

# Atlantic States Marine Fisheries Commission

## Tautog Management Board

*August 2, 2016  
12:15 – 1:45 p.m.  
Alexandria, Virginia*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*A. Nowalsky*) 12:15 p.m.
2. Board Consent 12:15 p.m.
  - Approval of Agenda
  - Approval of Proceedings from February 2016
3. Public Comment 12:20 p.m.
4. 2016 Regional Stock Assessments for Long Island Sound (LIS) and New Jersey-New York Bight (NJ-NYB) **Action** 12:30 p.m.
  - Presentation of the LIS Stock Assessment Report (*J. Kasper*)
  - Presentation of the NJ-NY Bight Stock Assessment Report (*J. McNamee*)
  - Presentation of the Peer Review Panel Report (*P. Campfield*)
  - Consider Acceptance of Regional Stock Assessments and Peer Review Report for Management Use
5. Consider a Specific Regional Management Approach for Draft Amendment 1 (*A. Nowalsky*) **Possible Action** 1:10 p.m.
6. Update on Commercial Harvest Tagging Program (*A. Harp*) 1:40 p.m.
7. Other Business/Adjourn 1:45 p.m.

The meeting will be held at the Westin Alexandria; 400 Courthouse Square; Alexandria, VA; 703.253.8600

# MEETING OVERVIEW

**Tautog Management Board Meeting**  
**August 2, 2016**  
**12:15 – 1:45 p.m.**  
**Alexandria, Virginia**

Chair: Adam Nowalsky (NJ) <i>Assumed Chairmanship:</i> <i>05/15</i>	Technical Committee Chair: Jason McNamee (RI)	Law Enforcement Committee Representative: Jason Snellbaker
Vice Chair: David Simpson (11/15)	Advisory Panel Chair: VACANT	Previous Board Meeting: February 3, 2016
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, USFWS (10 votes)		

**2. Board Consent**

- Approval of Agenda
- Approval of Proceedings from February 2016

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the Agenda. Individuals that wish to speak at this time must sign in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

<b>4. 2016 Regional Stock Assessments for Long Island Sound (LIS) and New Jersey-New York Bight (NJ-NYB) (12:30 – 1:10 p.m.)</b>
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<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• The LIS regional stock assessment was led by the University of Connecticut and the NJ-NYB assessment was led by NJ Division of Fish and Wildlife. Both received support and advice from the Technical Committee and Stock Assessment Subcommittee.</li> <li>• The assessments were completed in June and a desk review was completed in July.</li> <li>• Tautog in the LIS region are overfished and experiencing overfishing.</li> <li>• Tautog in the NJ-NYB region are overfished and experiencing overfishing.</li> <li>• A fall 2016 stock assessment update will update the following regions with data through 2015: 1) Massachusetts-Rhode Island; 2) Connecticut through New Jersey; 3) New York-New Jersey; 4) Long Island Sound; 5) New Jersey-New York Bight; and 6) Delaware through Virginia. The results of the 2016 update will be presented at the 2016 Annual Meeting.</li> </ul>
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- LIS and NJ-NYB assessment report and the peer review panel report are in Supplemental Materials

#### **Presentations**

- Presentation of the LIS Stock Assessment Report (*Jacob Kasper, University of Connecticut*)
- Presentation of the NJ-NY Bight Stock Assessment Report (*J. McNamee*)
- Presentation of the Peer Review Panel Report (*P. Campfield*)

#### **Board Actions for Consideration at this Meeting**

- Accept the Stock Assessment Report and Peer Review Report for management use

### **5. Consider a Specific Regional Management Approach for Draft Amendment 1 (1:10 – 1:40 p.m.)**

#### **Background**

- A benchmark stock assessment for a three-region management approach was approved for management use in February 2015
- A regional stock assessment for a four-region management approach was presented to the Board in August 2016.

#### **Presentations**

- Discussion facilitated by A. Nowalsky, Chair
- Slide showing the regional boundaries to consider by A. Harp

#### **Board Actions for Consideration at this Meeting**

- The Board may consider a three-region or four-region management approach to include in Draft Amendment 1.

### **6. Update on Commercial Harvest Tagging Program (1:40 – 1:45 p.m.)**

#### **Background**

- The Law Enforcement Sub-Committee has developed objectives for a commercial harvest tagging program, selected tags to test and reviewed the design of a tautog tank trial that will test the feasibility of applying tags to live tautog.
- The tank trial is led by New York Division of Marine Resources and Stony Brook University and expected to be underway in August. In total, the research team expects to apply tags to 60 tautog.
- Two out of the three tags are traditionally used for livestock, therefore, the team is actively trying to determine if the tags will fit on a fish.
- **The LEC Meeting Summary that includes commercial fishermen interviews and alternative tag types are in Briefing Materials and the Tautog Tagging Trial Overview is in Supplemental Materials**

#### **Presentations**

- Tautog Tagging Trial Overview by A. Harp

#### **Board Actions for Consideration at this Meeting**

- The timeline for Draft Amendment 1 and development of a commercial harvest tagging program may differ; the Board may consider decoupling the two initiatives

## **7. Other Business/Adjourn**

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
TAUTOG MANAGEMENT BOARD**

**The Westin Alexandria**  
Alexandria, Virginia  
**February 3, 2016**

These minutes are draft and subject to approval by the Tautog Management Board  
The Board will review the minutes during its next meeting

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2. **Approval of Proceedings of November, 2015 by Consent** (Page 1).
3. **Motion to adjourn by Consent** (Page 18).

**ATTENDANCE**

**Board Members**

Dan McKiernan, MA, proxy for D. Pierce (AA)	Russ Allen, NJ, proxy for D. Chanda (AA)
William Adler, MA (GA)	Tom Fote, NJ (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Mark Gibson, RI, proxy for J. Coit (AA)	John Clark, DE, proxy for D. Saveikis (AA)
David Borden, RI (GA)	Roy Miller, DE (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dave Simpson, CT (AA)	David Blazer, MD (AA)
Lance Stewart, CT (GA)	Bill Goldsborough, MD (GA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
James Gilmore (AA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Steve Heins, NY, Administrative proxy	Peter Burns, NMFS
Emerson Hasbrouck, NY (GA)	Sherry White, USFWS

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

**Ex-Officio Members**

Mark Robson, Law Enforcement Committee Representative	Jason McNamee, Technical Committee Chair
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**Staff**

Bob Beal	Ashton Harp
Toni Kerns	Katie Drew
Mike Waive	

**Guests**

Kelly Denit, NOAA	Mike Luisi, MD DNR
Jeff Deem, VMRC	Darrel Young, MEFA
Jack Travelstead, CCA	Greg Murphy, PFBC
Brandon Muffley, NJ DFW	Raymond Kane, CHOIR
Bob Ballou, RI DEM	Bill Quimby, Mayflower Intl.
Arnold Leo, E. Hampton, NY	



The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 3, 2016, and was called to order at 4:30 o'clock p.m. by Chairman Adam Nowalsky.

#### **CALL TO ORDER**

CHAIRMAN NOWALSKY: Good afternoon, I would like to call the Tautog Board to order. Once again I am Adam Nowalsky, Chair of the Tautog Board. With staff's assistance we will go through the board meeting today.

#### **APPROVAL OF AGENDA**

CHAIRMAN NOWALSKY: Our first agenda item is to approve the agenda. Are there any changes to the agenda? Seeing none; is there any objection to the agenda as presented? Seeing none; the agenda is approved.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN NOWALSKY: Our second item of business is to approve the proceedings from the November, 2015 meeting. Are there any changes to those proceedings as presented? Seeing none; is there any objection to approving them as presented? Seeing none; those proceedings are approved.

#### **PUBLIC COMMENT**

CHAIRMAN NOWALSKY: Our next order of business is public comment for those items that are not on the agenda. Is there any member of the public that would speak on an item that is not on the agenda? Seeing none; we will continue on.

#### **UPDATE ON DRAFT AMENDMENT 1**

CHAIRMAN NOWALSKY: Our next order of business is to get an update on Draft Amendment 1. Just as a summary, at the annual meeting we had the motion to move to direct the PDT to develop Draft Amendment under Option 3, which included the regions of Mass

through Rhode Island, Connecticut, New York, New Jersey and Delaware, Maryland and Virginia, and Option 4, which had the region specified as Massachusetts to Rhode Island, Long Island Sound including Connecticut and New York, New York, New Jersey excluding Long Island sound and Delaware, Maryland and Virginia.

We'll be able to go ahead and get an update on the work that the PDT has done. We'll have the opportunity today to provide some feedback and further direction on that. We'll also get an update on some of the ongoing stock assessment work for that Long Island Sound assessment and the New York/New Jersey assessment that would feed off that. Then we'll have discussion on the commercial harvest tagging program, which this board has a subcommittee of that will have a report for us as well today. With that I will turn the presentation back to Ashton.

MS. ASHTON HARP: Good afternoon. I am going to present the PDT update for Draft Amendment 1. The PDT has met twice to discuss the plan of work and scope. The PDT has also started writing certain portions of the FMP again or revising or editing portions of it. The FMP is from 1996.

