

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

**Crowne Plaza Old Town
Alexandria, Virginia
February 5, 2009**

Board Approved August 19, 2009

ATTENDANCE

Board Members

Vito Calomo, MA, proxy for Rep. Verga (LA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Najih Lazar, RI, proxy for M. Gibson (AA)	Dr. Louis Daniel, NC (AA)
Dave Simpson, CT (AA)	William Cole, NC (GA)
Dr. Lance Stewart, CT (GA)	John Frampton, SC (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Pat Augustine, NY (GA), Chair	Robert Boyles, SC (LA)
Tom McCloy, NJ, proxy for D. Chanda (AA)	Spud Woodward, GA, proxy for S. Shipman (AA)
Tom Fote, NJ (GA)	John Duren, GA (GA)
Gilbert Ewing, NJ, proxy for Asm. D. Fisher (LA)	Bill Sharp, FL, proxy for Rep. Needleman (LA)
Roy Miller, DE, proxy for P. Emory (AA)	Bill Orndorf, FL (GA)
Bernard Pankowski, DE, proxy for Sen.Venables (LA)	Steve Meyers, NOAA Fisheries
Tom O'Connell, MD (AA)	Jaime Geiger, USFWS
Bill Goldsborough, MD (GA)	A.C. Carpenter, PRFC
Russell Dize, MD, proxy for Sen. Colburn (LA)	

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

Ex-Officio Members

Staff

Vince O'Shea	Kate Taylor
Nichola Meserve	Robert Beal

Guests

Russ Allen, NJ DF&W

TABLE OF CONTENTS

CALL TO ORDER 1

APPROVAL OF AGENDA..... 1

APPROVAL OF PROCEEDINGS..... 1

PUBLIC COMMENT 1

WEAKFISH STOCK ASSESSMENT UPDATE..... 1

DATA-POOR WORKSHOP REPORT 1

ADJOURN 9

INDEX OF MOTIONS

1. **Motion to approve agenda by Consent** (Page 1).
2. **Motion to approve proceedings of October 21, 2008 by Consent** (Page 1).
3. **Motion to adjourn by Consent** (Page 9).

CALL TO ORDER

CHAIRMAN ROY MILLER: I would like to take the opportunity to welcome everyone to the Weakfish Board Meeting. I would like to call the meeting to order, if I may.

APPROVAL OF AGENDA

CHAIRMAN ROY MILLER: Before you, you should have a copy of the agenda for this morning. Are there any suggested changes or additions to the agenda? Seeing none, we will assume the agenda is okay.

APPROVAL OF PROCEEDINGS

CHAIRMAN ROY MILLER: I would like to call your attention to the proceedings from the October 21, 2008, board meeting that was held in Rehoboth Beach. Everyone should have received a copy of those proceedings. Are there any changes or additions to those proceedings? Seeing none, I will assume they are approved as prepared.

PUBLIC COMMENT

CHAIRMAN ROY MILLER: At this point in time I see few, if any, members of the general public out there, but I will quickly offer the opportunity for anyone from the audience to make any public comments on any matters that are not presently on our agenda. Is there anyone from the public who would like to make a comment at this point in time? Seeing none, we will proceed and we will provide that opportunity later if the occasion arises and someone else comes in. The fourth item on our agenda concerns the Weakfish Stock Assessment Update, and I am going to call on Nichola Meserve for an overview of where we are in regard to this process.

WEAKFISH STOCK ASSESSMENT UPDATE

MS. NICHOLA MESERVE: As discussed at the October board meeting, the Weakfish Stock Assessment Subcommittee participated in the third session of the data-poor stocks workshop held in Woods Hole in December. Jeff Brust, the subcommittee chair, attended the workshop and presented the work on the ongoing assessment.

A four-man review panel, which was actually three men at the time of the weakfish presentation, was charged with providing guidance or suggesting methodologies for future assessments. The panel produced a report which became available in mid-January and was included as supplemental material on the commission's website for this board meeting.

