

DRAFT FOR PUBLIC COMMENT

Fishery Management Report No. 39a
of the
Atlantic States Marine Fisheries Commission



**Addendum I of Amendment 4 to the Interstate Fishery
Management Plan For Weakfish**

August 2005

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INTRODUCTION

Amendment 4 to the Weakfish Fishery Management Plan (FMP; F.M.R. #39) was approved in November 2002. It established biological reference points for the first time and set a rebuilding schedule if limits were exceeded. The Amendment also provided a suite of recreational size and creel limit options from which states could choose. It maintained the commercial measures required under Amendment 4 and increased bycatch allowance.

Total coastwide landings (combined commercial and recreational) have dropped consistently since 1998 (Figure 1). The Weakfish Stock Assessment Subcommittee (SAS) conducted an assessment in 2004-2005 that concluded that biomass fell suddenly after 1999 and approached the lowest level of the time-series by 2003 (Figure 2). Total mortality began a steady increase in the mid-1990s; fishing mortality was low throughout the 1990s and only increased slightly after 2000 (Figure 3.) The SAS does not attribute the large decline in biomass to this slight rise in fishing mortality. Natural mortality has risen and has become a much greater portion of total mortality than fishing mortality (Figure 3). The SAS has not determined the exact source of the rise in natural mortality, but has investigated hypotheses about species interactions. Both insufficient forage (Atlantic menhaden, spot, and bay anchovy), and increased predation and competition (from striped bass, Atlantic croaker, and summer flounder) in the Mid-and North Atlantic have been supported in analyses as explanations for the rise in natural mortality.

This document explains the public comment and addendum processes and timelines. It also provides a statement of the problem and options for how to deal with the problems.

