



An Anglers Guide to Amendment 4 to the Weakfish Fishery Management Plan

Prepared by the Coastal Conservation Association

WHAT YOU NEED TO DO:

Write a letter, fax or e-mail to your ASMFC representatives stating that you support CCA's position on Amendment 4 to the Weakfish Fishery Management Plan. You can find the addresses for your state representatives beginning on pages 9-10. You can also attend a public hearing in your state – the list of is on page 8.

Please include these primary points:

CCA Supports:

- ** A standard 7-fish bag with a 12-inch minimum size in the south and a 14-inch minimum size in the north;
- ** That states may have only one creel limit/minimum size combination.
- ** That any net bycatch allowance be limited to 10 percent of the catch up to a maximum of 150 pounds, with no bycatch allowance in the commercial hook and line fishery.
- ** That there be no tolerance in the trawl fishery for landing undersized weakfish
- ** That escape panels be required in all pound nets.

These points, and the important options in Amendment 4, are fully explained below in the body of the Anglers Guide.

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What is happening?

The Atlantic States Marine Fishery Commission (ASMFC) is in the process of writing Amendment 4 to the Weakfish Fishery Management Plan (FMP). Amendment 4 is a lengthy document, totaling over 70 pages. This guide is designed to help recreational anglers understand key portions of the proposed amendment so they can make informed decisions about the future of weakfish management.

Weakfish have recovered from low levels of abundance in the early 1990s to a stock rebuilding towards high abundance and the return to its previous geographic range. The fishing mortality rates have been well under the target mortality rate since the implementation of Amendment 3, thus enabling the recovery we see today.

Amendment 3 mandated a fishing mortality target ($F=0.5$), mandatory reductions in bycatch in the southern shrimp fishery, a 12-inch minimum size (then critical, as tons of weakfish were sold as crab bait in the South) and, most significantly in our view, the closure of the critical over-wintering area south of Cape Hatteras to fly nets. Fly nets are trawl nets that, unlike otter trawls that skim along or dig into the bottom, are pulled through the water several yards off the bottom and thus catch mid-depth fish, like weakfish. These non-selective, indiscriminate trawl nets are capable of catching tens of thousands of pounds of weakfish in a day. 40,000-pound days were not uncommon and some boats caught 100,000 pounds of weakfish. In the area south of Hatteras these were primarily 6-inch to 10-inch fish.

Thus, the regulatory burden in Amendment 3 was largely leveled at the commercial fishery, if for no other reason than the recreational fishery had declined from a high of 12 million fish in 1983 to under 2 million when Amendment 3 was adopted (Figure 1). Due to rampant overfishing of the 1980s, the bulk of the fish present in the population in 1995 were age 3 or smaller, fish 13 inches or less. The recreational size and bag limits were designed at that time to achieve the necessary reduction in harvest to meet the target $F=0.5$. They essentially allowed anglers to catch fewer of the fish at younger, smaller, more abundant age classes (4 fish at 12 inches), and rewarded anglers that caught larger fish with a higher bag (14 fish at 14 inches). However, the Amendment 3 table had no bag limit for fish 16 inches or greater.

In today's weakfish population, with significant numbers of fish over age 5 and fish approaching age 10, a state with no bag limit and a 16-inch minimum size could cause problems with the stock if their catch really took off, like we've seen with summer flounder. Fortunately, this has not happened. In addition, the creel limits will be more restrictive under Amendment 4 because of the adoption of a new target mortality rate ($F=0.31$).

Back when Amendment 3 was being debated, CCA members on the Weakfish Advisory Panel worked hard to make sure one of the goals of the FMP was to restore the age structure and geographic range of weakfish. Without that goal, weakfish most likely would have been declared recovered shortly after the spawning stock biomass reached the threshold in 1994. Again, this is similar to what happened with summer flounder. Restoring weakfish to their historic geographic range and age structure is a key component of a full recovery of this fishery. Without it, the stock would consist of fish primarily age 5 and under occupying the geographic center of their range from North Carolina to Delaware. With this goal in place we can expect weakfish to live past 10 years and range from Massachusetts to Florida.

Thus managers hope to use Amendment 4 to do 2 things:

- A. Keep the current commercial restrictions in place and prevent new directed fisheries for weakfish from developing.
- B. Adopt recreational size and bag limits that fit today's stock and prevent the recreational sector from overfishing.

The Anglers Guide To Amendment 4

The executive summary to the amendment has some, but not all, of the options for Amendment 4. You may reference the amendment itself as you follow this guide. It can be downloaded from www.asmf.org. Page numbers direct you to the parts of the plan where options for adoption are presented.