Prior to this the commission staff was advised that a decision was quickly needed as to whether weakfish should remain on the SAW 48 schedule. The TC, SAS, and board chair held a conference call to discuss the workshop and this request and determined that the TC planned to address the panel's findings and that the peer review date should remain unchanged.

The Weakfish TC then met via conference call on January 22nd to review and discuss each finding in the panel's report. The TC and SAS worked very quickly to produce the report for the board, which staff has handed out now, and the TC Chair, Russ Allen is going to present this. First, however, I would like to draw your attention to the revised stock assessment timeline on the screen.

The bottom line is again that the review workshop date remains unchanged and that weakfish will participate in the June 2009 SARC. One change is that there will be an additional TC and SAS meeting at the end of March or early April in order to finalize the assessment. This meeting was originally scheduled to happen in January but had to be postponed so that the TC and SAS could address the data-poor workshop findings. Thank you.

CHAIRMAN MILLER: Are there any questions or comments concerning the schedule for the stock assessment before we get into the particulars of the report? Seeing none, I will call on Russ Allen, who is our technical committee chair, to discuss the data-poor workshop report and the technical committee response document, which I believe you all have at this point.

DATA-POOR WORKSHOP REPORT

MR. RUSS ALLEN: Good morning, everyone. Obviously, that report is ten pages long, so I'm not going to hit the whole thing in this 45 minutes, but I would like to hit some key points. I do suggest that the board read that report. It is going to be a little bit different than our presentation. There were a lot of comments from a lot of state people put into that

report, so I would like you read that and then I will get through this presentation fairly quickly and take any comments and questions that you may have.

There are a couple of things that we did ahead of time. I would like to thank Roy Miller, the chair, for his input on what we were doing. We got together last week with the chairman of the stock assessment subcommittee to put this report together and we think we have a good report for you guys to see today.

One of the main themes that comes up throughout that whole report is that the panel did not have enough time to fully consider all the elements of the assessment. We were only given three and a half hours to fully discuss an assessment that usually gets reviewed for three or four days. That made things a little bit more difficult.

The technical committee and stock assessment subcommittee agree that there was not enough time not only for them to review it but for us to actually present it. Jeff Brust was the only one available at the time. As you guys know from past experience, there is a lot of different modeling done for weakfish.

We have biomass dynamic modeling and the virtual population analysis, so there was a lot to do in just three and a half hours. The biomass dynamic modeling only took an hour on the last day, and that included questions and everything else. It was very limited on what we could do. The panel wasn't able to look at previous assessments, so they didn't know what happened in the past, didn't know our data inputs and things of that nature.

There were some specific questions that they asked us to present to them as far as the modeling aspects go and what we wanted from the panel that they didn't have time to look at and discuss and put in their report for us to finalize anything that we were trying to do. It was kind of a tough thing to do in a short amount of time.

The first thing I would like to talk about is the virtual population analysis. The main concern that we saw from the panel was they had serious concerns over the reliability of our input data. That included all the catch information and discard indices, MRFSS index and a bunch of other things. I think the problem that we have with this is the data that we put into our assessments has been improved over past assessments that have been passed, such as the 30th SARC.

The inputs aren't considerably different than those of other modeling and other assessments that are done and ASMFC approved, so we really didn't follow what their concerns were. It just seemed to be that they didn't have enough time to really get into whether or not the data was good, and that is a relative thing on whether the data is good or not. We had problems with that and I think it all comes down again to there not being enough time for them to thoroughly anything. That is pretty much it for the VPA.

For the biomass dynamic modeling, they had some concerns on the empirical evidence for the mechanisms that were being hypothesized. If you guys remember we tried to show predation consumption problems, maybe even environmental problems throughout the different modeling aspects that we did. The analysis was not really there for empirical data.

It was not presented at the data-poor workshop so obviously they would have concerns about that. It was in the previous assessment, the last assessment we did in 2006. They didn't have access to that at the time so they didn't know it was already in there. It will be included in the final assessment going to peer review in June, and we still continue to investigate other hypotheses. We have a lot of work going on in the interim.