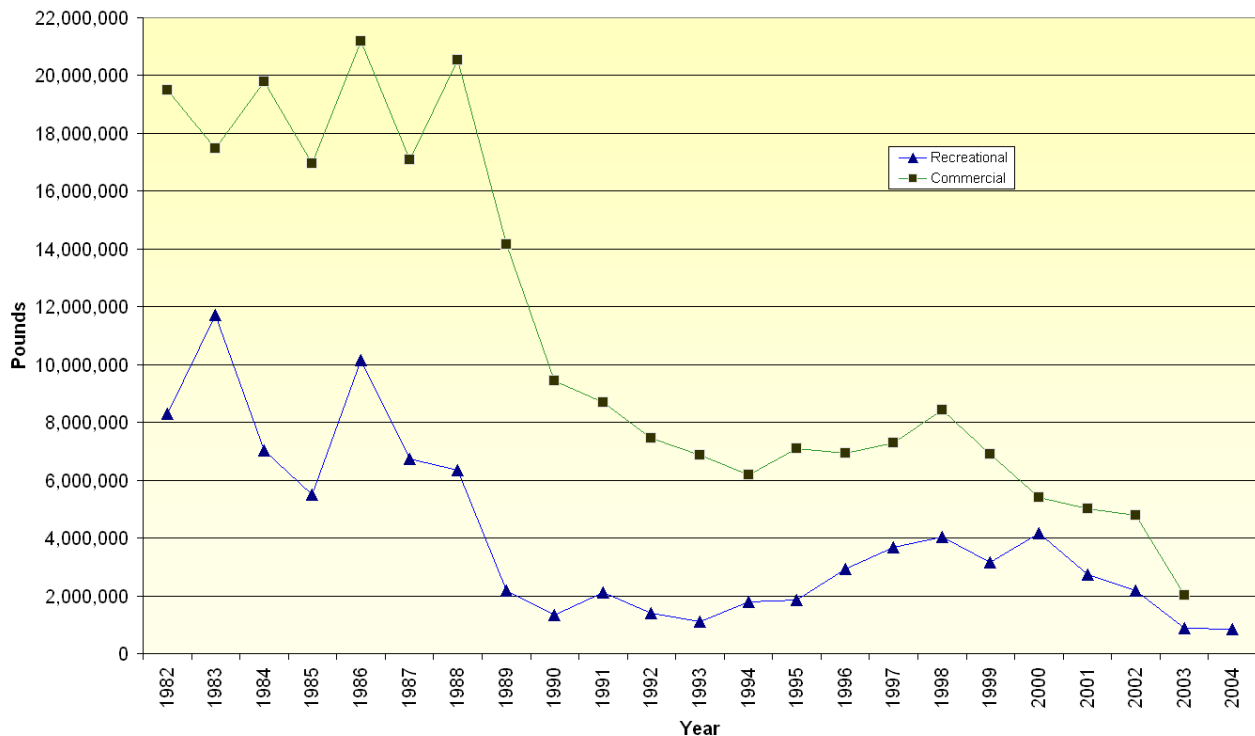


Figure1. Coastwide landings of weakfish (NMFS 2005)

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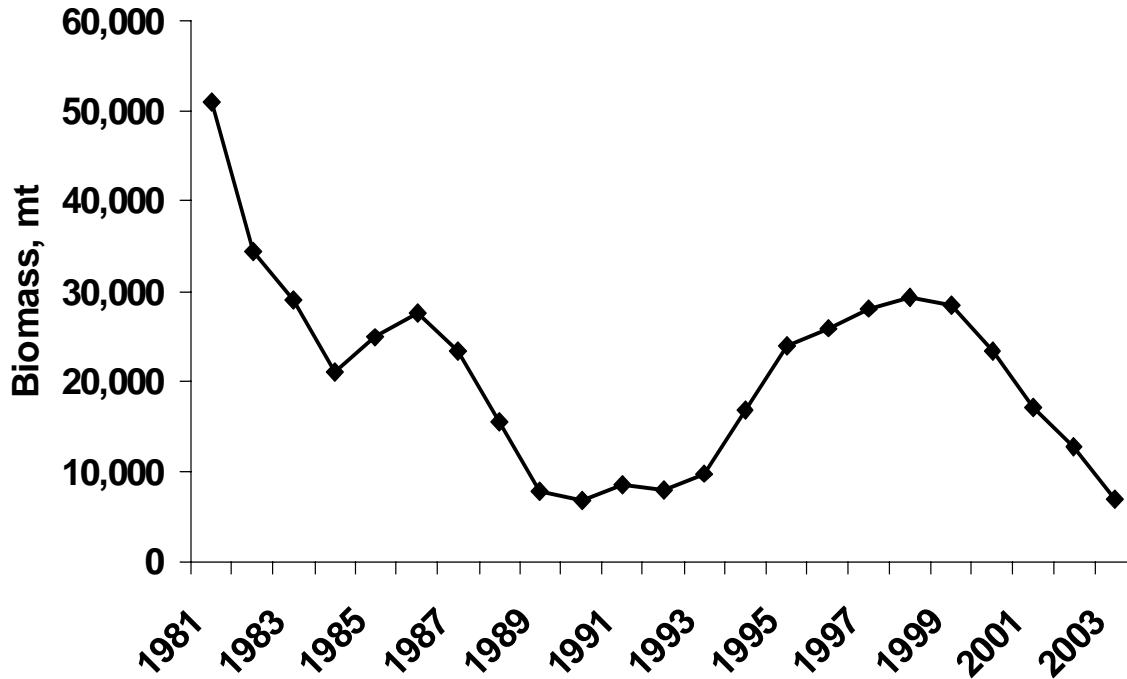


