Atlantic States Marine Fisheries Commission

1050 North Highland Street, Suite 200 A-N

Arlington, VA 22201

October 1, 2017

Dear Commissioners,

I am writing to express my concern over the fate of the blackfish stock along the Atlantic seaboard. As I understand it, the current stock of blackfish is low, and ASMFC has taken measures requiring states to reduce the amount of fish caught, including a 56% coast-wide reduction in the harvest of tautog *(hi-mar.com /2012/01/**blackfish**-new-size-bag-and-season-limits/)*. I do appreciate the efforts taken by your agency to protect the long-term health of the blackfish stock on the Atlantic coast. However, I believe the recreational fishery is threatened by two sources: commercial fishing and an illegal market for live blackfish.

Blackfish habitat is endangered by various types of commercial gear, including pots to capture blackfish and bottom trawls which can cause considerable damage to the environments inhabited by blackfish. Although I recognize that most tautog are caught recreationally, and that commercial fishermen have a right to earn a living, I nonetheless am concerned about the long-term threat to the blackfish stock if damage is done to the off-shore structure where they live. I would encourage your agency to follow the lead of New Jersey and prohibit fishermen from being able to use pots on reefs and wrecks to capture blackfish.

Furthermore, recreational anglers are affected by the illegal harvesting and sale of blackfish. Blackfish are being sold illegally on the black market in New York restaurants, including under-sized, juvenile fish (http://www.dec.ny.gov/press/87575.html). The illegal harvest and sale of tautog is not a new issue, as evidenced by a 2005 report from Stony Brook University where a subcommittee was formed to "address the issue of how most effectively to deal with the rampant illegal harvest of blackfish by fishermen not possessing a commercial foodfish license" (http://www.somas.stonybrook.edu/community/MRAC/ bulletins/Bv14n6s03.html). Some experienced anglers have called for a complete moratorium on the sale of live blackfish, and perhaps that time has arrived, for the sake of the future tautog fishery, as well as for recreational anglers like me who simply enjoy catching blackfish and keeping legally-sized fish for dinner. I would imagine that your agency, in conjunction with law enforcement officials, could work to limit or prevent altogether the illegal sale of live blackfish.

I appreciate your consideration of my letter and look forward to your reply.

Sincerely,

Jeffrey A. Hayes

667 Earl Drive

State College, PA 16803 or via email: jxh34@psu.edu

Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

Fisheries Division
333 Ferry Rd,
Old Lyme CT 06371
Rob Klee, Commissioner

New York State
Department of Environmental
Conservation
Division of Marine Resources
205 N. Belle Mead Rd, Suite 1
East Setauket, NY 11733
Basil Seggos, Commissioner

Memorandum

TO: Toni Kerns, Interstate Fisheries Management Program Director
Atlantic States Marine Fisheries Commission

FROM: Justin Davis, Supervising Fisheries Biologist
CT DEEP Marine Fisheries

Gregory Wojcik, Fisheries Biologist
CT DEEP Marine Fisheries

John Maniscalco, Finfish Unit Leader
NY DEC Division of Marine Resources

DATE: October 6, 2017

Long Island Sound Tautog Fishery Options for Draft Amendment 1 to the Tautog FMP

Background

The 2016 Tautog Stock Assessment Update concluded that the Long Island Sound (LIS) tautog stock was overfished and overfishing was occurring. Draft Amendment 1 to the Tautog FMP included regulation options to end overfishing in the LIS tautog fishery (which occurs in both CT and NY state waters). Specifically, the proposed measures, assuming 2018 implementation, provided a 50% probability of achieving the F target by 2021 (three-year time frame), and translated into an estimated 47-50% reduction in annual tautog harvest.

Both CT DEEP and NY DEC held public hearings on Draft Amendment 1 during summer of 2017. At these hearings, members of the public expressed overwhelmingly negative response to the management measures proposed in the Draft Amendment. Adoption of these measures for Long Island Sound would produce severely disjointed tautog regulations within the relatively small NY/CT/RI region. For instance: although recreational anglers in all three areas would be subject to a 16" minimum length limit during the fall (when the majority of tautog angling occurs), LIS anglers would potentially be subject to a one fish bag limit while RI anglers and NY anglers fishing outside of LIS would be subject to six and four fish bag limits, respectively. Such an outcome would subject the LIS for-hire sector to undue economic hardship, as customers would likely make the relatively short drives to ports in adjacent areas to take advantage of higher bag limits. Anglers and businesses fishing from New Jersey would have even more disparate regulations that include higher bag limits (4-6 fish) and a 15" minimum size limit during the fall fishery. In addition, owners of tackle shops frequented by LIS anglers reported that the tautog fishery was directly (through sales of bait and tackle used for tautog) and indirectly (through driving almost all foot traffic into the store) responsible for the majority of their revenue during fall months. Therefore, the substantial curtailing of LIS tautog angling likely to result from adoption of Draft Amendment 1 regulations would also cause tackle shop owners undue economic hardship. Finally, the disjointed regional regulations prescribed by Draft Amendment 1 as currently constituted would create substantial public outreach and enforcement

challenges for NY DEC, as NY state waters would be divided between two management regions (LIS and NJ/NY Bight) subject to very different tautog regulations.

