X's in Table 7 and at least let's try to get through the ones that we can and get an explanation from it looks like Massachusetts, New York, South Carolina, Georgia and Florida; that we can at least deal with those.

CHAIRMAN MILLER: With the exception of Florida, which we've already heard about today, there are dates in this implementation schedule. Regarding Massachusetts, New York and South Carolina, is there any reason that the states so mentioned would not be able to comply with the implementation table that is before us or anymore recent information? I have a draft summary of Weakfish Addendum IV Implementation. It was an internet handout and it was also in the back of the room. Robert.

MR. BOYLES: Mr. Chairman, with respect to South Carolina, we were successful in getting our regulations changed via our General Assembly. However, as is the case in many of our laws, they do not become effective until the beginning of the fiscal year, which is why I suggested earlier that we were going to have a potential issue with the May 1<sup>st</sup> date, but we are on line to be in effect with the one-fish bag limit and hundred pound trip limit on July 1<sup>st</sup>.

All legislative action has been taken; it has been successful. I suppose there is a chance that we may see a gubernatorial action on this, but I'm going to defer to my boss and colleague, John, who I think indicates that we see no indication that the governor would veto this, so we feel like we are moving in the right direction.

CHAIRMAN MILLER: All right, thank you. Massachusetts, it says implementation expected by early June. Paul, is that still your plan?

MR. DIODATI: Yes.

CHAIRMAN MILLER: Paul shook his head yes. New York, Jim it says effective June 2010; is that still on target?

MR. GILMORE: Yes, Mr. Chairman. We were trying to get you an exact date, but we're just out on public comment and that public comment is up on June 1<sup>st</sup>, so sometime between June 1<sup>st</sup> and June 15<sup>th</sup> we should have the regulations in place.

CHAIRMAN MILLER: And, Jessica, just to reiterate very quickly, when could your revised proposal be implemented?

MS. McCAWLEY: We are prepared to take this to our commission in June; and if approved, it would be effective in mid-July.

CHAIRMAN MILLER: It sounds like with the exception of North Carolina, all of the proposals are scheduled for implementation – did I skip Georgia, I'm sorry. Spud.

MR. SPUD WOODWARD: It is out of the legislature and waiting the governor's signature, so I would say by the end of May, so we're on schedule.

CHAIRMAN MILLER: Thank you. Again, with the exception of North Carolina it sounds like everything is on schedule to be implemented by July 15<sup>th</sup>. I think Jessica was the last one. How do you want to proceed, folks? Tom.

MR. FOTE: I asked a question of Louis before we went into the compliance is there any presumption that your commission will implement this weakfish or will they not, and that is the question I have to ask – you know, all the other states said they will have it in by June 1<sup>st</sup>; will you have anything in place this year?

DR. DANIEL: I just can't answer that not knowing what the commission is going to do next week on this finding. Our proposal has been rejected. In order to go into compliance we need to implement a hundred pound trip limit and a one-fish bag limit. I don't know what their reaction is going to be.

I have a good idea what the reaction is going to be, but I don't know what the reaction is going to be. I still would like – I mean, if I could make a suggestion, I would at least like to see – I mean, I understand what Tom is saying about the hundred pound trip limit was to avert a moratorium, but are the criteria for parity amongst the states not the case in this plan or is it just a hundred pound trip limit regardless of how it impacts you the fairness issue between the states really doesn't matter, and I don't know the answer to that.

I'm just saying I think in order to examine conservation equivalency we're going to have to get into the guts of this thing and find out what each state is reducing their weakfish harvest by. I mean, it would seem to me that is the fair thing to do and determine how do you get parity amongst the member states involved in this plan unless the board can make the decision not to have parity.

I think the technical committee could be of use here to look at our proposal but then also to look at it from a conservation equivalency and see how our proposal compares to the hundred pound limit in other states. It may be, as Jim suggested, that other states might have a little bit more latitude. To try to account for these unquantified discards, that is all I care about, pure and simple.

MR. AUGUSTINE: I'm wondering if North Carolina – if we were to take an action immediately to ask for a moratorium, is it possible North Carolina could go back to their legislative group and possibly get some movement by July 15<sup>th</sup>, which would be about the time when South Carolina will have their program approved? Then I have a follow-on; is there any flexibility in North Carolina thinking about doing that or are they stonewalled and are locked right where they are now?