Figure 2. Estimated coastwide weakfish biomass

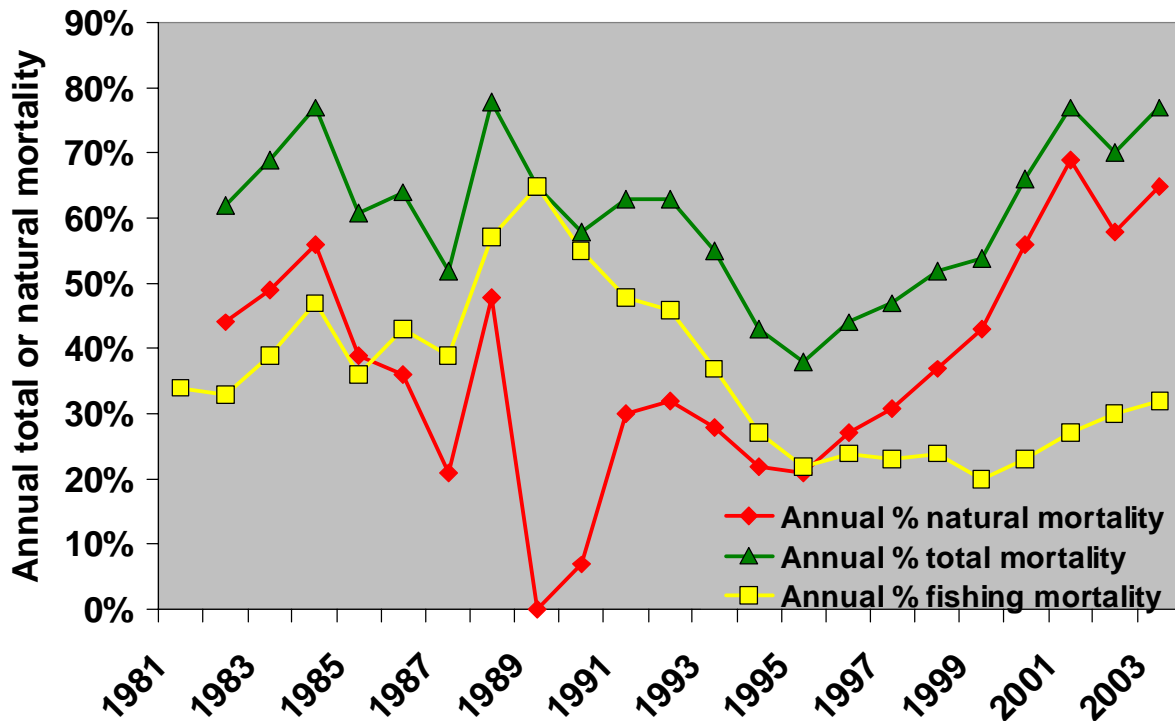


Figure 3. Coastwide weakfish annual total, natural, and fishing mortality percentages (Rates were translated into annual percentages, so fishing and natural mortality are not additive.)

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PUBLIC COMMENT PROCESS AND PROPOSED TIMELINE

Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending public hearings or providing written comments. The final date that comments will be accepted is **October 21, 2005 at 5:00pm**. Comments may be submitted by mail, email, or fax, as well as at public hearings. The dates, times, and locations for the public hearings are as follows:

Monday, September 26, 2005; 6:00 PM

Virginia Marine Resources Commission
2600 Washington Ave, 4th Floor
Newport News, Virginia
Contact: Jack Travelstead (757) 247-2247

Tuesday, September 27, 2005; 7:00 PM

Connecticut Dept. of Environmental
Protection, Marine Headquarters
Boating Education Center
333 Ferry Road
Old Lyme, Connecticut
Contact: David Simpson (860) 434-6043

Tuesday, September 27, 2005; 6:00 PM

North Carolina Division of Marine Fisheries
Duke Marine Laboratory Auditorium
135 Duke Marine Lab Road
Beaufort, North Carolina
Contact: Louis Daniel (252) 726-7021

Wednesday, September 28, 2005; 6:00 PM

North Carolina Division of Marine Fisheries
Roanoke Island Festival Park
1 Festival Park
Manteo, North Carolina
Contact: Louis Daniel (252) 726-7021