The data-poor workshop cost us a couple of months of time so we weren't able to continue that in any good manner, but we're trying to do that now and it will be ready for our meeting in March, April and then for the final review. But one thing to remember – and I know we have talked about the predation and consumption problems that may be out there for weakfish.

A lot of concerns that the panel has take into consideration maybe you're not getting the catch, maybe you're not understanding what the catch is, and it is not this other problem. But one study that we have looked at in the past is the average weight of weakfish consumption per kilogram of bass is about 0.05 kilograms.

When you start thinking about the biomass of striped bass that is out there, we're talking maybe about 2,000 metric tons of weakfish eaten by striped bass every year. Now, if you look at our landings for 2006, the last real year we have everything set, the landings, commercial and recreational together, were less than a thousand metric tons, so there is a problem

out there and I think you will see that come up in one of the last slides I show.

The other concern they had in the biomass dynamic modeling was that it was unable to provide a reliable basis to determine weakfish status, and it kind of threw us back a little bit because we really didn't understand why they think that. The modeling definitely shows the fisheries are not responsible for the most recent decline in weakfish according to our analysis, and it is supported by relative F analysis.

Now, they were presented some relative F analysis and we had some questions to try to get some information on what they thought the best way to do that was, but it is not in their report on anything that we talked about for relative F analysis. The estimates that we have, we were hoping to get some feedback on them. We didn't get it. That one kind of disappointed us in this report, but obviously they didn't think it was a big deal.

One thing that they did agree on was that the stock is at a low level, but then they didn't really like our input data so we can't figure out how they came up with why they think weakfish is at a depressed or low level if they didn't agree with the input data. So how do we move forward from this peer review?

There are a few things that we got out of this that are going to help us move on. I think that is the big message to take home from here is that there were a few things that they came up with that we're going to use to make the peer review better in June. We think we can have everything done by then and it will be a good peer review.

The focus of our assessment should be that the findings of the models that we have and that we have worked on is that stock is at a low level, and I think that is something the board has to remember as we move forward and we go through this whole assessment process. No matter what you think about it, it is at a low level.

We're doing some exploratory work with the current models and evaluating other hypotheses, as I said. We're going to keep working on that up until we can't do anymore. I think the best take-home message was, as Jeff presented all this data to the panel, he realized that the questions they were giving him, most of those questions can be realized in the text of the assessment itself and even in the presentation that he gives at the next peer review.

He will have the rest of the stock assessment committee with him at that time if they wish to be there. So, I think that is going to be the big key is expanding the text so they understand exactly what is there and using all the references, the different reports and getting that word out to those people that are on that review panel. I think that is going to be the major thing as we move forward.

And, finally, I would just like to say, as I said before, no matter what happens with the peer review in June the board needs to remember that weakfish is in a depleted condition, a depressed state. We can't agree with that particular panel on why it is there. One of the main things that they said was that predation may be maintaining the population at low levels without having contributed to the original decline in the stock.

We agree that overfishing was the problem in the eighties. We have used management to get the stock started back in an increasing mode during the early nineties and mid-nineties, and then all of a sudden it dropped back down. Now, we definitely agree that it was overfishing early on. We're saying the split happened in the early thousands that predation is the main focus of a problem out there, and it is continuing to maintain those levels and we can't seem to break through it to move forward. That's it for me. Like I said, I tried to do this real quick. Please go back and read that report because it is a little bit different than what I just presented, but these are the main issues that we wanted to hit.

CHAIRMAN MILLER: Are there any questions?
Tom Fote.

MR. TOM FOTE: My understanding is something similar to what happened in summer flounder happened with weakfish as far as NMFS people working at the Center kept on coming in and asking questions and walking in and out of the room. If this is supposed to be an independent peer review by people that are brought in, then why are we having Center people keep coming in and out of the room?

I mean, I know people about the summer flounder assessment when they did that in the data poor and then also at the other meeting. If they're supposed to be independent, they're supposed to be listening to the people that come up as presenters there from the states, from the commission and from the council, then people that are working at the Center shouldn't be just strolling in and out and asking their questions or basically playing a role and basically – I guess what I'm afraid of is unduly influencing the outside

peer review. Russ, were you at the meeting or was it Jeff that was at the meeting?