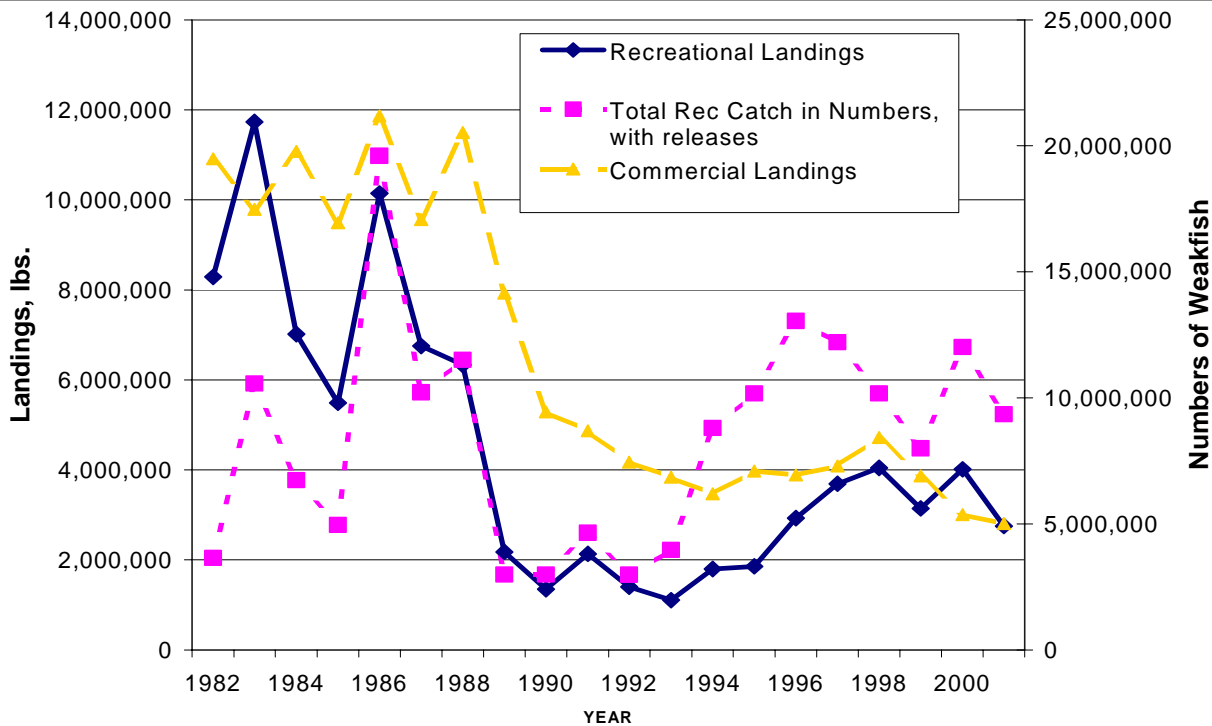


Figure 1: Weakfish landings by fishery. Both the recreational and commercial landings are listed in pounds. However, the total recreational catch with releases is listed in numbers.

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Section 2.6.1 Triggers, Targets and Schedules for Stock Rebuilding

Fishing Mortality Threshold. This is the level of mortality you must not exceed to prevent overfishing. They are asking for input on when management should respond if the fishing mortality rate threshold is exceeded. What they must do (rebuild SSB and institute a fishing mortality rate not to exceed $F=0.2$) is spelled out in the FMP.

Options for threshold trigger:

Option 1: If threshold is exceeded in any one year.

Option 2: If threshold is exceeded in any two consecutive year periods.

CCA supports: Option 1. Since this is a fast growing stock that has a relatively short life span, we believe it is critical to act to potential overfishing problems as fast as possible.

Spawning Stock Biomass threshold. If the SSB falls below the SSB threshold in any given year (this is a “what if” question, as the SSB is well above the threshold at present), the Management Board must adjust the weakfish management program to rebuild SSB to 30% of an unfished stock.

Options for SSB Rebuilding Schedule

Option 1: Within 10 years plus a generation time (14 years).

Option 2: Within 8 years (two generations).

Option 3: Within 4 years or less (generation time).

CCA supports Option 3. Since this is a fast growing fish with a 4-year generation time and has exhibited a marked response to reduced mortality rates in the past, we believe the fastest rebuilding schedule to be the most prudent.

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Section 3.0 – Monitoring Program Specifications/Elements

This section has options for requiring the states to collect biological information for weakfish management. While in principle we support better data collection, we are not prepared to comment on the appropriate level of sampling necessary to achieve that goal. We believe that task is best left to technical people on the ASMFC.