Thursday, September 29, 2005; 6:00 PM

Maryland Dept. of Natural Resources
Tawes State Office Building
C-1 Conference Room
540 Taylor Avenue
Annapolis, Maryland
Contact: Howard King (410) 260-8282

Wednesday, October 5, 2005; 6:00 PM

South Carolina Dept. of Natural Resources
& Georgia Coastal Resources

SC Marine Resources Center
Law Enforcement Conference Room
217 Ft. Johnson Road
Charleston, South Carolina
Contacts: Mel Bell (843) 953-9007 and
Spud Woodward (912) 264-7218

Tuesday, October 11, 2005; 6:00 PM

Rhode Island Dept. of Environmental
Management
University of Rhode Island, Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, Rhode Island
Contact: Brian Murphy (401) 423-1941

Wednesday, October 12, 2005; 7:30 PM

New Jersey Division Fish and Wildlife
Rutgers Cooperative Research & Extension
355 Court House-South Dennis Road
Route 657
Cape May Court House, New Jersey
Contact: Bruce Freeman at (609) 633-2408

Thursday, October 13, 2005; 7:00 PM

New Jersey Division Fish and Wildlife
Ocean County Administration Building
Room 119
101 Hooper Avenue
Toms River, New Jersey
Contact: Bruce Freeman at (609) 633-2408

**Wednesday, October 12, 2005; 7:00 PM –
10:00 PM (Location is tentative)**

New York Dept. of Environmental
Conservation
Brookhaven Town Hall Auditorium
1 Independence Hill
Farmingville, New York
Contact: Byron Young (631) 444-0436

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Thursday, October 14, 2005; 2:00 PM

Florida Fish and Wildlife Conservation
Commission
Atlantic Beach City Hall
Commission Chambers
800 Seminole Road
Atlantic Beach, Florida
Contact: Roy Williams at (850) 487-0554

Tuesday, October 18, 2005; 7:00pm

Delaware Dept. of Natural Resources and
Environmental Control Auditorium
89 Kings Highway
Dover, Delaware
Contact: Roy Miller (302) 739-9914

If you would like to submit comment in writing, please use the contact information below.

Mail: Braddock Spear
Atlantic States Marine Fisheries Commission
1444 'Eye' Street, Northwest
6th Floor
Washington, D.C. 20005

Email: comments@asmfc.org (subject line: Weakfish)

Fax: (202) 289-6051

If you have any questions or would like more information, please call Brad Spear at (202) 289-6400 or email at bspear@asmfc.org.

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ASMFC's Addendum Process and Timeline

The development of Addendum I of Amendment 4 to the Weakfish Fishery Management Plan will follow the general process outlined in Figure 4 below. Tentative dates are included to illustrate the timeline of the addendum process.