CHAIRMAN MILLER: Jeff was at the meeting.

MR. ALLEN: Yes.

CHAIRMAN MILLER: Russ, did you want, nonetheless, to respond to Tom's question?

MR. ALLEN: Yes, I will respond. The one thing about this peer review that was different than other peer reviews, it was more of an informal peer review. It wasn't take your assessment to this group and they finalized everything. It was supposed to be more of a working relationship. Jeff had indicated that it was a very cordial and well-attended meeting, and he worked through it really well.

Some of the responses that came back in from Science Center people were very helpful in what he was trying to put forward. They actually could help him do a few things, but it was a concern for the technical committee and the stock assessment subcommittee. We put together a letter to the board expressing our concerns over how that was done. That was before we got the report, so we did that and handled it in our way as best we could.

MR. PATRICK AUGUSTINE: Russ, in reading through this very quickly it seems like we moved a level above where fingerpointing was a key problem that surfaced in the last couple of go rounds, and the levels of frustration on both parties, both sides, if you will, had just moved to another level.

I see this as he said/she said, and I'm not sure who is at fault if anybody is at fault, but it appears that you're trying to address the core issues. But having gone down to Page 10, it says there are things that could be looked at and somebody should do something. So, the real question is – the real something is a schedule of things we're going to try to accomplish, but how do we break through that level of he said/she said to get either your TC to compromise or the other group to compromise to a point where within next six months so we will have a piece that says this is the real status of weakfish.

I am not taking away from what you did. I think it is a great piece; it really is. But how do we make that breakthrough; how do we finally say, "Hey, we have been talking about this for years. We're no better off. We know this is true; we know this is true", but at of the day there is no agreement as to what we're going to do with which model. I don't know how you

respond to that, Russ. It is a level of frustration that we have tolerated now for a long time, and I'm not sure of the feeling of professional, whatever it is, but you try to explain it.

MR. ALLEN: I'll try. The one thing that we got out of this peer review that we didn't get out of the last peer review was that they agreed that there was a problem. It is just a matter of what is the problem, what is happening out there. We have our methodologies on what we think is going on out there. Some people don't agree with that, and they have their own opinions.

What we're trying to do with this assessment now is to modify it a little bit, make some concessions as best we can and try to make it so it is not he said/she said type of thing and really make it the best assessment that we can possibly have. That's about the best we can do. If the peer review panel that we take it to in June decides that they don't like anything that we're doing there is nothing we can do about that.

Then it's going to be back to you guys again on the best way to move forward. Now, you've talked to your own state people, you know what we're thinking, we know what we are doing. We're trying to appease as many people as we can, but the makeup of our committee is not going to allow that to go completely the other way.

We all agree that we think there are a lot of things happening out there with natural mortality that are keeping this stock down, and we can't say it enough. We're going to try to say it this time without putting too much emphasis on it and making some concessions, and that's about the best we can do.

CHAIRMAN MILLER: Pat, I am heartened by the last bullet point in this document before you wherein the conclusion is reached it will not take much to address the concerns of this panel. In a few places the SAS will need to do some additional exploratory work with models and such. It would appear that they have a positive attitude about going forward so I am heartened by that. Jaime.

DR. JAIME GEIGER: Mr. Chairman, again, I share much of the comments that Pat Augustine just put on the table. I am somewhat troubled by some of the tone of this report, but beyond that I am also encouraged by that last paragraph that we have approached this in a positive, proactive and with our best professional judgment of what needs to be done and why.

I am still somewhat unclear of what is the technical committee's recommendations to this board of how we deal with this; point specific, A, B, or D; a timeline for achieving that; and then setting this up for the next peer review so that we are finally and once and for all getting where we need to go for this resource. I mean, we have gone through this a couple of times. It seems like, again, I get this sense of increased mutual frustration building upon building.