CT DEEP and NY DEC also feel that there are strong reasons to reconsider LIS regulations options in Draft Amendment 1 on biological and technical grounds. Despite the overfished/overfishing determination from the 2016 stock assessment update, there are positive indicators for the future condition of the LIS tautog stock, including strong 2013 and 2015 year classes (Figure 1) and a slow but steady increase in biomass since the adoption of more conservative management measures in 2012 pursuant to Addendum VI (Figure 2). Additionally, tautog are a slow-growing, long-lived species; a timeframe longer than that proposed in Draft Amendment 1 (three years) may therefore be more appropriate and realistic to achieve substantial change in the condition of the LIS tautog stock. The calculations underlying the proposed management options in the Draft Amendment relied heavily on data from the Marine Recreational Information Program (MRIP). Recent MRIP estimates of annual recreational tautog harvest in LIS displayed high levels of inter-annual variation (e.g. 31-304% variation in CT during 2013-15) absent changes to prevailing management, calling into question precision of the estimates and therefore the precision of harvest reduction estimates calculated using these data. Additionally, multiple parties raised substantial concerns over the accuracy of MRIP estimates for the for-hire sector during public hearing.

Proposed Management Options

For the reasons detailed above, CT and NY are jointly proposing alternative tautog management measures for LIS for inclusion in Draft Amendment 1. These management options (Attachment 1) propose lower levels of annual harvest reduction (18.4% - 30.5%). It is our strong opinion that these alternative measures will effectively end overfishing of the LIS tautog stock, albeit over a longer time frame, while avoiding the severe socio-economic impacts and enforcement challenges likely to result from adoption of current Draft Amendment 1 management options.

Methods

The options provided include seasonal reductions, possession limit reductions, size limit increases as well as reductions associated with a slot limit (see Attachment 1). Any combinations of reductions between the size, season and creel limits were accounted for using the formula $(x+y)-(x*y)$ where x = the percent reduction associated with season closures and y = the percent reduction associated with size/possession limit reductions.

- Seasonal Adjustment Analysis: harvest reductions achieved by closing days in the season were estimated for options 1, 3 and 5 using harvest-per-day (HPD) rates derived from MRIP (Table 1). HPD rates by wave were estimated using the mean of 2013-15 MRIP harvest estimates, using only intercepts where "area fished" was within LIS. Since both NY and CT fall seasons are open for portions of both waves 5 and 6, harvest estimates for the fall fishery were calculated by aggregating data from both waves.

  All six options provided propose opening for the month of April in NY to create greater regulatory consistency for LIS anglers (CT is currently open during April; see Attachment 1). Very little harvest is expected during April in both states. CT MRIP harvest estimates from wave 2 have been less than 2,000 tautog since 1990. It is estimated that a total of 2,000 tautog will be harvested in April in NY based on MRIP harvest estimates from 2008 - 2011 when the spring season was open (note: the minimum size limit during these years was 14").

  All options assume no changes in the harvest rate of non-compliant fish that are below the current minimum length of 16". MRIP measured lengths (non-imputed) indicate that 19.1% of the harvest was below the current legal minimum size.

Table 1. Harvest-Per-Day Rates

	2013	2014	2015
NEW YORK			
WAVE 5	168	1,036	1,695
WAVE 6	304	196	682
CONNECTICUT			
WAVE 4	71	28	47
WAVE 5	2,980	12,228	4,579
WAVE 6	958	1,319	615

- Size and Possession Limit Analysis: the MRIP sample size of measured tautog in 2013-2015 was a total of 894 fish for both CT and NY (harvested from LIS only). This sample size allowed compilation of a robust length frequency table for use in reduction estimation. The length frequency table was weighted by the MRIP effort estimates in all calculations. Two minimum lengths were evaluated for options 2 and 3: an increase to 16.5" (resulting in an 11.5% harvest reduction) and 17" (31.4% reduction).

  A possession limit reduction from four to three fish was analyzed using combined MRIP harvest data from 2013-2015. There was a total of 220 trips with harvest used in analyses of adjusted creel limits for the spring and fall fishery. The proportion of 'saved' fish was converted to number of fish and applied to the total season's harvest. The CT summer fishery creel limit remains two fish (status quo) for all options. The CT summer season only accounts for 1.6% of the annual LIS harvest.