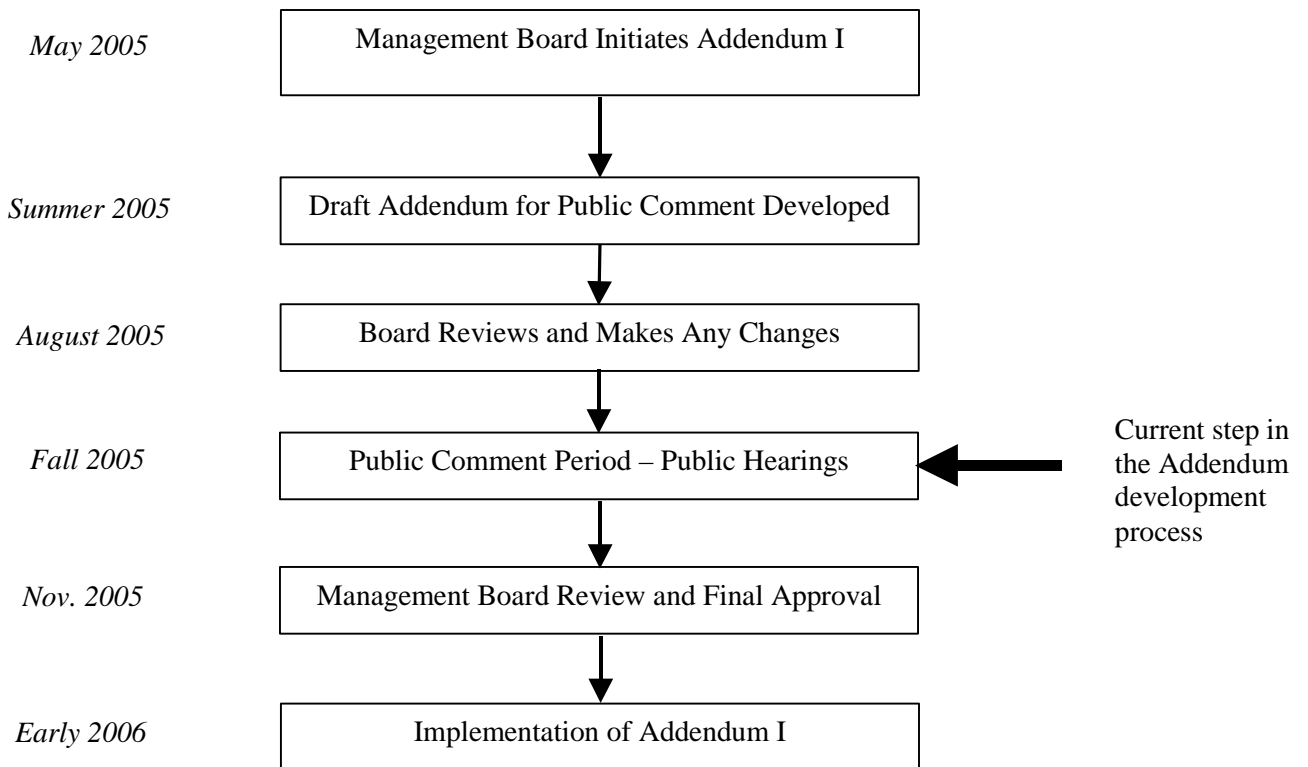


Figure 4. Addendum I process and tentative timeline

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STATEMENT OF THE PROBLEM

The current situation of the weakfish stock has caused two problems that warrant action. First, the most recent stock assessment findings indicate that weakfish biomass is below the Amendment 4 threshold. Amendment 4 requires the Weakfish Management Board (Board) to adjust the management program to rebuild spawning stock biomass to 30% of an unfished stock within 6 years (1 ½ generations) or less. These criteria were based on the previous stock assessment that is no longer used. Based on the current assessment, biomass of weakfish in 2003 was just 23% of its recent peak of the late 1990s. The weakfish stock was considered close to recovered in biomass and age structure in the late 1990s. Biomass is projected to be about 4% of this peak by the time action can be taken in 2006. Size and age structure have become very truncated at the same time.

At its May meeting, the Board tasked the Weakfish Technical Committee to develop (1) management measures to reduce fishing mortality (F) and (2) rebuilding projections for alternative measures. It also initiated this draft Addendum to incorporate that information. The second problem is directly related to the drop in landings since Amendment 4. The biological sampling program established by the Amendment is now obsolete because it was based on a period of relatively high landings. A significant number of samples that states were required to collect was lost because states' landings became so low. The Board tasked the Technical Committee and staff to construct a more appropriate and detailed sampling program for inclusion in this draft Addendum.

MANAGEMENT PROGRAM CHANGES

The Board instructed the Technical Committee to develop rebuilding projections for actions that would result in 0% (status quo), 25%, 50%, 75%, and 100% (moratorium) reductions in fishing mortality based on the most recent data. Below is a suite of management alternatives for the Board's consideration in light of the range of fishing mortalities. The Committee recommends the options that achieve a 50% reduction in fishing mortality unless otherwise noted. Projections indicated that none of the cuts in fishing mortality alone would result in recovery. Recovery could only occur with cuts in fishing mortality in conjunction with a decline in natural mortality. A reduction in fishing mortality would leave the stock poised for recovery should natural mortality begin to decline.