I sense it; I see it; I feel it and we have to get beyond that somehow. This board wants to do everything it can to assist our technical committee representatives to do what needs to be done and do it right. Again, I'm looking for those solid recommendation steps with a defined timeline to set us up for success for the next peer review. Russ, what do you say?

MR. ALLEN: I will try that one again, too, Jaime. The tone of the report that we put together, you're correct, the frustration is there. We have been to peer review too many times and watched them just basically trash everything that we do. That said, you noticed that wasn't in my presentation, and that's where we have decided to move forward.

We have had enough of the frustration, we have had enough of the banging heads and we're trying to do the best we can to meet this timeline that Nichola went over before. We think we are there. We have one more meeting to put together to get rid of all the concerns and over the next couple of months – you know, I can tell you right now that Jeff is working this week going over all the data inputs again.

It is the third time he has done this on this assessment. It is not the easiest thing to do. The peer review set us back a couple of months. We were going to do some more experiments and modeling, and obviously Jeff had no time to do that. Once these data inputs are done, we have the next step.

We're moving forward, but we're going to try – instead of putting these reports together in some mixed-up fashion that they were maybe the last time, it is going to be a cohesive thing. One of the things that the panel had mentioned was that we were using the VPA as a springboard to the biomass dynamic modeling and that is not true.

We tried the VPA with the data inputs we have and there are some concerns that we have with the VPA and how the data works in the VPA; so, for us, we needed to find out if it's not overfishing and it has not

happened what is going on out there, and that's where we went to with some of our other modeling.

We think we have figured out, to our best ability, what is happening out there, and I just think we need to make it much clearer to the next panel, and everything has to be referenced so they can follow all the way through. I think that will help the board understand everything that is going on out there, but we need to make the peer review panel understanding it better. I don't think that has happened in the past.

CHAIRMAN MILLER: Thank you for that answer, Russ. Jaime, did Russ fully address your concern as best he could at this point?

DR. GEIGER: Yes, sir, Mr. Chairman, and I appreciate that complete response. Thank you.

MR. STEVE MEYERS: Mr. Chairman, my good colleague, Dr. Geiger, just saved Joe some typing because he raised the very points that I was going to raise. We support the technical committee in reviewing this. Any way we can help with this, even if it means keeping people in the room for a longer time period than just coming in and out, we will do that. Thank you.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, two things. Not everybody has the same view of the quality of scientists, but I think there are a lot of very good scientists up at the Northeast Fisheries Science Center. To have the ability of their opinions and wisdom I think is a good thing and a helpful thing. I think it makes a lot of sense to get some outside advice when it will be helpful to you.

My question, though, Mr. Chairman, is the stock assessment guys wrote a memo expressing concern about potential bias from comments made during this process by folks that were present during the presentation. They were concerned that those comments made in the audience were going to bias the report. Now that they have had chance to see the report, I'm wondering if they felt that those audience comments had biased the report.

CHAIRMAN MILLER: I'm going to call on Russ to see if he has a response to that.

MR. MEYERS: Mr. Chairman, a point of order; have we seen a copy of this memo?

CHAIRMAN MILLER: Are you not referring to the report that was handed out this morning with the point and counterpoint?

MS. MESERVE: I think what Vince is referring to is a memo that was produced by the technical committee, which I e-mailed to the board members. If you did not receive a copy of that, my apologies, and I will send you one immediately after this meeting.

DR. GEIGER: Mr. Chairman, again, I apologize, I may have missed this e-mail, but is it possible for us to have a copy of that now for the point that the executive director has just brought up, just so that we have a complete understanding now of what is going on?

CHAIRMAN MILLER: Give us just a moment, if you would please, Jaime. Do you have something to add to this in this regard, Louis?

DR. LOUIS DANIEL: I just wanted to be recognized after Vito.

CHAIRMAN MILLER: While we're waiting for that, Vito, perhaps we could take your question or concern.

MR. VITO CALOMO: Mine is more of a comment, if you don't mind. I enjoyed your presentation, Russell. I think it was to the point. I think it said in a few words what many have said before you. It looks like something that people like myself that have been in the industry for a long time that has always got the blame of the fishermen have overfished all the time. Everybody always points to the fishermen overfishing.