There are considerable updates that need to be done in the text that don't necessarily require management decision, but just need to be updated; so that is ongoing. Just going through kind of what is inside Draft Amendment 1. There are regional management efforts and as Adam just alluded to, we're kind of waiting for some stock assessments to be done for Long Island Sound and the New York/New Jersey stock assessments. That is in a waiting pattern, but it is a very important component of Draft Amendment 1. We're also revising the FMP goals and objectives. This is under review by the PDT. Next we're also including reference points and rebuilding timeframes. This was specifically reviewed by the PDT in the two calls that we had last month and the month before. Draft language will be presented in this presentation.

Management measures, this was also reviewed by the PDT, and it does require some additional guidance from the board and also finalized stock assessments, which I'll review in this presentation. Lastly, within Draft Amendment 1 is illegal, unreported and unregulated fishing within the Tautog fishery.

As we know there seems to be a black market in the fishery and we're trying to address this. The Law Enforcement Subcommittee met and that presentation will be presented separate of this one by Mark. I just kind of want to dive into exactly the language that we're considering. I know this is a lot of words on one slide. But when we reviewed the FMP we realized that there was no specific language on, what is overfishing, what does overfished mean for this species?

We just kind of took very generic language, and to really sum up what this is saying is for overfishing, if overfishing is occurring in this fishery then the board will take steps to reduce F to the target level according to the F reduction schedule identified in the next slide. If current F exceeds the target but is below the threshold, the board should consider steps to reduce F to the target level.

That is just kind of putting that in writing within this FMP. Next we'll move to, these are kind of more items that we were looking for board guidance on. If overfishing is occurring in the fishery then there should be steps to reduce it. The PDT discussed the timeline to eliminate overfishing, and they came to the following.

The board shall reduce F to a level that is at or below the target within a maximum of three years. There is as many of you know many different timeframes that we could have looked at, it could have been the next year, it could have been spread into two years. The PDT felt that a maximum of three years, so reducing the harvest within a three year timeframe was the most

appropriate; however, we look to the board for guidance on this.

For the probability of achieving F target the board will use an X percentage for probability of achieving F target in three years. The PDT discussed a 50 percent or a 70 percent probability of reducing F to the target within a three year timeframe. However, we could not come to a consensus on a specific probability. Jason did look at certain South Atlantic species. He found that it was common for groupers, which are similar to Tautog to have a 50 percent probability of achieving F target.

However, we also found some groundfish stocks have a 75 percent probability. The PDT was not considering the 75 percent only going as high as the 70 percent probability. However, we do need to look to the board to see what is your level of risk when managing this species, and what do they feel is most appropriate probability. That is the overfishing part. Then we moved into the overfished, and similar to overfishing we just defined what it means for the stock to be overfished. If it is overfished then it says the board will take steps to increase spawning stock biomass; the target level, according to the rebuilding schedule, which will be on the next slide. Then it just says the board should consider steps to increase SSB to the target level if below. Once again this was not in the current FMP that we had. For the stock rebuilding schedule the PDT discussed this and they felt that when the stock was overfished, meaning below the spawning stock threshold, the board will take efforts to rebuild the stock to SSB target within a ten year timeframe.

We could have picked any number of years, of course ten years is the standard. We also felt that given the slow growth rate of the species that a ten year timeframe seemed most appropriate. But this is also something that we want the board to consider and provide guidance on if they think that this timeframe is appropriate.

Next we were thinking about the main focus of this amendment, which is regional management. Within a region the board can select to manage recreational and commercial fisheries using a regional standard, meaning within that region if it is the DelMarVa region, you know everyone would succumb to a certain management measure and everyone would do the exact same thing. Whether it is bag limits, seasonal closures or minimum size or – and we did take this out to public comment in the scoping period – or there could be conservation equivalency.

There is an F reduction for that region and then states could decide together or meeting separately how they would like to reduce it and reach the F target. I did want to note that for the conservation equivalency there may not be enough data at the state level to kind of parse out how to do that for conservation equivalency. But it is still a method that you guys could consider. We're not saying that it has to be considered or defined or decided today, as to whether each region should be a regional standard or have conservation equivalency.

We just want to bring it forward as something that needs to be decided eventually. Then we also specifically note that as an example, at this time the PDT recommends a 16 inch minimum size limit for the recreational and commercial fishery within each region. Now this is up for discussion, but this was kind of something that we initially saw as something that should be a regional standard within each region, so a 16 inch minimal size for recreational and commercial fisheries, but still up for debate.

Coming full circle on everything that we've kind of discussed, we're still in the very preliminary stages of reviewing the draft amendment and kind of coming up with language and we do still need guidance, so I just kind of wanted to summarize specific areas where we were looking for guidance today and that is the timeframe in which to reduce F, also the probability of achieving F target and also the stock rebuilding timeframe.

Lastly the management within each region, should it be a regional standard or conservation equivalency? This last one is more something that you guys should consider; however, it doesn't have to be decided today because we still would need to finalize stock assessments for the PDT and the TC to develop specific management measures moving forward. With that I will take questions.

CHAIRMAN NOWALSKY: Let me just add that the majority of what was discussed here is in the supplemental materials and printed out on the back table. There is a nice seven page document labeled a decision document. As Ashton indicated, a lot of it is just highlighting areas for feedback, not necessarily specific A or B type decisions that are required right now, although they certainly will come to that at some point in time. That is in your materials for further reference. It pretty much highlights everything. With that are there any specific questions for the presentation, and then we can get into discussion about these items if there are no specific questions.

Okay seeing no hands for questions, we can get into discussion on these. Hopefully with where we are with things today, are not at a place where specific motions would be needed if we can come to a consensus as a board. Again the intent here is to just give the PDT some direction as they move forward, and with that I'll turn it to the board for discussion; or not.

MR. DANIEL MCKIERNAN: I might have a question for Katie to back up a little bit, if you don't mind. One of the themes that came out of our last meeting was a perception by the law enforcement community and the fishery managers that there may be more noncompliance with this species than any other that we deal with.

If we make a concerted effort to reduce that through commercial fish tagging or through, in my state we intend to work on an initiative to

increase fines. If we solve that how can that be measured in terms of the probability of achieving F? In other words, if we're going to solve a lot of the illegal harvest, how will that be revealed or manifested in our ability to achieve F?

MS. KATIE DREW: Ideally what would happen is those fish are no longer being removed. They would be part of the population and so they would contribute to the indices, they would be able to contribute to legal catch and would be registered as legal catch, and in theory that would improve the health of the population, and that would show up in the stock assessment as, you have brought down F, your population is increasing and so things are going well.

The assessment doesn't really care where those reductions come from or how that happens, it just looks to the data to make sure that the population is responding positively. To that extent when we do this process we probably won't know whether or not it is the cuts that we took that worked or whether it is the reduction in this unknown illegal harvest that happens. Because we can't quantify that illegal harvest, we can't really incorporate that into the projections. That will be one of the assumptions in the projections is that the harvest that is going to happen is known.

We won't have a way to quantify that uncertainty. That I think is actually more of an area where the board would want to consider it in a qualitative way to say, we would accept, we need a higher probability of not overfishing with legal harvest, because we're uncomfortable with the potential for unreported harvest to impact the stock. I think it is not something we can really quantify at this stage, and it would come down to more of a qualitative risk assessment from the board, I feel.

MR. McKIERNAN: Follow up. The periodicity of the assessments, if we chose let's say a 50 percent probability of achieving F based on MRIP data, then we may be forced to take a more conservative approach than is necessary if we

are simultaneously reducing poaching and approving compliance. Therefore, we might want to have a lower probability of achieving F if we're working really hard on that other side.

MS. DREW: Right, and again that is I think something for the board's consideration too. If you feel like this is going to have a positive effect on your fishery and you will achieve some kind of reduction in harvest that is not reported, then you can go with a lower probability on that basis. But again it is not something that we can quantify at this point.

MR. PATRICK AUGUSTINE: Thank you, very good job, Ashton. Thank you kindly. A question arises because I viewed this chart on Section 4.1.1, Page 6. I do notice that New Jersey and Delaware show a 15 inch minimum on the recreational and 15 inch is that primarily because of the Delaware Bay situation? That is one question.

The follow on would be, New York is at 16 and New York, the New Jersey waters combine on the south shore and they literally fish on the same body of fish and will we not have a problem there? I guess the first question, why 15? Is that because of Delaware Bay or is the rationale, is it built up in what the size has been in past years?

CHAIRMAN NOWALSKY: The current size limits are a function of the last management action that the board took, and each state was required to take a reduction and these were the size limits that were thus approved by the board to achieve those reductions.

MR. DAVID SIMPSON: All these recommendations make sense in sort of the four year standard fish and stock assessment and species that we have more confidence in. I like to include summer flounder in that but you know what we've been going through there, so even one of the better assessments on the coast can take you for a little bit of a roller coaster ride.

Tautog I don't have nearly that kind of faith in our ability to assess the stock, for one thing the reference to it being predominantly a recreational fishery. There are very large magnitude heaves in estimates from one year to the next. If I recall from the assessment correctly, the estimate of mortality or F is based on a three or four year period in the life history of a fish that lives 20 or 30 years.

I mean that just speaks to the uncertainty in the assessment. You take the slope for mortality and the only place that you can get a plausible negative slope that is in the realm of what you think it might be, there aren't 20 year old fish in there, there aren't five year old or six year old fish in there. There is a tremendous amount of variability in the growth rate of Tautog, such that a length at age key looks rather mushy, and so the age structure is quite mushy.

I am just anxious about taking standard approaches to management on this species when I'm skeptical the assessment can support it, and in particular yes, I gravitate to the natural default response is 50 percent probability. That is what was determined by court order for summer flounder. You have to have at least a 50 percent chance of success or you're not credible.