States that maintain *de minimis* status would only be required to implement a recreational bag limit. *De minimis* states would not be required to implement the other recreational or commercial provisions of this Addendum.

Recreational Fisheries Management Measures

The Technical Committee devised reductions in harvest based on recreational bag limits from each state's current creel limits. The reduction options were based on the average of 2003-2004 Marine Recreational Fisheries Statistics Survey (MRFSS) data and included a 20% hook and release mortality. The addition of release mortality requires larger cuts than if estimates were based on harvest alone. Bag limits were calculated from coastwide MRFSS estimates because

DRAFT FOR BOARD REVIEW

they had the greatest precision; some state-specific estimates too imprecise to be used alone. Therefore, the bag limits in Table 1 would apply to all states regardless of *de minimis* status. The Committee concluded that it is currently too difficult to estimate the impacts of changing minimum size limits on reducing fishing mortality because the calculations are based on equilibrium conditions, which are not presently occurring with the weakfish stock. Table 1 below shows options for states' bag limit under the various fishing mortality reductions. If the Board chooses Option 4 in Table 1, states would also be required to design a fishing season that will achieve an additional 16% reduction in harvest because the full reduction could not be achieved by bag limits alone.

Table 1. Examples of state-by-state bag limit options

State/ Jurisdiction	Minimum size (inches)	Bag limit options				
		Option 1 (status quo)	Option 2 (25% reduction)	Option 3 (50% reduction)	Option 4 (75% reduction) ¹	Option 5 (moratorium)
Massachusetts	16	10	4	1	<1	0
Rhode Island	16	10	4	1	<1	0
Connecticut	16	10	4	1	<1	0
New York	16	6	4	1	<1	0
New Jersey	13	8	4	1	<1	0
Delaware	13	8	4	1	<1	0
Maryland	13	8	4	1	<1	0
PRFC	12	7	4	1	<1	0
Virginia	12	7	4	1	<1	0
North Carolina	12	7	4	1	<1	0
South Carolina	None	None	4	1	<1	0
Georgia	13	6	4	1	<1	0
Florida	12	4	4	1	<1	0

¹An additional 16% reduction in season is required to achieve a 75% reduction in harvest.

The Committee also considered the effects of restricting seasons for recreational fishing. Under Amendment 4, all states maintain year-round recreational fishing seasons. The Committee calculated cumulative percentages of recreational landings coastwide at each wave with 2003-2004 MRFSS data and used a curve describing this trend to determine reduction in percent of harvest associated with different time periods. Table 2 below shows examples of coastwide fishing seasons based on reductions in fishing mortality if current size and bag limits under Amendment 4 were maintained. States' actual season dates and length would likely vary depending on state-specific choices about how they want their seasons to run. If the Board chooses to implement recreational seasons only, each state will have the opportunity to propose a season in the early, middle, or late part of the year. As such, approximate seasons for different times of the year are laid out in Table 2.

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Table 2. Approximate coastwide recreational fishing season options throughout the year

Time of year	Season	Option 1 (status quo)	Option 2 (25% reduction)	Option 3 (50% reduction)	Option 4 (75% reduction)	Option 5 (moratorium)
Early	Open	Year round	Jan 1	Jan 1	Jan 1	NA
	Close	NA	Early Oct	End Aug	Mid July	Year round
Middle	Open	Year round	Mid June	Mid July	Early Aug	NA
	Close	NA	Early Nov	Early Oct	Mid Sept	Year round
Late	Open	Year round	Mid July	End Aug	Early Oct	NA
	Close	NA	Dec 31	Dec 31	Dec 31	Year round

If further restrictions are placed on the recreational fishery, states may opt to propose alternative measures or combination of measures that may be adopted if approved by the Technical Committee. For example, the Board may choose a particular reduction in fishing mortality and states may elect to implement a four fish bag limit (Option 2 from Table 1) and an open season late in the year (Option 2 from Table 2). Furthermore, states may propose increasing its minimum size to achieve ‘conservationally equivalent’ measures. Regardless of what a state chooses to propose, the Technical Committee will review whether it achieves the guidelines established by the Board.