Yes, they have been part of the problem back in the seventies and eighties. I don't disagree with you there, but we have rebuilt fish such as predators of dogfish, striped bass and marine mammals such as seals and whales – maybe not so much the whales but the seals – to the point where they are disrupting the rebuilding of other species such as herrings that we have inshore and these weakfish that we can point to quite readily.

But, again, I applaud your presentation because it was to the point. You didn't talk for about two hours and said the same thing you said in about six or seven minutes. It was quite interesting and it kept me there. I appreciate it and thank you very much.

DR. DANIEL: I guess I take a little different look at this in that I am concerned about the review panel. I recognize it was a short review and an informal review, but I don't think our technical committee

should be too wrung up over what was said in that review because I don't put a lot of stock in their review. I don't think they had a clue about what was going on in this fishery. I had a lot more confidence in our technical committee and their stock assessment subcommittee based on the review and the discussions that I have had with some of the technical committee members.

I think they toned it down in the report based on some of the frustrations that I felt reading the report. I am heartened by the fact that they feel like they can get the job done. But, number one, I'm curious to know who was on that review panel; and, number two, I am very concerned about the results that came out of that panel for the other species that we've already dealt with this week based on this review.

I have got some real concerns about that. I take a little different tact on this. I think our technical committee is spot-on with this. I mean, think about the assessments that we've seen on this fishery. We have gotten stock assessments back when landings were at an all-time low but the stock is at an all-time high. It just doesn't make any sense.

If you think if some approved peer review is going to answer our question about weakfish, I think we're all going to be sorely mistaken. Hopefully, it will come back and show the stock is collapsed like we all know it has. Then what do we do? I think we need to take that kind of thing into consideration, but I hope there is nobody around the table that feels like the technical committee has shirked its responsibilities in any way, shape or form because I think they have done a very good job responding to some of these criticisms that I think are unwarranted.

CHAIRMAN MILLER: Thank you, Louis; I, too, share your sentiments in that regard, especially in regard to the hard work of our technical committee and stock assessment committee. You had asked specifically who was on the review panel. It is Drs. Miller, Muller and O'Boyle. That is Tom Miller, Bob Muller and Bob O'Boyle. Andy Rosenberg was supposed to sit in, but apparently was not able to.

EXECUTIVE DIRECTOR O'SHEA: If you turn around behind you, Mr. Chairman, that is the sentence that is in the memo that was sent to the management board that is the basis of my question.

CHAIRMAN MILLER: Would you repeat your question now, Vince?

EXECUTIVE DIRECTOR O'SHEA: My question is now that the stock assessment subcommittee has had a chance to see the reviewers' report; do they believe that the audience advice may have biased that report?

CHAIRMAN MILLER: I cannot speak for the stock assessment subcommittee or for Jeff. Russ, do you have an inkling how Jeff might feel about that particular question?

MR. ALLEN: Mr. Chairman, I will try to think in Jeff's shoes a little bit. The memo was written prior to the technical committee or the stock assessment subcommittee seeing the report itself. This was done based on Jeff's comments about the meeting, about the peer review. Since then Jeff and I have talked and there have been some remarks that were made by staff at the Northeast Center that have helped in the preparation of our moving forward with the assessment.

At the time it seemed as if maybe they might be biasing some of the comments made by the panel, but when you read through the panel's report that is not evident, so we really couldn't see that in the report itself. I think we have looked at that as we put together the memo, we voiced our concerns to the board, we're moving forward, let's get the report and then take care of that. We have done that. I think we have done enough to move forward now. I don't see that as being a problem or a part of the discussion at all anymore, so I think we can move forward with that.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, the purpose for my question is that I sit on the Northeast Region Coordinating Council where we interact with the Northeast Fishery Science Center. My concern is that if this is an issue with us, then I would be happy to bring it up in that forum where we go over the SAW/SARC and peer review process in an interest of improving it and strengthening it. That was the reason for my question.

CHAIRMAN MILLER: Russ, did you have more to add to this?