At the same time I hesitate to go out to the public and say, well we're going to take a 25 percent chance of not overfishing on Tautog, when my real question is given all this uncertainty, both the quantifiable uncertainty and the unquantifiable would we force ourselves into such a conservative management regime with this that we're going to really forego a lot of fishing opportunity. I wish I had an answer, but those are my concerns with this species that we're maybe expecting too much from the assessments.

CHAIRMAN NOWALSKY: These items are here because they are not presently in the FMP. Let me turn to staff for a moment and get clarification or from the PDT, with regards to are they now mandated by subsequent policies since

the original FMP was put in place that these definitions now exist the way they are, or it's to the discretion of the board what to include in the FMP?

MS. HARP: I would say it is to the discretion of the board, since this is not a federally managed species. It is not held to the 50 percent probability as set in Magnuson-Stevens. When we include the overfishing and the overfished definitions, it is merely just to provide accountability for how we manage this fishery, and so it is not so vague.

CHAIRMAN NOWALSKY: To set the stage, again the PDT in doing what we directed them to do looked at other FMPs and said these are items that are not there. Here are some suggestions. They are doing their job facilitating that discussion. I think you bring up some very good points. But there is no requirement that these be there or with the definitions that you see in front of you. Next up I had Russ Allen.

MR. RUSS ALLEN: I am not as uncomfortable as Dave is with some of these issues. I think the F level timeframe as well as the SSB timeframe are semi-realistic, and I know we need things in the plan such as this to make sure that we do what we need to do. As far as the other two issues, I think maybe it's something that should go out in the amendment as per public comment and whether or not we should have a 50 percent or 70 percent probability.

I am not sure how that would work out, but I know it has to be at least 50 percent. That is what you guys came up with so that is fine with me. I know on the management within a region, this was an issue that was brought up at our PID public hearing. If we are in a region with other states, we fish on different stocks depending on which of those regions we end up in.

It doesn't make sense to have the same exact regulations for each of those states. We would like to have that option of conservation equivalency within a region. Now whether or

not that goes in the plan that way, or whether it goes out for public comment that way. I know we would have public comment that would be contrary to having a regional standard.

CHAIRMAN NOWALSKY: On those comments, again there is no specific need for these definitions in there or no need for at least on any percentages. Again it is at the discretion of the board how they want to proceed. If there was no further direction given by the board to the PDT today, I would expect that when we get the draft amendment back these are the types of things we would see in it as recommended options. Would that be correct?

MS. HARP: Yes. These will come back if they are not decided today to the board.

CHAIRMAN NOWALSKY: Again, it is not a function of the decision just more guidance that we would want to direct them with.

MR. MICHAEL LUISI: Regarding the first issue, I am happy to see that there is a consideration for a time period that is more than just one year. I think we may have all learned from some experience with striped bass that a one year time period to return F to the target can be thought of as just a little too drastic. I'm happy to see that there is a consideration for multiyear reductions over a phased in period. But I will make a point to that issue that what I've learned from the experience of having dealt with the striped bass fishery and the reductions that we had to take, was that the public, the anglers, their expectation when you set a period of time is that once that period of time is exceeded or you get through the one year, two year, or three years that everything will return to normal and you'll be back to the point where you were prior to having taken the reductions that were needed.

What I would recommend is if you're looking for some opinions on these issues is that we take a little time in this draft to explain a little more thoroughly what this time period means, and

that further evaluations of the stock will lead to additional management action rather than after a three year period is over and we are at the target level that everything goes back to the way it once was. That may help manage some expectations of our stakeholders.

CHAIRMAN NOWALSKY: Okay so I am not hearing much in further direction. I did have Tom Fote.

MR. THOMAS P. FOTE: My concern is we get into these holes with species that we're not going to spend any more money to get any better research than we have. With all the constraints that are on state budgets right now, and every one of the states doesn't have a dime, especially New Jersey floating around that we're not going to get any better science done on Tautog that I can see in the next couple years. I wind up with species like black sea bass; we've had the same bad science since 1994, scup or a few other species.

Now we tried to put some money into Tautog over the years. We did some studies but it was never enough. Again the regionalization of this fishery is a lot different from sea bass. It is a lot different. When Pat says we have the same Tautog all along the South Shore into New Jersey that is not really the truth. I mean you have certain areas that combine fish like probably Long Beach on Long Island until oh Belmar in New Jersey. They probably fish, because they fish that New York Bay area.

But you get away from that Shinnecock has a different stock and Long Island Sound as we know is completely different from the others. It makes it difficult so with the mortality rate in one area might be totally different, and since this species unlike striped bass doesn't run up and down the coast with summer flounder, it is not going to be as easy to do that and we're not going to be able to tweak those numbers for the mortality of say the stock of Delaware Bay is doing fine.

But we're not going to be able to prove that because we don't have the science to do that. Then we're going to be in this hole saying that we have to assume, and I'm not too happy doing that. That is my grave concerns over when we set goals that we have no money to do the science to basically reinforce those goals and wind up with bad science.

CHAIRMAN NOWALSKY: Okay so where that leaves us unless someone makes the suggestion and we can get some consensus to change the timeframes here, remove one of these items, add something. The PDT would work towards a document that would include these items, would include both the 50 and 75 percent probabilities.

That is what is in the draft decision document. Right now you've got X percent on the board, but they do have those two numbers that they're contemplating. That would be where we would leave things at this point, and that is where the PDT would continue doing their work. I had Pat and then Dave.

MR. AUGUSTINE: I assume then we budgeted for the activities in this document that have to be completed, true, and if it's true then we're going to set a timeline as to we further develop it and what will be the next step. Then we get some answers on that and I think we ought to move forward from there.

CHAIRMAN NOWALSKY: Well, I think in terms of budgeting, the development of the draft amendment is there. It is part of the work plan and this is just part of the PDTs work that they need to do moving forward. As terms of what we direct them to do, it is not a budget question right now.

MR. SIMPSON: Regarding the first one, the timeframe. Currently our practice is to, we receive an assessment we take the management action, and we revisit how we did the next time there is a stock assessment. It occurs to me that it would be important to know the expected interval between stock assessments for Tautog

and that should be related to the interval or the timeframe to reach the target.

In other words if there isn't going to be an assessment but every six years then we should be thinking maybe of broadening our time to target, because we won't be able to evaluate it but every six years. That kind of concept, and then I was wondering Katie, on the probability I am trying to figure out what information you could provide us to help us get a better feel for what it means to get back to a target within, say three years given the uncertainty around the F estimate.

You know what does that look like and maybe compared to a couple other species that maybe have a higher level of confidence in and we're more familiar with. Is that a reasonable thing to ask? I am hoping to find a comfort level or an understanding of what we're buying before we buy it.

MS. DREW: Right so in terms of, you mean comparing to other species what levels do we use in other species or what like relative uncertainty?

MR. SIMPSON: Yes the width of the probability curve.

MS. DREW: I don't have that information off the top of my head. Obviously for Tautog it is going to be bigger, because I think there is more uncertainty in terms of the levels of catch definitely that are going into drive these F estimates. I think when we do the projections we would put more uncertainty into the catch estimates as part of the projections, understanding that the MRIP values are more uncertain for Tautog then they are for some of our more commonly encountered recreational species.

That would probably increase the range of basically potential outcomes that you would see from the projections. With the projections the sources of our uncertainty are kind of that the

amount of catch that we're taking out every year, the amount of recruitment that we're going to see every year, the amount of growth that we're going to see every year as well as sort of the uncertainty in the starting point of those projections. We start at some point and there is uncertainty around that and we project it forward and there is uncertainty around that. If we're doing short term projections, so three years or so, I think the recruitment has less of an effect on that for Tautog than it would for some of our sciaenid species that recruit very quickly into the fishery. But on the other hand again the estimates of catch and the estimates of where we start out are more uncertain.

I don't have a good way of representing what that uncertainty is going to be like in the projections, in terms of, I think the concern would be are we going to have to be more conservative with Tautog just because to get to a 50 percent probability of reducing F to that target. You need to take a more substantial cut than you would if you had a more confidence in some of these. We don't really know until we see how those projections are going to play out, in terms of what is the most important source of uncertainty in the final short term outcome.

MS. KERNS: Just a follow up on the first half of your question or statement, Dave. I think there are some plans out there, not to say this is right or wrong. But there are plans out there that say you have to reduce F within one year, and you don't necessarily do a stock assessment that year, but you set your regulations perceiving that it would reduce within one year. Whether or not that is good that you've set a set of regulations that you can't check right away is up to the board on how quickly they want to know the results of those management actions.

CHAIRMAN NOWALSKY: Go ahead follow up.

MR. SIMPSON: Yes so how we've managed Tautog so far is to say we have an assessment, we need to reduce mortality by 23 percent. We take an action that we believe will accomplish

that just kind of in the deterministic sense not in any kind of stochastic sense. We cut landings by 23 percent, we're done and we'll see how we did at the next assessment.

This is more having to take into account the uncertainty in all these estimates and the probability of achieving that target in three years takes into account all kinds of uncertainty. If your F estimate is very tight and narrow you feel confident and it probably doesn't take too conservative an action to get what you expect.