DR. DANIEL: What, give us until July 15<sup>th</sup> to implement the hundred pound tip limit?

CHAIRMAN MILLER: No, I think he said if you were found out of compliance now; could you implement by July 15<sup>th</sup>?

DR. DANIEL: Well, I could implement it in 48 hours.

MR. AUGUSTINE: That answered that part of the question. Relative to the parity issue, it doesn't appear as I recall that parity was considered when we were working on this addendum and it hadn't been brought up at that particular point in time. It seemed if you wanted to consider that option, that it's going to require an adjustment to the plan or an addendum, and that may be their prerogative, Mr. Chairman, to consider that as a movement as the next step in improving the amendment or the FMP itself. Having had the answers that I received right now, I would be inclined to make a motion, Mr. Chairman, if you're ready.

CHAIRMAN MILLER: I am.

MR. AUGUSTINE: Unfortunately, we're backed into a corner. We have an FMP that has been implemented and most of the states are in compliance or will be in compliance by roughly July 1<sup>st</sup> or July 15<sup>th</sup> at the very latest. It's obvious there has been overt effort on those states that have had difficult times through their legislative body to get approval. Nonetheless, they were able to do it. So having said that, I would unfortunately – you can use the word "unfortunately", Joe – unfortunately, I move to find North Carolina out of compliance with the – oh, look at this, whoa, a home run!

DR. DANIEL: Hey, wait a minute!

MR. AUGUSTINE: I didn't do any of this; don't blame me. Someone else is good because they know I am very, very –

DR. DANIEL: There is some presumption going on around here. Wow, that's fair.

MR. AUGUSTINE: Let's see, is this the whole thing? Mr. Beal, is this the whole thing?

CHAIRMAN MILLER: Do you want to read through that, Pat, to yourself and make sure that you're okay with that wording. If so, we'll look for a seconder.

MR. AUGUSTINE: It looks good so far. **Move that the Weakfish Management Board recommend to the ISFMP Policy Board that the state of North Carolina be found out of compliance by not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate**

**Fishery Management Plan for weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the extremely overfished weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish.** Motion by Pat Augustine; seconded by – I think that is correct. It is a little wordy but it has got the message.

CHAIRMAN MILLER: You're okay with that wording; is there a seconder to that motion? Is that a question or is that a second?

MR. RUSSELL DIZE: There is a question here. How can we single out North Carolina and say they have to be compliant now when we have some states that aren't compliant until July 15<sup>th</sup>? Don't we have the cart ahead of the horse? If we're going to do this, all the rest of the states have to be out of compliance, too.

CHAIRMAN MILLER: Excuse me, Russell, that is a good point, but we will need a seconder before we can move into discussion. Is there a seconder for the motion? Dave Simpson seconds. Okay, please finish your point, Russell, I didn't mean to cut you off.

MR. DIZE: Mr. Chairman, it is just that if we're finding North Carolina out of compliance May 1<sup>st</sup>, then the other states that are not in compliance on May 1<sup>st</sup> are out of compliance so how can we hold this vote now saying that North Carolina is out of compliance when we've got many states that are out of compliance?

CHAIRMAN MILLER: Are you deferring to Robert, Tom, by your --

MR. AUGUSTINE: I'm referring for clarification, Mr. Chairman, on my motion. To Mr. Dize's question, I was more driven to ask the state of North Carolina what their action could be. I would have been inclined to start at the beginning of that move the Weakfish Management Board find North Carolina out of compliance effective something like July 1<sup>st</sup> or July 15<sup>th</sup>. That would have accommodated all of those other states who haven't fully implemented their compliance at this particular point in time.

That gives North Carolina the option to come into compliance between now and that date. That was why I asked the July 1<sup>st</sup> or July 15<sup>th</sup>; so if it would be more appropriate to clarify that way and clear up any questions by the public or otherwise, I would be inclined to add that if the seconder would approve.

CHAIRMAN MILLER: Robert, did you want to speak at this moment and then I've got Vince.