CCA Position: We believe the states should be required to sample its commercial catch for biological information. However, we feel unqualified to comment on the level of sampling necessary to gather the appropriate level of information.

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Section 4.0 – Management Program Implementation

Section 4.1 Recreational Fisheries Management Measures

Recreational harvest measures are the heart of Amendment 4. Due to changes in the stock age structure and a new lower mortality target (F=0.31), many will see reduced creel limits. Managers are faced with the task of keeping an as yet unknown future recreational harvest within the mortality and SSB constraints imposed by this plan. The various size and bag limits are all based on technical committee examination of their effect on the population.

The size and creel limit options have been confusing to some. Option 1 is based on the bag and creel limits we have in place today. It does not take into account the difference in size of weakfish over their range, thus it unfairly penalizes the southern states since they predominantly see weakfish under 14 or 16 inches. Option 2 uses the same assumptions as Option 1 but splits the table into a southern and northern region. It still unfairly penalizes the southern states. Option 3 is the most elaborate as it removes the assumptions used in Options 1 and 2 and attempts to achieve proportional reductions in harvest between the northern and southern region. Options 2 and 3 have the problem of perceived inequity between regions.

While a reduction from 10 or 12 fish per day to 7 fish per day seems on the face of it to be significant, it is important to remember the average catch per trip is usually only a few fish. Based on data from North Carolina from 1996 through 2000, 90% of the anglers caught 3 or less weakfish, and this was only counting trips that caught weakfish. If you could factor in the trips that did not catch weakfish, the average catch per trip would be much lower. As the population increases that number may rise, but not significantly.

One of the confounding factors in setting creel limits is the perceived fairness in harvest between northern and southern recreational fishermen. It is a fact that larger weakfish tend to inhabit the northern part of their historic range. The southern states tend to see the smaller weakfish. Thus a separate size limit regime is appropriate. However, the problem with fairness becomes magnified when imposing a geo-political boundary on a migratory stock, causing one state to have a larger minimum size than the one next to it. There are 4 options for recreational size and bag limits:

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OPTION #1 – Coastwide regulations with a Baseline creel limit of 4 fish at a 12" minimum size

(Fishing mortality rate of 0.31, reference period of 1981 – 1985 for recreational fishery)

Minimum Size	Creel Limit
12	4
13	5
14	6
15	8
16	9
17	12

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OPTION #2 - Regional regulations with a baseline creel limit of 4 fish at a 12" minimum size

(Fishing mortality rate of 0.31, reference period of 1981 – 1985 for recreational fishery)

Northern Region		Southern Region	
Minimum Size	Creel Limit	Minimum Size	Creel Limit
12	4	12	4
13	5	13	5
14	5	14	7
15	6	15	10
16	8	16	13
17	9	17	19
18	10	18	none

OPTION #3 - Adopt regional regulations with the same proportional reduction in harvest as the regulations at the baseline minimum size of 12"

(Fishing mortality rate of 0.31, reference period of 1981 – 1985 for recreational fishery)

Northern Region		Southern Region	
Minimum Size	Creel Limit	Minimum Size	Creel Limit
12	3	12	7
13	3	13	9
14	4	14	11
15	5	15	14
16	6	16	19
17	7	17	none
18	8	18	none

OPTION #4 – Regional Regulations With One Bag Limit

Seven fish bag limit coastwide with a minimum size of 12” in the southern region and 14” in the northern region.

CCA Supports: Option 4, as long as it has technical committee approval. We believe Option 1 unfairly penalizes the southern states; Options 2 and 3 are confusing at best with perceived inequities in them causing friction between different regions. We believe a simple regulation, such as Option 4, will better serve anglers and the management process, and keep anglers within the necessary mortality target.

Split between Northern and Southern Region:

As noted earlier, larger weakfish inhabit the northern end of their range, and smaller weakfish generally inhabit the southern end of their range. The ASMFC is trying to accommodate for this phenomenon and allow for a more equitable harvest by defining the northern - southern region boundary. The options are:

Option 1: Between Maryland and Virginia

Option 2: Between Virginia and North Carolina

Option 3: In the middle of Maryland – The southern region would include Chesapeake Bay south through Florida and the northern region would include the Maryland coast through Massachusetts.

CCA supports: Option 3. While we would prefer a technical evaluation of where the separation should occur, we understand it will end up in the policy arena. Therefore, while we could support any of the 3 options, we believe Option 3 is the fairest.

Reasonable Maximum Creel Limit:

Option 1: Creel limits must not exceed 10 fish (alter the previous tables accordingly). The number 10 could be adjusted in the future under adaptive management based on changes in availability over time.

Option 2: Do not include a maximum creel limit.