But I'm afraid with Tautog we'll find out after we sort of buy the horse that the variability looks like this, and so we have to get all the way down here in our landings to have a 50 percent probability of achieving a target within the specified timeframe. If there is a way to kind of show us what that would look like, how painful it is to be how risk averse. I think it would really be helpful to the public and to us.

CHAIRMAN NOWALSKY: I do think that question of pain is going to be dependent on some other decisions that we'll ultimately make.

#### **UPDATES OF THE LONG ISLAND SOUND AND THE NEW YORK/NEW JERSEY STOCK ASSESSMENTS**

CHAIRMAN NOWALSKY: I think seeing the level of feedback at this point it would be helpful to move into the updates of the Long Island Sound and the New York/New Jersey assessments.

We've got a couple of slides that will address some options for moving forward with regards to which datasets we can use, 2013 or integrating some more recent data into these as well; that may help guide that discussion. Let me move forward with those discussions. I'll turn back to Ashton and I know Dave and Russ will help inform that.

MS. HARP: I was actually going to move to have Dave and Russ provide updates and then I was going to show the timeline that we propose. I just want to make sure they are in line.



MR. SIMPSON: As some of you know we hit a little bump in the road with losing our postdoc at Yukon, who took a job with DFO, Department of Fisheries and Oceans in Canada where she resides. But we have moved very quickly, the University of Connecticut has to bring on a doctoral student, his name is Jacob Kasper. He is already on staff.

We're going to meet with our staff, probably three of us, our commercial statistics people, recreational statistics people and the principals involved in the assessment and this Sea Grant project is how this is being funded; Dr. Eric Schultz and Dr. Jason Vokoun. We're going to get together next week and schedule frequent meetings to accelerate the pace of progress on this and to make sure that we keep a vigorous pace on development of this; so that we don't interrupt the timeframe that we're trying to achieve here.

MR. ALLEN: Just a follow up on Dave's conversation. He hit most of the points pretty well. Jeff Brust from our office has been in contact with Jacob and is working with him and has also been in touch with Tom Smigne from NOAA on the MRIP data and is working hard to get that data to make sure Jacob is in good shape to get the Long Island Sound issue underway.

As he's going through that data he should be able to pull out the New Jersey/New York data, which would help Jeff. My conversation with Jeff yesterday was he is definitely on target for August, even with this little hiccup, and that was our original plan anyway. No way that they would have this by May, but there is definitely from Jeff's point of view looking good for the August meeting. At least some sort of preliminary estimates he would have.

CHAIRMAN NOWALSKY: Okay so that brings us to this slide, and I will let Ashton run through it.

MS. HARP: As Russ just mentioned we still are on target for the August board preview of the

Long Island Sound and New York/New Jersey stock assessments. I just wanted to expand the process beyond the August meeting. Then that means that the TC would do a catch reduction analysis, determine specific management measures and the PDT would further develop the management measures.

A full draft amendment would be proposed at the November meeting, and then in the winter time this would go out for public comment, and then the board could review Draft Amendment 1 at the February, 2017 meeting; so in one year. One thing to note about that is that this data would include data through 2013, because that is what the latest stock assessment did. In the New York/New Jersey Long Island Sound stock assessments they of course have the ability to use more current data.

However, since it is a four region approach that means that two regions would have more current data and then two regions that were previously done would only have data up until 2013. That is something to consider. With that in mind I talked to Katie, I talked to Jason; however, we have not fully discussed this with the TC. But I did want to present another timeline that would incorporate data through 2015 for all management regions. Once again, so we still have to kind of review this with the TC, but the initial thinking is that the new items are highlighted in blue, is that the board could potentially task the TC with incorporating 2015 data and do a full stock assessment update. Therefore we're not making management measures that would be implemented in 2017, based on 2013 data. We would be able to update it to 2015. This would kind of delay the entire process by one more meeting projected, so then the final draft amendment would come to review at the May, 2017 meeting.

It is just a little bit different. The one catch when talking with Katie was that we haven't checked in with the TC about the availability of age data. That could be the only process that might delay this process to get 2015 data, but we'll check

with them right after this meeting to see if it is possible. I just wanted to present a different timeline as well.

CHAIRMAN NOWALSKY: One question I had with this is how would that work, as far as the commission's work plan and availability for doing that stock assessment update in that March to October timeline?

MS. TONI KERNS: We would have to run it by the Policy Board in order to approve the update for Tautog. The ASC will be meeting this March, and then the Policy Board will be looking at a revised schedule for all assessments, and so for that side of things we would know that the policy board approved that in May. In terms of budgeting, we haven't fully discussed with staff what the needs would be; in terms of would it be in-person meetings not in-person meetings. I think if we were conservative about the number of in-person meetings we had we could make this work.

CHAIRMAN NOWALSKY: Is it something that would need to be tasked at this meeting or you could have those discussions and the board could then task the TC with that at the May meeting?

MS. KERNS: I think it is fine to do it at the May meeting, because we'll continue to work on the tasks that we need to do to populate the draft on other issues, and then this wouldn't impact that either way. Either decision we would continue to be able to move forward.

MS. HARP: Yes, the data availability probably wouldn't be until May anyway, in terms of states finalizing their age data, survey data, MRIP data anyway. It is not like we could start now, so we could wait and get I guess consensus from the Policy Board about this as a use of the TCs time and effort in May, and that would not hinder this timeline.

CHAIRMAN NOWALSKY: Okay that is what the discussion point would be potentially in May, is

whether we want to take a management action in early 2017, with data through 2013 or whether we would want to do that update and have the data be consistent across whatever regions we move forward with, with data that included 2014 and 2015. Again, at this point I would turn it back to the board. Is there a specific question the PDT would need an answer on today, or they would be able to continue moving forward with the development of the amendment?

MS. HARP: We can continue moving forward with the development of the amendment. There is still a lot to do. We just can't move forward with developing clearly specific management actions until the stock assessments have been completed. We can do all other areas, but as far as what are the bag limit season limits, we cannot move forward with that until stock assessments are completed.

MR. SIMPSON: The issue of in 2016 doing the stock assessment, do we ask Yukon to use data only through 2013? I mean I hate to ignore data that we have in hand, or do we use 2014, which is what they've been asking for recently is the more up-to-date data. I hate to come out in 2016 with a three year old data.

MR. FOTE: We always get knocked when we're doing a plan and going out to public hearing that the data is too old; that it is not showing what is happening right now. I would actually look at postponing it to the May so we actually have data up to 2015. I think that is the smart way. I think we should be doing that for others.

Since we're going to go out, and since it is going to be big, we might as well do it right. But you start showing up with data from 2013 people say that is not what is going on now. Maybe we corrected a lot of the illegal fishery, hopefully by the next year or two. I don't know. I think the closest to it when we were putting the plan out, the data we have the better it looks.

CHAIRMAN NOWALSKY: What we would have is at the May meeting we would meet again, hear

some more about the ongoing work on those assessments. We would have to make the decision about whether to task the TC with doing that update, using the updated data. Would there be the opportunity, Dave you had some very specific questions and some suggestions about how to help evaluate those rebuilding timelines. Is that something that the PDT could provide some feedback with, with some input from Dave specifically what he's looking for?

MS. KERNS: I mean to be honest it sounds like you would want to know what the catch reductions would be if we accepted a 50 percent versus a 70 percent threshold, and we won't know that until we do the actual reductions. We wouldn't know what that would be until we know the targets and the regions and everything like that.

We could do it potentially on the coast as an example if it is really important for you to know this, but the alternative would be, you could have those as the options and see those results once we finally decide on a target and a threshold and a region, and the current assessment that you want to use those data from.

Once you make those decisions we could do those calculations and show you both the catch that would give you a 50 percent and the catch that would give you a 70 percent; along with your other bag and size limit analyses. But in terms of getting that done by May, I don't think so, not in a meaningful way.

MR. SIMPSON: Yes, I certainly wouldn't ask you to do this for every assessment that's out there. I was thinking in terms of maybe one example and what is the variance around the F estimate from a typical assessment of several that were done on the coast, and how does that compare with say summer flounder or one of the better assessments; just to get a little bit of understanding of how much different it might be to manage Tautog under a set of rules that currently applies to another species we're more

familiar with, but we have higher confidence level in.

MS. KERNS: We could certainly do essentially a literature review of what is already out there and present some of these numbers in that context.

CHAIRMAN NOWALSKY: I think that is about the best we're going to get, Dave. Okay seeing no other hands; that is where we're at in the development of the amendment here right now, and then we'll look forward to that decision on whether to task the TC with that update at the May meeting.

#### **REVIEW OF THE COMMERCIAL HARVEST TAGGING PROGRAM OBJECTIVES**

CHAIRMAN NOWALSKY: That brings us to the next issue is part of the amendment with regards to reviewing of commercial tagging program objectives, and the ongoing work of the Law Enforcement Subcommittee. They do have a full report again in the supplemental materials, but we've got Mark Robson here today to provide a presentation on that work as well.

MR. MARK ROBSON: Again as he mentioned, go to the second slide here. We provided a Subcommittee report November of 2015, and received some direction from you all to develop some specific objectives for a tagging program for Tautog, and also in making sure that we explore tagging systems that would also be applicable to the live fish market as well as the regular commercial harvest. The Subcommittee is made up of three members of this board and three members of the Law Enforcement Committee.