MR. BOYLES: Mr. Chairman, I'll only speak for South Carolina's perspective, but to respond to Russell's question, I would certainly vote in favor of the motion that is before us. I will simply explain that in our state every wheel that needed to turn in order to implement the measures in Addendum IV has been accomplished.

There has been no rejection by any of our authorities of the provisions in the addendum, and it is simply waiting on the time for the legislation to become effective. My understanding is the North Carolina Marine Fisheries Commission was presented with the provisions of Addendum IV and have voted – I'm going to look to Louis – to not implement those measures under their interstate fishery management plan, so I think there is a distinction here that is worth noting.

CHAIRMAN MILLER: I would agree with you. Kyle.

MR. KYLE SCHICK: I would just like to say that I think that we're talking about whether North Carolina can implement a hundred pound trip limit. That is an arbitrary number to avert us having a complete moratorium. I think especially since the technical committee is not here, I think if their 25 percent is equal to everybody else or most everybody else's hundred pound limit, which might be 25 percent of theirs, I don't see why we shouldn't give them the opportunity to take that to the technical committee and then bring this back at the next August meeting. If it is equivalent – and it is an equivalency – I mean, I would rather see science take over than an arbitrary hundred pound trip limit be the word to end all to be all. If 25 percent is good for 95 percent of the states and 5 percent – maybe one or two states 25 percent might be higher, I think that would be a much more reasonable and scientific – using science instead of just some limit that we drop down because we were concerned about a moratorium.

EXECUTIVE DIRECTOR O'SHEA: Two things, Mr. Chairman, about further delaying this; recall that

when the board first received the stock assessment there was discussion on the board about whether that merited emergency action, and the board decided it did not. Then there was another discussion at the next meeting about a moratorium, and the board rejected that approach and came up with now this third approach. That's the history of where we are right now.

With regard to the status of the other states – and I won't go into what the harvesting impact is of some of those states, but most recently with the coastal shark plan the board did treat one state differently than the other state when it found that state out of compliance relative to its implementation of the coastal shark plan as opposed to the other states that were still in the process of doing that. Process-wise this has been done in the coastal shark plan at the last meeting, Mr. Chairman.

CHAIRMAN MILLER: Thank you. Are there any other board comments before I go to the audience? Louis.

DR. DANIEL: Yes, July 1 may not be okay with everybody but at least giving me after next week to let me make an effort. If you could give me until June 1, say effective June 1, just to give me the time to try to – I'd appreciate that.

CHAIRMAN MILLER: I would love to accommodate you, Louis, but I don't know how we can have board approval after next week. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, just a reminder the process is the commission notifies the secretary and upon receipt of that notification the secretary has 30 days to investigate the commission's determination and provide an opportunity for the state to consult with the secretary, so there is 30 days built into this process already before the secretary is required to take action regarding the fishery. Thank you.

CHAIRMAN MILLER: Good point. Arnold Leo.

MR. ARNOLD LEO: Arnold Leo, and I'm disturbed by the wording in the motion. I refer you to the 2009 review of the FMP for weakfish. On Page 2 it says very clearly the weakfish stock is depleted and overfishing is not occurring. Hence, the words "extremely overfished" are totally inappropriate in this motion, and I would like to see them removed.

MR. McKEON: I agree with Arnold's comments. I think the wording is terrible. I would like to know if possible if staff can answer who authored the motion. It was certainly not the maker and it was certainly not the seconder because they were a little bit surprised at it and wanted to change the language. It was obviously authored prior to the debate on our proposal, and I just find that troubling. I know we're trying to save time around here, but I would like to know, if it is appropriate, Mr. Chairman, if someone could tell us who authored the original language of this motion just prior to it being changed.

CHAIRMAN MILLER: I think a more fruitful way to proceed in this regard – I appreciate your comments, Mr. McKeon – would be –

MR. McKEON: I have a followup.

CHAIRMAN MILLER: Okay, let me just make a suggestion and I'll come right back to you. My suggestion is that Pat Augustine offered the general idea of the motion. The specific wording, he indicated he might yet want to tweak that wording, and he has that opportunity with the concurrence of the seconder, but I'll get to that right after you finish commenting.