CCA Supports: Option 1. CCA believes there should be a maximum creel limit on weakfish.

Multiple Creel Limit/Minimum Size Combination within a State:

Seasonal:

Option 1: States may have different creel limit/minimum size combinations during different seasons.

Option 2: State may have only one creel/size limit combination.

Area:

Option 1: States may have different creel limit/minimum size combinations during different areas of the state.

Option 2: State may have only one creel/size limit combination.

Angler Choice:

Option 1: States may allow anglers to choose between two different creel limit/minimum size combinations on any given day.

Option 2: State may have only one creel/size limit combination.

CCA Supports: Option 2 under the Seasonal, Area and Angler choice as most appropriate. CCA believes states should have flexibility to set creel limits and minimum sizes under adaptive management, as long as they meet the goals in the plan. However, even annual changes in regulations are often difficult to enforce and cause confusion and discontent among anglers. CCA fears that further regulation changes may add to the confusion.

Section 4.2.1 Bycatch:

Regulatory discards (otherwise legal fish discarded dead because of fishery regulations such as closed seasons or areas) are one of the more significant problems facing fishery managers, particularly on species experiencing a recovery. Therefore methods used to minimize waste are preferable to leaving fish to waste. However, allowing too great of a bycatch allowance can cause fishers to begin a directed fishery. This section attempts to strike a balance.

Options for Overall Bycatch Allowance or Sliding Scale of Bycatch:

1. *Status Quo (Absolute amount – 150 pounds):* Leave the regulations as they are in Amendment 3 with a 150 pound weakfish possession limit per trip for nondirected fisheries during any otherwise closed season.
2. *Increase bycatch (Absolute amount – 300 pounds):* Increase the allowable bycatch from 150 pounds to 300 pounds per trip for nondirected fisheries during any closed season.
3. *Sliding scale of bycatch (Sliding Scale – 10%/ 150 lbs.):* Allow for bycatch to be 10% of the catch per trip for nondirected fisheries during any closed season – not to exceed 150 pounds.
4. *Sliding scale of bycatch (Sliding Scale – 10%/ 300 lbs.):* Allow for bycatch to be 10% of the catch per trip for nondirected fisheries during any closed season – not to exceed 300 pounds.

CCA supports: Option 3 - Sliding scale of bycatch, 10% of the catch up to a maximum of 150 pounds. We believe this is the best option, as it requires there to be targeted species on board the vessel before any weakfish bycatch can be possessed.

Options for Commercial Hook and Line:

Options for Commercial Hook and Line:

1. Status Quo: At no time will the commercial hook and line fishery be permitted any bycatch allowance of weakfish during any otherwise closed season.
2. The commercial hook and line fishery is permitted the same bycatch allowance of weakfish as other gear types during the closed season.
3. The commercial hook and line fishery is permitted a bycatch allowance of 20% of their total landings in weight per day not to exceed 150 pounds during a closed season.

CCA supports: Option 1, status quo, no bycatch allowance. Hook and line commercial fishermen, just like their recreational counterparts, can release weakfish alive.

Options for the Southern Penaeid Shrimp Fishery:

Options for the Southern Penaeid Shrimp Fishery:

1. At no time will the southern penaeid shrimp fishery be permitted any bycatch allowance during any otherwise closed season.
2. At no time will the southern penaeid shrimp fishery is permitted any bycatch allowance.
3. The southern penaeid shrimp fishery is permitted the same bycatch allowance as other gear types.
4. The southern penaeid shrimp fishery is permitted 150 pounds of weakfish as a bycatch allowance.
5. Possession of weakfish aboard a shrimp vessel is limited to the state's per person creel and size limits, with no sale allowed.

CCA Supports: Either Option 3 (they are permitted the same bycatch allowance as other gear types) or Option 4 – a 150-pound limit.

We believe any measure allowing 300 pounds of bycatch could lead to a directed fishery for weakfish, thus we oppose any increase past 150 pounds.

Section 4.2.2 Minimum Fish Size

Options for directed Weakfish Trawl Minimum Size Tolerance:

1. Status Quo: Undersized weakfish in the trawl fishery cannot be landed.
2. Tolerance for undersized weakfish (lbs.): 1% of a trawl catch can be undersized weakfish – not to exceed 300 pounds. These fish can be landed but not sold.
3. Tolerance for undersized weakfish (fish): 1% of a trawl catch can be undersized weakfish – not to exceed 300 fish. These fish can be landed but not sold.