We met via a phone conference on January 12, and as the Chairman has indicated, you have a written summary of that meeting in your materials. We spent a good bit of time initially during the conference call sort of calibrating our information and discussing what we all knew about the fishery and the circumstances behind the harvest of both live and dead fish, and more

or less framed out a basic goal statement that we perceive to be important in determining the objectives of a commercial harvest tagging program.

The goals basically needed to address adequate accountability of a system, mechanism that would insure minimizing the perceived illegal or unreported or unregulated fishing that was going on in this particular case. We also felt it was important to develop a tagging system that could be easily used and accepted by the fishing community.

We also wanted to make sure that the tags or tagging system would potentially have a neutral effect on the marketability of those fish; particularly in the live market. We also wanted to make sure that as a goal we developed objectives that provided for an effective enforcement program in conjunction with the tagging of Tautog.

Again, working on the direction that you provided to the Subcommittee, we came up with four draft objectives for the commercial tagging program. First of course we want a verifiable system that does address enforcement needs. For the officers that are out there trying to track down where some of these live fish markets are, or where fish are coming from or going to.

The tagging system would need to be set up in a way that can deal with that; particularly cross-state-type activities. Because there is a perceived cross-state activity in terms of where fish are harvested versus where they are marketed, we want to make sure that the tagging system is standardized among all the states.

Another objective is to make sure that the tag design and the make and the type of tag that's used is adequate for enforcement and tracking purposes. This would imply things like the durability of the tag, tamper proof issues and so forth. As a final objective we wanted to try to find a tagging system that ideally could be used

for both live and dead fish. In talking about the fishery itself we wound up discussing a lot of important points about tags themselves in a tagging system. Certainly we feel like we want to be able to identify where fish are harvested from by state, so there was a consensus around some sort of color coding system to identify individual states.

We want all of the tags that are used by the states to be consistent, in terms of what's on them. At a minimum they need to have a standardized identifier for year, the state they're coming from, and if they're color coded that would serve that purpose; and then some uniform tag number system that all the states could agree to.

We want tags that are tamper proof and single use. We also felt it was important to have a system for returning unused tags. This would probably help in terms of management of harvest and quotas, if there are quotas in place, and it is also from an enforcement perspective good to have a way of getting unused tags out of the system and off the water; if you will.

Again, we wanted to have a tag system that was useable both for live and dead fish, and of course having tags that can be applied to live fish and then kept on those fish for a good bit of time, is certainly a unique challenge for this fishery. Getting back to the ease of a system for use by fishermen, the tags need to be easy to attach, they need to be secure, and of course we hope for an economical tagging system for the states to apply.

As with the live fish market and live fish being tagged, we hopefully would have a type of tag that has a minimal impact on fish marketability and appearance. Some components that we talked about with regard to the fishery in general and it was certainly recognized, I think by the Subcommittee that this tends to be a more diffuse and decentralized fishery than some of the other ones that we deal with that have a tagging program in place.

We recognize that not all the states are consistent in how the fishery is regulated. For example, we have a few states that do have a limited access type program where you have permitted commercial harvesters. Other states have a more open fishery. It is certainly recognized that there is an amount of illegal harvest going on by fishermen who do not have commercial permits.

The last point, of course it is important and we had quite a bit of discussion around the issue of a tagging system, and whether you can have the tags apply to the fish at point of harvest or point of sale; it is somewhat of a dilemma. Typically from an enforcement perspective, the sooner those tags can be applied to a harvested fish the better.

You would want a point of harvest system. However, when you're looking at a state that may have an open fishery, getting tags in the hands of all of the fishermen who might be out there that would need to apply those tags at the point of harvest becomes more problematic. It is not so much a problem for a point of harvest if you have a regulated fishery with a limited number of permitted fishermen.

But obviously how the fishery is prosecuted, whether it is access open or access closed affects whether you can really realistically expect tags to be put on the fish at the point of harvest versus the point of sale. That is an important consideration in a program. At the end of our meeting we tried to summarize what we believe are some issues that we would like to get further board consideration or guidance from. These are really questions for the board. They are first of all, we expressed a strong desire, particularly members of this board, to try to make sure we consult with commercial experts on tagging and tag programs; whether it is manufacturers, commercial fishermen, fish market folks. We want to try to make sure we reach out and consult with them on the best way to develop a

tagging program and not work in a vacuum there.

Another question is, are there specific tag vendors that you as state representatives may know about who we can talk to or that we can review; and also are there states that would be available to step up and maybe help test some of these tag prototypes, especially for live Tautog, where you have some pretty unique requirements.

Also does the board have a preference for whether to continue to have a mixed fishery, where some states are limited entry versus an open fishery? If you move towards a limited entry type fishery that might allow a more serious consideration of point of harvest attachment of tags, and Mr. Chairman that concludes my report.

CHAIRMAN NOWALSKY: Great, so before we go to questions let me touch on a couple of these items here and some things that are in progress with them. With regards to the first item, staff drafted a one page memo that went out already to advisory panel members. It is the last page of the supplementary materials.

I would encourage states who know of commercial fishermen with whom should be consulted, or believe that we could get some useable feedback with on the commercial tagging program; to make sure that they have that document and to encourage them to give feedback to staff with the contact info contained therein.

With regards to the second item, there were a couple of potential tags that again are highlighted in the Law Enforcement Subcommittee meeting summary. The state of New York is looking to doing some trials when the spring fishery opens April and May. That is going to be highly dependent on water temperature and activity of those fish. I think there would be the desire for other states that are willing to participate in a trial program to do

so, and to let us know about your willingness and availability to participate today, or if not today in the not too distant future.

With that I will turn it to the board for specific questions for Mark first, and then we can have discussion about these items; also there were the four objectives that were listed. We can go back to those; it was kind of an overview of them in the presentation. They are listed in detail in the meeting material. Any questions first? Seeing no questions; question, go ahead John.

MR. JOHN CLARK: I was just curious as to whether as part of the research that went into this there are any other live fish that tags are being used on right now that have been used successfully in the type of project that is being envisioned here.

MR. ROBSON: Yes there was some discussion about tags, and I think Ashton may have more information about those too. It seemed as if they were primarily tags designed for either farm raised or aquacultured fish. I don't know if we knew of any specific live harvested fish that are being tagged at this time.

CHAIRMAN NOWALSKY: The belief was it was a pretty unique situation with what we were looking at here. Go ahead, Mark.

MR. ROBSON: Just as another point on that. Part of the consideration, I mean obviously there are game fish tags that are applied to certain kinds of fish, but the issue here is not only live fish, but these are live fish that can be apparently maintained in market situations for fairly lengthy times; up to several months is what we understand, or more. It has to be a tag that not only stays on a live fish, but doesn't hurt the fish over a long period of time.

CHAIRMAN NOWALSKY: Or impact the marketability, as well. I had Tom Fote then Roy Miller.

MR. FOTE: I always liked it when you went comments on it.

CHAIRMAN NOWALSKY: Questions, Roy?

MR. ROY MILLER: Mr. Chairman, during the course of my long career I've run into a lot of different types of tags. I'm just sitting here pondering what possibly would fulfill all the requirements for this particular tag. Are there any at this point that anyone can share with us that might be amenable for these purposes?

CHAIRMAN NOWALSKY: Well again there were two potential items that were listed here, one I know was brought forth by VIMs as I recall, which was an item and the other item that Steve Heins had brought forward that they intend to do the trials with this spring.

MR. CLARK: Just a suggestion, since I didn't realize they were going to keep these things alive so long. I mean as one supplier of course that we use for a striped bass tags, a lot of the states do, is Tide and Brooks; but obviously if you put a tag through the mouth and out the gills for a live fish that is going to be a problem.

But what about using like dark tags or T-bar tags as we use in our tagging programs for live fish, and I know we've been looking into a volunteer tagging program similar to what Virginia does now. I think you could train people that are going to be tagging these things for live fish to put something like a dark tag on, which is a very simple application device. It will probably have pretty good success of staying in the fish for a long time.

CHAIRMAN NOWALSKY: The two specific vendors that the committee had, Pentair was the name of one and Hallprint was the name of the other. Again, with regards to some of the tags that you suggested, the main concern is to avoid reusability of them. They need to be one time tags that can't be applied at the point of harvest, delivered for sale and then the fish is sold and then that tag make its way back into the field

again for potential reuse. It is a unique situation and any other suggestions that you have, we are all open to. That is why we're bringing this information for it.

MR. CLARK: If I could just follow up Mr. Chair. I was going to say Hallprint, which is in here already makes the T-bar and the dark tags and they would not be reusable. I mean once you have pulled them out of the fish they are usually not going to be able to be attached again. Floy Tag also makes a very similar tag to Hallprint, but this does seem to be a very different tagging situation from any of our other commercially landed fish situations, if you're trying to keep a fish alive for months and have a tag that is not going to affect its survival.

CHAIRMAN NOWALSKY: Mike Luisi, you had a question? Okay. Did you have your hand up, Toni, no – passing also? All right so let's move on to comments, I had Tom and then I'll come back to Mike.

MR. FOTE: I went to my first tagging workshop I think up in Woods Hole in 1986 when they said recreational people shouldn't tag fish, some of the state directors, and NMFS was trying to get us all tagging fish. The club I belonged to, Berkley Striper Club basically started tagging fish in '85.

We continue to do that and put records into the division of Fish and Wildlife. They've used the data every year, we keep meticulous records because when they started I said they had to do that otherwise I wouldn't support a tagging program. They've done it over the last 25 years. These are all catch and release fish that are basically swimming around for tags. We get returns; we know what the returns are.