MR. McKEON: I'm not sure if that was an answer to my question. I understand people make general motions. It just seemed that was quite a detailed and quite thorough motion that, in my view, caught the maker of the motion a little bit by surprise and it also was indicative of that surprise that he wanted to change the language and didn't agree with it. I still have not had that questioned answered.

My final comment is I do believe that a review by the technical committee of conservation equivalency, whether or not it is part of this, is warranted in this case. I think it is very important to see exactly what it is that North Carolina is being asked to give up in reference to the other states, and I hope that – I don't know how it works.

I don't even know if North Carolina is – I haven't talked to Louis about this, but that we would put something forward to see if the technical committee could see if it is in fact a conservation equivalency and again relative to the other states of what North Carolina's reductions will be at a hundred pounds and what other states' reductions will be at a hundred pounds if that is still something that the technical committee could review. Thank you.

CHAIRMAN MILLER: I suspect that no one on the board would mind the technical committee taking that under their consideration. Seeing no heads shaking to the contrary in that regard, David, did you want to comment on that directly.

MR. DAVID SIMPSON: Yes, this was not an allocation question. It was the closest thing to a moratorium we could craft and providing just a small amount of bycatch that generally would be unavoidable bycatch. Whether it costs one state more than another is not the issue. The moratorium maybe would have been fairer and maybe that's what we should have done, but we allowed a hundred pounds of bycatch.

I was just looking back at the old notes, the meeting summary, and the hundred pound limit provision passed unanimously at the board. The compliance date and agreement that we would all submit plans to approve by May 1 was approved unanimously, and the addendum itself passed unanimously. I think we're pretty clear on where we are and what the history is, what the timing expectation was for compliance.

The difference for North Carolina and the other states was the others are – you know, progress is well underway with an intention to comply, and I think North Carolina – I mean, I take no pleasure in having to do this – finds it unappealing to comply as the plan is written and I think it is pretty clear that we don't need a technical committee review to see if this is conservation equivalent.

That concept failed for lack of a second. I think it is an appropriate thing to do now, to have that finding of non-compliance. North Carolina can take that home having been fairly forewarned and advised and can easily come within compliance – come in compliance well before any actual action has to take place. The system is built to work that way.

CHAIRMAN MILLER: I'm going to call on Brian Hooker but, Pat, I want you to be thinking about if you have any wording changes; are you pretty much ready for that when I call on you?

MR. AUGUSTINE: Yes, I am, Mr. Chairman.

MR. HOOKER: Mr. Chairman, two quick points. Just a reminder that for non-compliance findings the Charter does require a statement of how that failure jeopardizes the conservation of the resource. That can happen at the policy board as well. One point

that was brought up earlier about a non-compliance finding at some point in the future, I was informed by general counsel that is not unprecedented, that it has occurred in other fisheries before.

CHAIRMAN MILLER: Thank you, Brian. Pat, are you ready for any wording changes to this motion so we can vote on it?

MR. AUGUSTINE: I think I am, Mr. Chairman. I'll do the best I can on this one. It would be move that the Weakfish Management Board recommend to the ISFMP Policy Board that the state of North Carolina be found out of compliance for not implementing Addendum IV to amend Amendment 4 to the Interstate Fishery Management Plan for weakfish. I would drop out "North Carolina has not implemented the regulation required by Addendum IV." – we know that; take that one out. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish. Is that clear enough, Mr. Chairman?

CHAIRMAN MILLER: Let's check with the seconder. David, is that satisfactory for you?

MR. AUGUSTINE: Do you want to change anything, David?

MR. SIMPSON: Well, my only reservation and the staff can help me; this is pretty standard language that we use, and we're editing that and I'm wondering if we lose something that we need if we do this; so if I could get Vince or Bob to comment.

MR. BEAL: Some of the words that were cut out are part of the standard language that is in the Charter. "Fully and effectively implementing and enforcing the addendum"; if a state is not doing that, then they are out of compliance. That is where that wording came from and that follows through on the –

MR. AUGUSTINE: Which specific words do you want to put in, Mr. Beal, "fully and effectively". They haven't done any of these; they decided to reject it.

MR. BEAL: Well, just to be consistent with the Charter language, I think you can put back everything that you removed and you can – the "extremely

overfished”, those two words are probably things that you can clarify exactly how you want to characterize the weakfish stock.