MR. ALLEN: I just wanted to also say that part of the problem that this arose from was that Jeff was the only stock assessment subcommittee member at that peer review workshop. Because there were a lot of hands and a lot of questions and a lot of comments coming from all different directions, it might have been a little tough for him to handle everything that was going on.

We have had that discussion and it would have been better if we had had some of our other stock assessment people there to go through that. All that said, I think we have already decided to move forward with it. I think we can, but that was probably more of the problem than anything else. It was just too many comments and everything. Even Nichola was there and some of her notes that we saw later on, you kind of get lost after a while because there were so many different people coming through.

CHAIRMAN MILLER: I think, if I may, this particular memo perhaps reflects some angst on the part of our stock assessment subcommittee prior to receiving the actual written report from the data-poor workshop. As Russ pointed out, perhaps we should move beyond this memo since the data-poor workshop report and the TC's stock assessment subcommittee response to it constitutes the latest we have on that particular issue.

EXECUTIVE DIRECTOR O'SHEA: I apologize to the board that a memo directed to the board didn't get to them, so we will take a look at that if in fact it didn't get to them. It was piled in with a whole bunch of other stuff and maybe we ought to look at how we transmit information to the board, Mr. Chairman. We will do that. Thank you.

MR. DAVID SIMPSON: Mr. Chairman, I think this remains an issue to pay attention to. Historically this has been an item of concern. I have certainly witnessed it and experienced it firsthand. I think it is something for the coordinating council. The idea of an independent peer review where in some cases you fly people in from all around the world is to get their independent opinions not influenced by anyone else, including people at the Northeast Center.

I think the idea is that the information is provided by the group that did the analysis, whether it is Mark Terceiro as the head of the Southern Demersal Working Group for summer flounder or scup; or is the stock assessment committee for weakfish, and it should be a one on one between the individuals presenting the assessment and the peer review panel. If people want to sit in the audience and listen, I think that is important to do. It should be an open public process, but they shouldn't be able to speak. I think they need to sit and listen and let the independent review take place because I think there is an opportunity and I have witnessed the influence.

Just by the questions or the criticisms, they're trying to influence the outcome of the panel's decisions and I think that is inappropriate. If we're going to go to

the time and expense of soliciting an independent review, I would really like it to be completely independent. Thanks.

CHAIRMAN MILLER: So noted, David, and thank you for your comments. I would agree with you. Steve.

MR. MEYERS: Mr. Chairman, first of all I want to compliment staff of the commission. If I hadn't seen this before, it is my fault and certainly not theirs. We have, of course, lots to look at. I have always been extremely impressed with the commission staff and their due diligence in providing us information.

Within the process that we're going through right now with the peer review, we do want to make sure that everyone is there to have a good, solid interaction. I understand the gentleman from Connecticut's perspective on this and I support that. If we need support for that, let's talk about that and we'll make sure everyone gets to the meeting and is fully a participant.

This may be somewhat premature but at the same time we have been going through weakfish on issues galore. The science is convoluted as best we can figure out. I would suggest with some reluctance, but still I think it is important, that perhaps, Mr. Chairman, a small group of board members could be formulated as a sub-group to take a good scrub on this thing and have maybe a little bit of in-depth perspective and come up with something to the board that may try to give some guidance and perspective as to what we need to do next. Thank you.

CHAIRMAN MILLER: Steve, let me make sure that I understand exactly what you're suggesting. You say give this thing a good scrub; could you be more specific as to what you would suggest this subcommittee – if we decided to pursue that idea, what this subcommittee would actually do.

MR. MEYERS: Well, Mr. Chairman, it's like we've got weakfish issues that go way back. The board has been extremely reflective as to what we need to do with this, but at the same time there are issues out there that seem to be recurring. I would suggest maybe as a way of trying to frame the discussion for the board that perhaps maybe a smaller group with more focus could do, as I said, a scrub to see exactly where we are with this and figure out what we need to do next with resolve to the condition of this species. Thank you.

CHAIRMAN MILLER: Does anyone else have a comment concerning Steve's suggestion before I come back to it? A.C.