We've experimented with a bunch of tags over the years, some work better, some we get further down the road, they last, and they don't impede the fish. There are certain tags I do not like, because they get algae growth and they do affect the way the fish swim. I can basically work

on that. But you need to do it at the point of harvest.

If you do it at the point of harvest you eliminate a lot of the problems. Just an example of what we did this year with the bonus tag program in New Jersey. You had to tag the fish, it had to be tagged immediately; and if you were caught with a fish that wasn't tagged immediately you got a ticket; no ifs, ands or buts.

You had to pay for the tag and the tags were all numbered so you knew exactly how. I don't see a problem with basically open fisheries or limited entry fisheries the person buys the tags. You want to fish for Tautog commercially, you go to one location; whether it is the division headquarters or someplace else, and you basically buy 50 tags.

Every time you catch more than 50 fish then you have to come back and buy tags. It keeps you able to manage your fisheries on how many tags go out, but it doesn't have to be done for limited entry, it could be done on an open fishery just the same. They just say if they are going to sell the fish legally they need a tag and they've got to come down someplace and buy those tags, and you keep the records of how many tags you purchase in a bundle.

That's how we do it with the recreational tags. Every bundle that is put out, we know all the numbers, we record who buys the tags and gives them out and the same thing with the trophy tag program this year in New Jersey. Every tag had a number, you were only allowed one tag or the party boats were allowed others.

But they came on the boat and they didn't have the tags as soon as they were on the boat, like one of the party or charterboats that were using the tags and basically didn't have the tags in their mouth immediately. The person got a warning and then got a fast ticket if we knew they were trying to get away with it. There are ways of doing it, but it really has got to be point of harvest not point of sale. Because you are going

to record immediately what tag numbers are, and you've got to call in those numbers that you used. I mean it is a little dated, but if you want to stop the illegal fishery on this fishery that is really dramatically increased over the years and it makes up a large mortality rate, I think on this fishery. It is one way of doing it and so it is the cost of doing business. When they are selling these fish for \$14.00 a pound or whatever they get on the live fish market, a \$2.00 tag isn't going to make much of a difference to them. That is the part of the expense of doing business like we all do businesses.

MR. LUISI: Over the years I've had to deal with tags in our state. Again the common thread with Maryland has to deal with striped bass. I guess my recommendation on these issues for some consideration is that I think what it really boils down to, and in the experiences that we've had in our commercial tagging program in Maryland is that unless the accountability portion of the system is lock tight.

Fishermen will find a way to get around the accountability measures unless they are really tight. What you'll end up with is even a stronger black market than what you currently have, because the tags become so valuable that unless you account for them after the season is over, and you have an audit process that you can really say that every single tag that wasn't used was returned. It opens the door for a lot of misuse.

For Tautog this isn't going to make any difference for us. We have a five fish per day limit on the commercial end. It is not going to matter. But for states that have a large fishery and maybe have hundreds of fishermen who have an ability to land Tautog on any given day, running a derby fishery with tagging and the need to have tags in your possession as a fisherman, in order to be compliant with the rules in an open derby system that doesn't have a tight accountability system will ultimately lead to trouble. I'll leave it at that.

MR. McKIERNAN: Just a follow up to Tom Fote's comments. One of the things that we talked

about in the committee was that we needed to make sure that the tag was not likely counterfeitable. If the tag is easily reproduced then as Mike Luisi said, that is going to become the coin of the realm.

Having participated in the group, I was not aware that we only had three states with state quotas, and I'm guessing that in order for this to succeed, and maybe for the plan to succeed after this addendum, we're probably going to see all states with quotas. Is that a safe assumption?

CHAIRMAN NOWALSKY: I'm not sure we've got anything in the amendment right now that would call for that. I'll turn to Toni.

MS. KERNS: I think part of the black market issue, and Jim, correct me if I'm wrong. But in New York there are recreational fishermen that sell to restaurants, which would be illegal. The recreational fishermen would no longer be able to do that; because the commercial fishery will require tags. That would be eliminating one portion of the black market that I've heard about. I don't think it would require there to be a quota. The tagging system is trying to address several issues. It is not necessary to have a quota to have tags.

MR. McKIERNAN: I just bring it up because this group was really using the striped bass model, and striped bass has state-by-state quotas. It will be interesting, because in Massachusetts with our striped bass tags, and I'm sure everybody else's, we issue a number of tags which is commensurate or close to what we think is going to be the landings. I don't know how you would decide what that would be if you don't have a quota.

CHAIRMAN NOWALSKY: Dave, to that point.

MR. SIMPSON: Yes, under Addendum 4, is that our current one? We had the reduction from some recent historical landings level. In effect we have this de facto quota. We had to move from an average of 100,000 pounds down to



70,000 pounds to achieve the percent reduction. I kind of see that we have not an explicit – I call it a backdoor quota – we cut from X to Y, you now have a limit it's a quota, it is not explicit. But our intention would be to manage to that. We translate that into a number of fish based on an average weight, and we manage it as a quota.

CHAIRMAN NOWALSKY: Mark, maybe that's something we can bring back to the committee and further refine how states are working with that. The one table in the document listed quota for three states, but as Dave suggests, other states are doing something quota based or fish based and that would be an issue that we could take up.

MR. ROB O'REILLY: The last item up there from the Law Enforcement report on limited entry versus an open fishery, I think it's fine if the state wants to have limited entry. I'm not familiar with any that do on the commercial fishery, but I know in the documentation it looked like a lot of seasonal closures. Size limits have been raised. I mean a lot has happened since 1998. I think that is what Amendment 1 sort of launched the series of reductions that we keep doing.

With seven fisheries to monitor already, I hope that why that is there from Law Enforcement, Mark is because there may have been conversations that that would be an easier way, perhaps to keep track of everyone. But in Virginia it is such a small commercial fishery, so few are involved. I don't see numbers growing. I hope that if there are suggestions from anyone that limited entry is a good option, or even quotas; that that be sort of a voluntary situation as part of the mode of reductions.

I know in Virginia, much to the chagrin of the harvesters, they always wanted seasons changed to the point now, where the big concern in Virginia is, and there may be other states too I'm sure. What was a closed season and what was an open season probably are a little different, in terms of abundance of fish. What the harvesters tell us is you know we had those

seasons which were open before, because that is when the abundance was there.

Now that is not occurring, and of course the tragedy there is how is anyone going to figure out how you open a closed season without any data? But that is a reality. The second comment I had was also about, not being negative about it, but everyone has striped bass tags. I don't know about the other states, but we do not get all the striped bass tags back even though it is in a regulation that you have to turn in your striped bass tags.

You have to realize that there are exceptions that are guiding everything. What we do in Virginia is we make the harvester sign an affidavit as to why he doesn't have the rest of the tags. It is not an abundant amount of tags. But it does happen. What Mike Luisi was saying, that is just another wrinkle to any type of tagging system, because you know you do have to have some trust as far as why someone says they did not have their tags to turn back in.

CHAIRMAN NOWALSKY: Okay so let me just frame where we are here for a moment. We were fortunate to have the couple of boards before us kind of speed things along, gave us a little extra time. We've used that time and have now surpassed our scheduled end time at this point at the end of the day. What I would like to do is I would like to get a show of hands for anybody else who wants to speak and give feedback on these items.

Then I just want to go back to the objectives for the tagging program slide that we had up, just to see if we can get any feedback on those and kind of wrap things up from there. Right now I've got Russ and Mike. Is there anyone else that wants to speak on these issues? Okay so seeing none; we'll take those two comments, maybe only one of those and then we'll go back to those objectives.

MR. ALLEN: Just real quick, maybe I missed it or maybe you guys did this already. As far as the

tags go, has there been any input from the Interstate Tagging Committee? That is all the experts up and down the coast that do that work, tagging. I don't think it has been together for a while, so I don't know if you guys looked into that group to give you some input on the tags or not?

MS. DREW: We haven't directly contacted the Interstate Tagging Committee. We certainly could. I think the Interstate Tagging Committee's expertise runs more to the research aspect of it, so how to design a tagging program that is going to keep fish you release back into the wild alive, et cetera. But we could certainly get in touch with them to talk about any potential ideas that they might have for a successful tag, in terms of keeping a fish alive; but also meeting the non-counterfeit-ability issues.

MR. ALLEN: Follow up, Mr. Chairman, and that is where I was getting to is more the live angle of things and some of the tag retention studies that have been done in the past, and whether or not those tags, and John mentioned a few of them, whether those tags work in the live market. If you have a good tag retention study that shows 50 percent retention after three months or something like that. I think you've got what you need, and those tags as John said; once they are pulled you can't use them again.

CHAIRMAN NOWALSKY: Okay good feedback, a potential other avenue. Mike you wanted to pass? Okay. Staff has brought back up the draft objectives, and again these are fully itemized in the meeting summary from the Law Enforcement Committee. Is there any feedback from the board on these?

Okay seeing none. I've heard a lot of furious typing to my right and my left up here, which I assume means we've gotten feedback from the board that we were hoping for today. I'm seeing some nods. Okay, is there any other business to come before the management board today?

Seeing none; Pat Augustine would like to make a motion.

MR. AUGUSTINE: Mr. Chairman, do you have to elect a Vice-Chairman or did I miss something?

MR. NOWALSKY: No that was actually done at the last meeting.

MR. AUGUSTINE: Thank you, it didn't show up in the agenda.