CCA Supports: Option 1 – status quo. Allowing any undersized fish on the dock, even unsold, opens the door for significant use of undersized weakfish in bait and scrap. We believe legally allowing undersized fish in the processing and dealer shops would seriously undermine enforcement efforts to enforce mandatory minimum sizes, a cornerstone regulation of Amendment 3 that should be carried into Amendment 4.

Section 4.2.8 Bycatch Reduction Devices (BRDs) and Methods

Options for Bycatch Reduction Devices in Pound Nets:

1. Require Escape Panels in Pound Nets: All pound nets which catch weakfish will be required to use escape panels by the 2004 fishing year. The technical committee will develop the specifications for this program by October 1 of 2003.
2. Provide Incentive for Escape Panels in Pound Nets: By the 2004 fishing season, the technical committee will develop an appropriate incentive based on the reduction for all pound nets which catch weakfish that are using bycatch reduction devices.
3. Penalty for the lack of Escape Panels in Pounds Nets: By the 2004 fishing season, the technical committee will develop an appropriate penalty based on the reduction for all pound nets which catch weakfish that are not using bycatch reduction devices.

Options for Use of Bycatch Reduction Devices along the coast:

1. All escape panel for pound net requirements in Amendment 4 apply to all states covered under Amendment 4.
2. All escape panel for pound net requirements in Amendment 4 apply to all states south of New York.

CCA Supports: Option 1 in both proposed regulations. CCA believes pound nets are one of the best commercial gears available, because the catch can be sorted alive and returned to the water, thus keeping bycatch to a minimum. We believe pound nets could further be improved by a requirement for escape panels.

Section 4.9 Recommendations to the Secretaries for Complementary Actions in Federal Jurisdictions

Option 1:

- require a minimum weakfish size of 12 inches total length;
- require weakfish recreationally harvested in the EEZ comply with the laws in the state in which they are landed;
- require that weakfish commercially harvested in the EEZ be landed in accordance with the landing laws of the state in which they are landed, with the exception that weakfish caught commercially in the EEZ may not be landed in a de minimis state;
- require minimum mesh sizes in the EEZ consistent with a 12-inch minimum fish size. Non-directed fisheries using smaller mesh sized may possess no more that X (to be filled in when bycatch management measures are chosen by the Management Board) pounds of weakfish during any one day or trip, whichever is longer in duration; and
- require the use of fly nets in EEZ waters south of Cape Hatteras to be consistent with adjacent state regulations.

Option 2:

Recommend to the Secretary that any weakfish harvested in the EEZ be landed in an ASMFC state in accordance with the laws of the state in which they are landed.

CCA Supports: Option 1, which delineates the regulations necessary for harvest in the EEZ. We believe it is necessary to establish these criteria in order to maintain the weakfish recovery presently underway.

Public Hearing Schedule

Connecticut

October 15 7:00pm
333 Ferry Road
Old Lyme, CT
Contact: Eric Smith 860-434-6043

New York

October 15 7:00pm
Bureau of Marine Resources,
Conference Room
205 N. Belle Mead Rd.
East Seatauket, NY
Contact: Gordon Colvin
609-292-2983

New Jersey

October 7 6:00pm
Vineland Public Library
Doris Tripp Room
1058 E. Landis Ave
Vineland, NJ
Contact Bruce Freeman
609-292-2083

October 16 7:00pm
Ocean County Administration
Building
101 Hooper Avenue
Toms River, NJ
Contact Bruce Freeman
609-292-2083

Delaware

October 8 7:30pm
Richardson and Robbins Building
89 Kings Highway
Dover, DE
Contact: Roy Miller 302-739-3441

Maryland

October 8 7:00pm
Tawes State Office Building
Cafeteria
580 Taylor Avenue
Annapolis, MD
Howard King 410-260-8264

Potomac River Fisheries Commission

October 10 6:30pm
222 Taylor Street
Colonial Beach, VA
Contact: A.C. Carpenter
804-224-7148

Virginia

October 15 7:00pm
2600 Washington Ave
Fourth Floor
Newport News, VA
Contact: Jack Travelstead
757-247-2247

North Carolina

October 15 6:00pm
DENR Office Building
127 Cardinal Drive
Wilmington, NC
Contact: Dr. Louis Daniel
252-726-2021

October 16 6:00pm
N.C. Aquarium
374 Airport Road
Manteo, NC
Contact: Dr. Louis Daniel
252-726-2021

October 17 6:00pm
CMAST Building, Room 205
303 College Circle
Morehead City, NC
Contact: Dr. Louis Daniel
252-726-2021

Florida

October 17 6:00pm
Atlantic Beach City Hall
Commission Chambers
800 Seminole Road
Atlantic Beach, FL
Contact: Andy Strelcheck
850-487-0554 ext. 214

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