Commercial Fisheries Management Measures

The Technical Committee recommended using the reduction in fishing mortality rate formula in Amendment 4 (Attachment II of Appendix I) to calculate reductions. The reduction in fishing mortality would come from a reduction in each state’s current directed commercial fishing season. It would be based on average 2003-2004 commercial harvest of. Table 3 illustrates preliminary examples of fishing seasons for several non-*de minimis* states under various fishing mortality reductions. Each state would be required to develop an implementation plan to achieve the reduction in fishing mortality chosen by the Board. The Technical Committee and Board would then approve the plan as noted in the Implementation Schedule below.

Table 3. Examples of estimates of state commercial fishing season length (in days) options

State/ Jurisdiction	Fishery/ Area	Option 1 (status quo)	Option 2 (25% reduction)	Option 3 (50% reduction)	Option 4 (75% reduction)	Option 5 (moratorium)
Rhode Island	All gears	124	86	62	30	0
New Jersey ¹	Trawl	117	88-46	26-19	12-5	0
	Gill net	107	56-38	31-18	14-5	0
	Pound net	84	76-52	42-24	18-7	0
Maryland	Chesapeake	61	35	20	7	0
	Ocean gill net	74	43	26	9	0
	Ocean trawl	48	26	15	4	0
North Carolina	Ocean trawl	82	56	33	3	0
	Gill net	165	100	65	8	0
	Haul seine	185	95	55	2	0

¹New Jersey provided a range based on various ways of calculating the reduction.

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Amendment 4 increased bycatch allowance to 300 pounds per trip provided there was an equal or greater amount of directed species on board the vessel. Options for a reduction in bycatch allowance level are presented in Table 4. It is important to note that a reduction in bycatch allowance is not necessarily equivalent to a reduction in fishing mortality.

Table 4. Bycatch allowance¹ options in pounds per trip or day whichever is longer

	Option 1 (status quo)	Option 2 (25% bycatch reduction)	Option 3 (50% bycatch reduction)²	Option 4 (75% bycatch reduction)²	Option 5 (100% bycatch reduction)
Coastwide	300	225	150	75	0

¹Allowance is permitted provided there is an equal or greater amount of directed species on board the vessel.

²The Technical Committee recommended a reduction to between 75 and 150 pounds.

The Technical Committee and Board discussed other possible management options:

- Bycatch-only fishery - All directed fisheries would be closed and only a bycatch allowance would be harvested.
- Directed trip limits - No bycatch trip limits. States with trip ticket record systems already have the ability to develop trip limits.
- Commercial Size Limits

BIOLOGICAL SAMPLING REQUIREMENT CHANGES

Compliance

The Board intends to maintain biological sampling as a compliance requirement of the states. However, Amendment 4 is silent on a number of issues related to this requirement. The Board will have to establish alternative criteria for determining ‘non-compliance’, ramifications of ‘non-compliance’, and how to get back into compliance.

Determining ‘non-compliance’

Option 1: Non-*de minimis* states that fail to collect required samples in a given year.

Option 2: Non-*de minimis* states that fail to collect required samples in two consecutive years.

Option 3: Non-*de minimis* states that fail to collect required samples in a given year and did not make a good faith effort to do so.

Option 4: Non-*de minimis* states that fail to collect required samples in two consecutive years and did not make a good faith effort to do so.

Option 5: Other

Ramifications of ‘non-compliance’

Option 1: Recommend to Secretary of Commerce to close the state’s weakfish fishery for following year.

Option 2: Delay opening of state fishery until plan for collecting samples is approved.

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Option 3: Give up state's vote on next management action.