MR. NOWALSKY: We'll get that document updated, but Mr. Simpson is our Vice-Chair unless he has resigned since his election.

#### **ADJOURNMENT**

MR. AUGUSTINE: Motion to adjourn.

MR. NOWALSKY: Second by Russ Allen. Without objection the board is adjourned. Thank you all very much.

(Whereupon the meeting was adjourned at 5:49 o'clock p.m. on February 3, 2016.)

## Public Comment

Ed Liotta  
ed4136-977@optonline.net  
New York Recreational Fisherman  
April 20, 2016

“Please note the information on this page was found on the ASMFC web site.”

“The highlighted yellow was to show that Blackfish (Tautog) do migrate beyond the 3 mile state line. They should be regulated under federal just like Fluke, striped bass, and others.”

Tautog are distributed along the Northeast Atlantic coast, from Nova Scotia to Georgia, with the greatest abundances occurring in the U.S. between Cape Cod, Massachusetts, and Chesapeake Bay. North of Cape Cod, the species generally remains close to shore in waters less than 60 feet.

South of Cape Cod, they inhabit waters 40 miles offshore at depths up to 120 feet. During spring, as water temperatures approach 48° F, tautog migrate inshore to spawn in estuaries and near shore marine waters. They may remain inshore throughout the summer, then move to deeper (80-150 feet) offshore wintering areas as fall approaches and water temperatures drop below 52° F. Toward the southern end of their range, some adults may remain offshore throughout the year.

“The highlighted yellow was to show that New York had the lowest percentage.”

Over the last 30 years, recreational harvest has ranged from a time series high of 16.9 million pounds in 1986 to a low of 1.5 million pounds in 1998. Since 2000, recreational harvest has averaged 3.3 million pounds, with 2013 harvest estimated at 2.3 million pounds. Connecticut anglers accounted for 45% of the 2013 recreational harvest, followed by Rhode Island (24%), and New York (11%).

“The highlighted yellow was to show that overfishing is not occurring in New York.”

For the New York/New Jersey Region, our biomass is below our biomass threshold. We're at about 80 percent; but our fishing mortality is below our fishing mortality threshold. We are overfished but overfishing is not occurring in New York/New Jersey. Though you can't see that in the bottom right-hand corner, the confidence intervals do cross that line. I do have some scatterplots if people care to see them, but the point estimate is overfishing is not occurring in the New York/New Jersey Region. For the DelMarVa Region, the same picture. Biomass is below the biomass threshold and fishing mortality is below the fishing mortality threshold; so we are overfished, but overfishing is not occurring.

Here is just a comparison of the stock status determinations from the three models by region. You can see for the Southern New England Region all three models gave us the same determination; overfished and overfishing. For New York/New Jersey and DelMarVa, the ASAP Model and the DB-SRA gave us the same status; overfished and overfishing not occurring; but Bayesian State Space Model said not overfished for either of those regions and overfishing is not occurring.

Again, we had good concurrence between ASAP and the DB-SRA. Just boiling it down to our preferred model; the status determinations by region up here, and here is the uncertainty around those status determinations. Southern New England you can see just about every point is overfished and overfishing. For New York/New Jersey, it is a pretty wide spread, but the point estimate is overfished but not overfishing. DelMarVa is slightly more optimistic, but still overfished and not overfishing.



# Atlantic States Marine Fisheries Commission

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## Tautog Law Enforcement Sub-Committee Meeting Summary Conference Call May 11, 2016

*Subcommittee Members:* Adam Nowalsky, (Tautog Board Chair), Dan McKiernan (MA), Steve Heins (NY), Lt. Jason Snellbaker (NJ, Tautog LEC rep), Lt. Doug Messeck (DE), Major Pat Moran (MA), Capt. Dallas Bengel (NY), Major Tim Huss (NY)

*Staff:* Ashton Harp, Mark Robson

The purpose of the teleconference was to review and discuss procured tag samples for a tautog commercial harvest tagging program and review commercial harvester comments, suggestions and concerns on the prospect of a tagging program.

### Summary of Subcommittee Feedback on Tags and Next Steps

Staff and one law enforcement member had tag samples in hand, all other participants viewed the samples via webinar. The presentation included twelve tags across six categories:

- Button tag
- Fixed length cable tie
- Adjustable cable tie
- Strap tag
- Rototag
- Plastic, graphic gill/tail tag

The Subcommittee selected three tags (button tag (A), strap tag (J) and rototag (K)) to test in a trial study on live fish. The cable tie tags (fixed and adjustable length) were ruled out because they would have to be retrofitted for fish application, did not have applicator and therefore did not meet objective 4 (easy to attach to a live fish). If the fishery was strictly a dead market fishery then tag B and H would be appropriate. Detailed feedback on each tag is provided on pages 3-8.

The next step is to design and execute a tagging study on live tautog to evaluate the feasibility of the selected tags. New York Department of Environmental Conservation will lead the study and is currently investigating study design. It is expected the study will begin in June. Massachusetts Division of Marine Fisheries is interested in replicating the New York study to garner additional buy-in from local stakeholders. **ACTION:** Request additional sample tags and applicators from each vendor for additional law enforcement testing and the New York and Massachusetts tag trails.

The timeline for development of a tagging program in relation to Draft Amendment 1 was discussed. Ultimately it was decided that the two will run concurrently, but the development of a commercial harvest tagging program should not be tied to the Draft Amendment 1 timeline. The Subcommittee felt the focus should be on developing a sound tagging program and that may not fit within the time limits of Draft Amendment 1.

An update on the tagging trial will be provided to the Subcommittee mid-June (most likely via email); included in the update will be a timeline for the trial and an overview of the study design. The Subcommittee intends to update the Board on activities at the August meeting.

The presentation from this teleconference will be shared with a Delaware Advisory Council. Any stakeholder feedback will be shared with the group.

### **Summary of Commercial Harvester Interviews and Subcommittee Feedback**

Staff interviewed eight commercial fishermen on the prospect of a commercial harvest tagging program. A summary of harvester comments and Subcommittee feedback follows:

Common feedback included:

- Most target tautog when the black sea bass fishery closes, otherwise tautog is generally caught as an incidental catch in the black sea bass fishery
  - *Subcommittee feedback:* When developing the program all commercial harvesters will be required to attach a tag, regardless of directed or incidental harvest.
- Live fish are worth at least \$1 per pound more than dead fish; dead fish are generally worth \$3.50 per pound
- The supply chain is decentralized with lots of small-scale buyers and a few wholesale buyers
  - *Subcommittee feedback:* There are potentially more dealers than harvesters. It may be easier if states implement a limited entry program and distribute tags to harvesters, rather than distribute to a diverse group of dealers.
- Harvesters prefer to tag tautog when at the dock, not at the point of harvest. This would reduce stress on the fish and harvesters.
  - *Subcommittee feedback:* Will need to discuss the tradeoffs of tagging at the dock (before sale) versus at the point of sale.

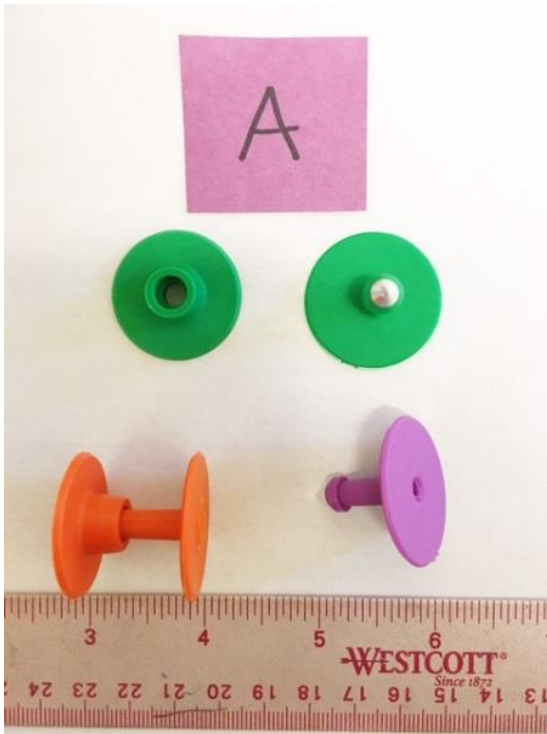
Concerns included:

- *Fish quality:* Most indicated they are targeting black sea bass, they do not want tags to affect the quality of their tautog or black sea bass catch in the fish hold. Concern the tag could damage fish swimming near the tag.
- *Tag allocation:* The allocation of permits should reflect those who actively fish for tautog.
  - *Subcommittee feedback:* A limited entry program could alleviate this concern and it would reduce the number of people that would have to return unused tags. In the interim states without limited entry can review trip reports to determine the number of active participants by state.
- *Tag application:* Tags needs to be easy to use; should have an applicator (that is not a plier)
  - *Subcommittee feedback:* Selected tags for the tagging trial have applicators.
- *Tag removal:* Concern the tag could be unintentionally ripped off when transferring fish (via nets) or in tanks (by rubbing against other fish).
  - *Subcommittee feedback:* Tags selected for the tagging trail are relatively small and will be tested under conditions that a harvester would encounter.
- *Tag cost:* Uncertainty about who will pay for the tags and applicators.
  - *Subcommittee feedback:* This can be dealt with on a state by state basis, which will include the development of a formula (biological metric) to determine the number of tags needed for each state. For example: the formula could be = prior year landings / average weight of commercial harvested tautog. According to harvester feedback the

average weight is 3 pounds. Staff provided a crude estimate of the number of tags that would have been necessary in 2014 using the previously mentioned formula (landings/weight of fish). In 2014, the commercial fishery would have required 93,347 tags (280,042 pounds / 3 lbs).