MR. AUGUSTINE: Take them out.

MR. BEAL: Yes, “depleted” is the word that was used in the press releases and in Addendum IV as it was developed.

MR. AUGUSTINE: Can we add those back; thank you very much. Would it be appropriate to put in a date as requested by North Carolina? I don’t think we need it. I think you’ve got – Mr. O’Shea described the process and he could delay or speed up I guess out of 30 days after the Secretary of Commerce is noticed.

MR. SIMPSON: I don’t think it is necessary, but I think it would be helpful. Nobody wants to get that letter sent to their governor, so if we gave them until June 1<sup>st</sup> that would mean that the letter – I think my intent would be the letter would be drafted and held in the commission office until June 1. If North Carolina is able to comply during the month of May, then the letter is never sent. If they don’t comply by June 1, then the letter goes to Commerce.

MR. AUGUSTINE: Mr. Chairman, I see a nodding of the head by Dr. Daniel; and if that is okay with you, we would add it.

CHAIRMAN MILLER: All right, Robert, did you want to speak to that?

MR. BOYLES: Mr. Chairman, it is my understanding the Charter provides for a ten-day window for the letter to be drafted to the Secretaries of Interior and Commerce. I think we all recognize the difficult situation that North Carolina is in and the circumstances that are going to result from this finding of non-compliance. I would just suggest to you that many of us have been in these same seats before. It is not pleasant. I would just suggest to you that the Charter is in place with the timeframe for a reason. I think if we move away from that we do so at our own peril.

CHAIRMAN MILLER: Thank you, Robert. Is that agreeable to the maker and the seconder of the motion that the Charter guidance would prevail in this particular case? All right, seeing heads nodding and without seeing any additional hands I think we should have a vote. I presume you would like a caucus. Let’s have Pat read the motion if we can.

DR. DANIEL: And a roll call vote, too, Roy.

CHAIRMAN MILLER: And it has been requested that we have a roll call vote. Pat, why don’t you read the motion first and then we’ll have the vote.

**MR. AUGUSTINE: Thank you, Mr. Chairman. Move that the Weakfish Management Board recommend to the ISFMP Policy Board that the state of North Carolina be found out of compliance for not fully and effectively implementing and enforcing Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish. North Carolina has not implemented the regulations required by Addendum IV. The implementation of these regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild the depleted weakfish stock. In order to come back into compliance, the state of North Carolina must implement all measures contained in Addendum IV to Amendment 4 to the Interstate Fishery Management Plan for weakfish. Motion by Pat Augustine; seconded by Mr. Simpson.**

CHAIRMAN MILLER: All right, let’s have the vote and we’re going to do a roll call vote.

MS. MESERVE: Massachusetts.

MASSACHUSETTS: Yes.

MS. MESERVE: Rhode Island.

RHODE ISLAND: No.

MS. MESERVE: Connecticut.

CONNECTICUT: Yes.

MS. MESERVE: New York.

NEW YORK: Yes.

MS. MESERVE: New Jersey.

NEW JERSEY: Yes.

MS. MESERVE: Delaware.

DELAWARE: Yes.

MS. MESERVE: Maryland.



MARYLAND: Yes.

MS. MESERVE: Potomac River Fisheries Commission.

POTOMAC RIVER FISHERIES COMMISSION: Yes.

MS. MESERVE: Virginia.

VIRGINIA: Yes.

MS. MESERVE: North Carolina.

NORTH CAROLINA: No.

MS. MESERVE: South Carolina.

SOUTH CAROLINA: Yes.

MS. MESERVE: Georgia.

GEORGIA: Yes.

MS. MESERVE: Florida.

FLORIDA: Yes.

MS. MESERVE: Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Yes.

MS. MESERVE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

CHAIRMAN MILLER: **The results of the voting were 12 yes; 2 no's; and one abstention; no nulls. The motion carries.** Now, there is nothing else on our agenda. Did anyone have any burning issues, recognizing that we have run over into the Horseshoe Crab timeframe?

#### **ADJOURNMENT**

Seeing none, is there any objection to adjourning at this point in time? Seeing none, we are adjourned. Thank you.