MR. A.C. CARPENTER: In all due respect to Steve, I am not sure that a subcommittee of commissioners is going to be able to delve into the scientific problems that we seem to be having. I know I am certainly not capable of scrubbing this thing. I think that we have had frustrations with the prior ones.

I think having the weakfish looked at during the data-poor workshop was a constructive process. I think it took time, yes, but I think from the report that I heard this morning I think the technical committee and the stock assessment subcommittee have gained some insights and have figured out that this may be more of a – I am going to use the term a formatting issue of how they put the thing together so that the peer reviewers can read it in the future may be very fruitful in the exercise. I think the course that we're on is quite adequate to hopefully get us to a peer review in June that we can then look at and begin to use to make management decisions after that.

CHAIRMAN MILLER: Anyone else care to weigh in on that suggestion? Seeing none, I appreciate the confidence that you have shown in the collective membership of the board to be able to assist in the stock assessment presentation before the peer review panel, Steve, but I am inclined to agree with A.C.

I think that the direction taken by the chair of the technical committee and the stock assessment subcommittee is a positive step in the right direction. As I stated earlier, I am heartened by some of the ending comments of our TC and stock assessment subcommittee in regard to the latest data-poor workshop peer review. I think those folks are on track now.

I frankly don't see where there would be that much value added by a subcommittee of board members dredging up old sediment, if you will, and perhaps muddying the waters when our two respective committees need to stay focused on a goal that is before them; namely, have the best document they're capable of preparing reading to hand in on May 1st so they can go to that peer review in June. I would rather not divert them at this stage of their deliberations, but I thank you for your suggestion, nonetheless.

MR. MEYERS: Thank you, Mr. Chairman, for your wise perspective; I agree, too.

DR. GEIGER: Mr. Chairman, again, I agree with your approach, but I did hear one possible action item that came out of this discussion, and that is it may be extremely valuable to have more members of the stock assessment committee participate and be in attendance for the next peer review.

Yes, Mr. Executive Director, I see you running your figures there, but if this is truly a priority of the board, we should encourage to have the right people there, to have the right interactive dialogue, to have the best professional judgment on the table to get the right answer. Thank you very much.

MR. ROBERT E. BEAL: The bottom line is we have set aside money for all the stock assessment subcommittee to go to the SARC Review in June and participate. We didn't have the money available for all of them to attend the data-poor workshop in that this was an extra step beyond our normal peer review process. The participation there was limited but in the final review that will happen in June the entire group can be there.

MR. MEYERS: Mr. Chairman, if we need to support that, somehow we will find a way. Thank you.

CHAIRMAN MILLER: Thank you for that offer, Steve; so noted. Are there any other further points on this item? Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, maybe for the benefit of some of the board members that are on this board and weren't on another board just a reminder that earlier this week the Summer Flounder, Scup and Black Sea Bass Board discussed extensively the process and results of the same data-poor workshop and the same format and were quite satisfied with the results that came out of scup and sea bass through that process.

CHAIRMAN MILLER: So noted; thank you for reminding us. Are there any other comments? We're rapidly approaching the end of our time here, but go ahead, Jaime.

DR. GEIGER: Mr. Chairman, again, I appreciate the support of the commission, and I greatly appreciate the support of all the technical committee members on going through this data-poor workshop, and I look forward to doing whatever we can to assist when we get to the full review.

CHAIRMAN MILLER: If I could offer this sort of closing comment in regard to this agenda item, I'm hopeful of some interesting and useful comments

coming from this next peer review because, quite frankly, weakfish stocks remain in a very depleted state. While it seems that we argue about data inputs, rising Z, possibly varying levels of M and all the technical points of the assessment, the fact remains, folks, that the weakfish stocks are very much depleted and are showing no signs of recovery and fishing communities are suffering as a result.

ADJOURN

I am hopeful that we can extract something useful from all this that will provide we managers with some guidance to help reverse the state of this depleted stock at some point in the future. Is there any other business to come before this board? Seeing none, anyone opposed to adjourning? Seeing none, we are adjourned.