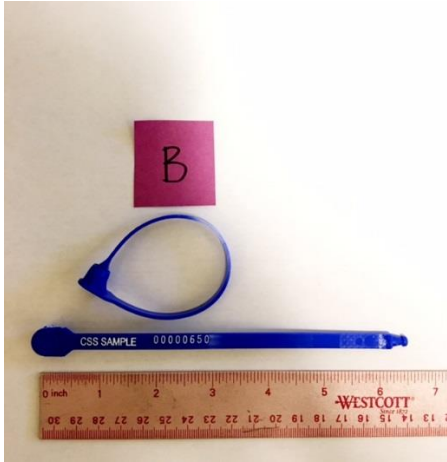
- *Pennsylvania*: There are illegal tautog in Philadelphia, therefore the state should be included in the tagging program.
  - *Subcommittee feedback*: Pennsylvania would likely adopt the New Jersey regulations, as they have previously done with the minimum size limit.

### Tag Overview and Subcommittee Feedback



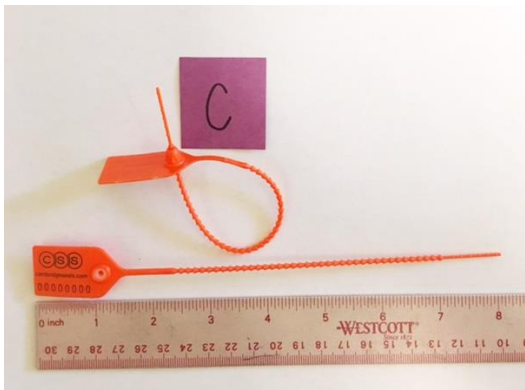
**A. QC Supply – button tag that is attached with an applicator; tag traditionally used for livestock, could be attached to the operculum or base of the caudal fin**

- *Subcommittee feedback*: The tag is heavy duty and cannot be easily manipulated or re-used. It comes in multiple colors and has enough room to apply state, year and unique ID. There was concern that it might be too large for a fish and since it is a generic livestock tag it might be easily obtained online (and duplicated illegally).
- Tag selected for trial study



**B. Cambridge Seals – fixed length cable tie; this tag is used in MA, CT and NC striped bass tagging program**

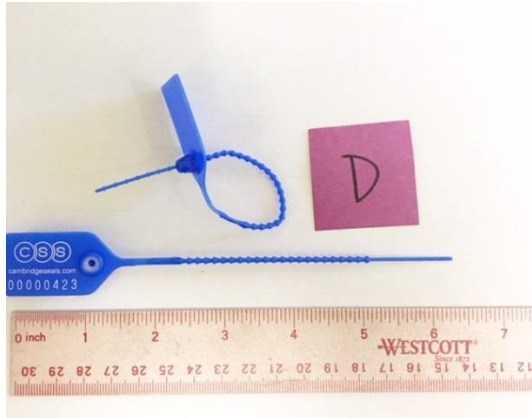
- *Subcommittee feedback:* This tag is appropriate for a dead fish. In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined ‘used tags’ as tags that have been “cut, broken or deformed” to deter re-use.



**C. Cambridge Seals – 8 inch, medium duty**

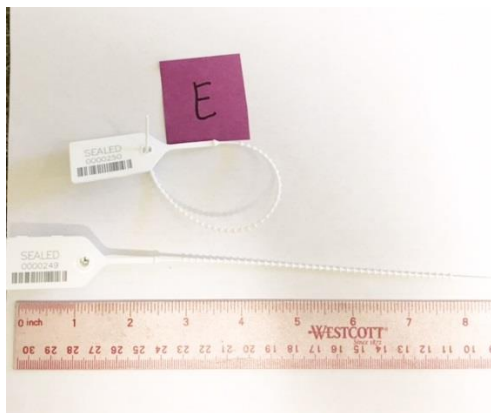
- *Subcommittee feedback:* In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined ‘used tags’ as tags that have been “cut, broken or deformed” to deter re-use.





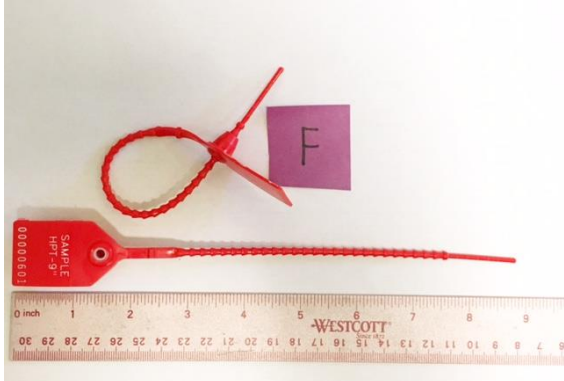
#### D. Cambridge Seals – medium duty, 6.5 inches

- *Subcommittee feedback:* In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined 'used tags' as tags that have been "cut, broken or deformed" to deter re-use.



#### E. Cambridge Seals – light-weight, 8 inch

- *Subcommittee feedback:* This tag is too light-weight to be applied to a fish. In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined 'used tags' as tags that have been "cut, broken or deformed" to deter re-use.



#### F. Cambridge Seals – heavy-duy, 9 inch adjustable cable tie

- *Subcommittee feedback:* In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined 'used tags' as tags that have been "cut, broken or deformed" to deter re-use.



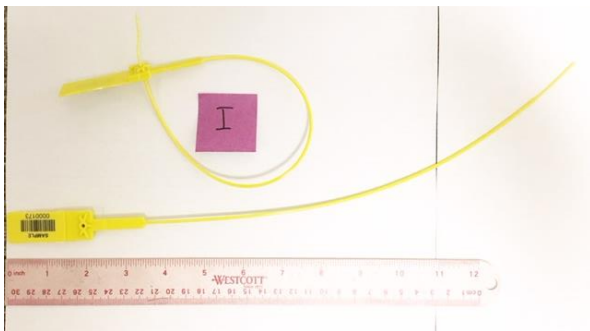
#### G. Tyden Brooks – Adjustable cable tie

- *Subcommittee feedback:* This tag is too light-weight to be applied to a fish. In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined 'used tags' as tags that have been "cut, broken or deformed" to deter re-use.



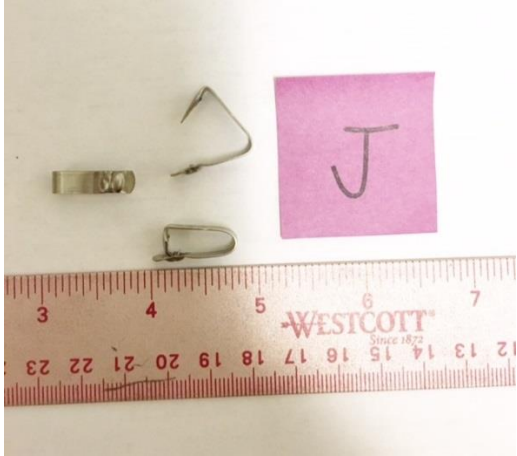
#### H. Tyden Brooks – Adjustable cable tie

- *Subcommittee feedback:* This tag could be appropriate for a dead fish. In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined 'used tags' as tags that have been "cut, broken or deformed" to deter re-use.



#### I. Tyden Brooks – Adjustable cable-tie

- *Subcommittee feedback:* In general, none of the cable tie tags meet the needs of a commercial harvest tagging program. Principally, they are not designed for fish, which poses an even greater challenge if applying to a live fish. Harvesters and managers are looking for tags that come with an applicator for ease of use. Other concerns included the size of the tag (large) and the potential for harvesters to cut and re-use a tag several times. Delaware noted the state has defined 'used tags' as tags that have been "cut, broken or deformed" to deter re-use.



- J. National Band – strap tag made of monel (nickel-copper); attached to the operculum or lower jaw with an applicator, does not come in other colors**
- *Subcommittee feedback:* The best option as far as size. Law enforcement attempted to open the tag using pliers and was not successful, as it was deformed in a manner that would be noticeable. The durability of the tag outweighed the lack of color options (i.e. silver only).
  - The following unique IDs can be applied to each tag: (6 refers to the year, 2016)
    - Massachusetts: M#####6 (# range from 1-20,000)
    - Rhode Island: R#####6 (# range from 1-18,000)
    - Connecticut: C#####6 (# range from 1-2,000)
    - New York: Y#####6 (# range from 1-40,000)
    - Etc.
  - Tag selected for trial study



**K. OS ID (Norway based) – rototags; generally attached the operculum or base of the dorsal fin via an applicator**

- *Subcommittee feedback:* The variety of colors is favorable, however the tag may be too large.
- **ACTION:** Given these are also used in the livestock industry, staff should look for similar tags by a U.S. based company. However, if the tags are readily available then they might be easy to replicate.
- Tag selected for trial study



**L. Ketchum (Canada based) – Plastic, graphic tags; used in multiple U.S. traceability programs and difficult to replicate**

- *Subcommittee feedback:* Concerned the plastic fastener and associated fastener could be easily acquired and therefore the plastic tags could be re-used. As a result, this tag was not recommended.