Option 4: Other

Getting back into compliance

Option 1: Collecting the required number of samples in the year after non-compliance.

Option 2: Developing a Board-approved plan for collecting the required number of samples for the year after non-compliance.

Option 3: Other

Biological Sampling and Reporting Program

States must use the most recent data available to determine their initial and subsequent years' sampling requirements. If a state collects its own commercial landings data, it will likely have the previous year's data available in February. For example, 2005 commercial landings data should be available by February 2006. If a state does not collect its own commercial landings data, it should request preliminary figures from the NMFS commercial database to determine its sampling requirements. If a state is unable to obtain commercial data from the national database prior to it becoming available publicly on the website, it should use the previous year's landings as a proxy to determine its sampling requirements for the current year. States should use the NMFS Marine Recreational Fishery Statistics Survey (MRFSS) database to request and obtain their recreational landings as soon as possible. MRFSS final catch, effort, and participation data for the previous year becomes available in April each year.

The Technical Committee (TC) reviewed the Amendment 4 sampling program and many variations of the program. The following details of the program reflect the Committee's preferred alternatives for a weakfish sampling program.

State sampling strata

Sampling by non-*de minimis* individual states.

Recreational length sampling

Maintain current level of sampling through MRFSS.

Commercial length sampling

Collect 6 lengths of individual fish for each metric ton of weakfish landed commercially.

Age sampling

Collect 3 ages of individual fish for each metric ton of total weakfish landed with a maximum of 1000 ages annually per state. Samples may come from commercial and/or recreational fishery as long as they come from the same general area (inshore versus offshore) that those fisheries are prosecuted in.

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Other sampling variables

The TC recommends that states attempt to stratify their samples throughout the variables listed below. The more 'boxes' filled with biological data, the more robust and reliable the stock assessments will be. Stratify sampling by:

- fishery (commercial/recreational),
- type of gear,
- market grade (small, medium, large), and
- time of year (early/late, half or quarter year increments).

By the end of February each year, the PRT will compile preliminary landings data for the previous year or data from the most recent year available. It will send each state its projected sampling levels for that year. Those states will be required to submit in writing its commitment to sample including number to be collected for the current year by April 1. The PRT will review the sampling plans and make recommendations for approval or disapproval at the next Board meeting. [Note: The initial review and implementation of the sampling program will follow the schedule at the end of this Addendum. In subsequent years, the timeline and process with regard to the sampling requirement will be as noted in this paragraph.]

Implementation of Sampling Program (PUBLIC COMMENT REQUESTED)**

The data obtained from biological sampling is crucial to the success of weakfish stock assessments. Some states have developed sampling programs for weakfish that fulfill the parameters laid out above. Other states have not established sampling programs despite the importance of the data. Part of the problem those states are having is limited fiscal and personnel resources. Several possible approaches (not mutually exclusive) for how to ensure that sufficient data is collected are listed below.

- ASMFC apply for grant for comprehensive support for a coastwide port or dealer commercial sampling from ACCSP. Grant money would go to states to address sampling needs of highest priority fisheries.
- States or ACCSP continue to augment MRFSS to collect sufficient levels of data from recreational fisheries
- Request that NMFS Northeast Fisheries Science Center sample weakfish through its commercial fisheries sampling program. ASMFC explore whether Southeast Fisheries Science Center has a similar program.

**In addition to soliciting comment on the rest of the document, the ASMFC, Weakfish Management Board, and states solicit the help of the public to submit ideas for how to collect biological data given states' limited resources. All ideas will be considered, so thinking 'outside of the box' is encouraged.

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IMPLEMENTATION SCHEDULE

States must implement the provisions of this Addendum no later than the following dates:

- February 1, 2006: States must submit detailed plans to implement this Addendum, including the recreational and commercial management and sampling provisions, for approval by the Management Board.
- April 1, 2006: States with approved management and sampling programs shall begin implementing the Addendum.