- Slot Limit Analysis: the methods used to calculate the reduction associated with a harvest slot limit in proposed options 4 and 6, are the same as provided in Draft Amendment 1, Section 4.2.3.3. Since a slot limit will result in an increase in discarded fish, these analyses incorporated the discard mortality rate (2.5%) of fish released above the slot maximum (i.e. the reductions calculated for option 4 and 6 reflect reductions in total removals; harvest + discard mortality).

- Model Projections: all projections used to determine the number of years needed to reach the F target under each option followed the same methodology outlined in the 2016 Tautog Stock Assessment Update. In addition to estimating years needed to reach the F target under each option, we also estimated the probability of reducing F below the F threshold in three years (matching the timeframe prescribed for reaching F target in Draft Amendment 1) and the number of years needed to achieve a 50% probability of reducing F below the threshold. These metrics provide additional information on the timeframes in which each option might be expected to end overfishing of the LIS tautog stock. All model projections assumed equivalent percent reductions to the recreational and commercial fishery.

- Commercial Fishery: The commercial fishery accounts for approximately 10% of annual LIS tautog harvest. Given the relatively minor contribution of commercial harvest, we have chosen not to prescribe commercial regulations for any option at this time. It is our intent that if one of the alternate management options presented in this document is approved for LIS tautog, that the corresponding percent reduction in annual recreational harvest will be applied to the commercial sector (note that, as stated above, model projections assumed these equivalent reductions in commercial harvest). Regulations that achieve the necessary reduction in commercial harvest will be formulated using changes to season length and/or bag limits (length limits for the commercial fishery will be kept

consistent with the recreational fishery) and using the same methods described above for reduction estimation in the recreational fishery.

Results

- Annual LIS tautog harvests (recreational + commercial) under the six management options presented here are expected to range from 342.92 mt (31.4% reduction from status quo) to 407.96 mt (18.4% reduction; see Table 2). For comparison, the mean annual harvest during 2013-2015 was 499.95 mt.

TABLE 2	***OPTIONS***	***1***	***2***	***3***	***4***	***5***	***6***
PERCENT REDUCTION IN HARVEST		20.3%	30.5%	18.4%	27.0%	23.6%	31.4%
PROJECTED HARVEST (STATUS QUO = 499.95)		398.46	347.47	407.96	365	381.96	342.92
PROBABILITY OF BEING UNDER F-THRESHOLD IN 3 YEARS		33%	59%	28%	45%	41%	67%
NUMBER OF YEARS TO ACHIEVE F-TARGET WITH A 50% PROBABILITY		12	8	14	11	10	8
NUMBER OF YEARS REQUIRED TO BE BELOW F-THRESHOLD WITH A 50% PROBABILITY		5	3	7	4	5	2

- Among options presented here, the number of years required to achieve the F target with 50% probability ranged from a low of eight (Options 2 and 6) to a high of 14 (Option 3). For comparison, Draft Amendment 1 measures were designed to achieve the F target with 50% probability in three years.
- Option 4 in this document is a substitute for Option 4 in the original document distributed to the Technical Committee on September 27th. As constituted here, Option 4 still incorporates a harvest slot limit of 16” to 19”, but has substituted reduced fall seasons for the reduced bag limits in the original Option 4. Model projections run under the original Option 4 (16”-19” harvest slot, reduced bag limits, status quo fall seasons, estimated 22.5% harvest reduction) never achieved the F target, but estimated a 50% probability of reaching the F threshold in five years. These results suggested that under a harvest slot limit scenario, a larger harvest reduction was necessary to allow sufficient survival of slot-sized fish in the short-term, such that sufficient fish could recruit to the size classes above the slot and become protected from harvest, thus accelerating stock re-building and allowing the model to eventually reach the F target. The revised Option 4 presented here achieved this goal by elevating harvest reduction from 22.5% to 27%; model projections estimated a 50% probability of reaching the F target within 11 years and a 50% probability of reaching the F threshold in four years. We strongly suspect that the model used for these projections, which uses a 12+ age group as the terminal age class, underestimates the mid- to long-term benefits to stock re-building provided by a harvest slot that reduces F to zero for older age classes of a long-lived fish like tautog. We therefore view the estimates of years-to-F-target/threshold provided for Option 4 as more

conservative than those provided for other options (additionally, slot limit projections incorporated discard mortality while projections under other options did not).

- Multiple options could end overfishing of the LIS tautog stock within short time frames. All options with the exception of Option 3 would achieve the F threshold with 50% probability within five years or less. Options 2 and 6 would provide a 50% probability of ending overfishing within the same three-year timeframe prescribed for reaching the F target within Draft Amendment 1. The probability of ending overfishing of the LIS tautog stock within three years was 33% or greater under each options except Option 3.

Figure 1. Recruitment estimates for LIS region (Fig. 5.2.5 from 2016 Tautog Stock Assessment Update).

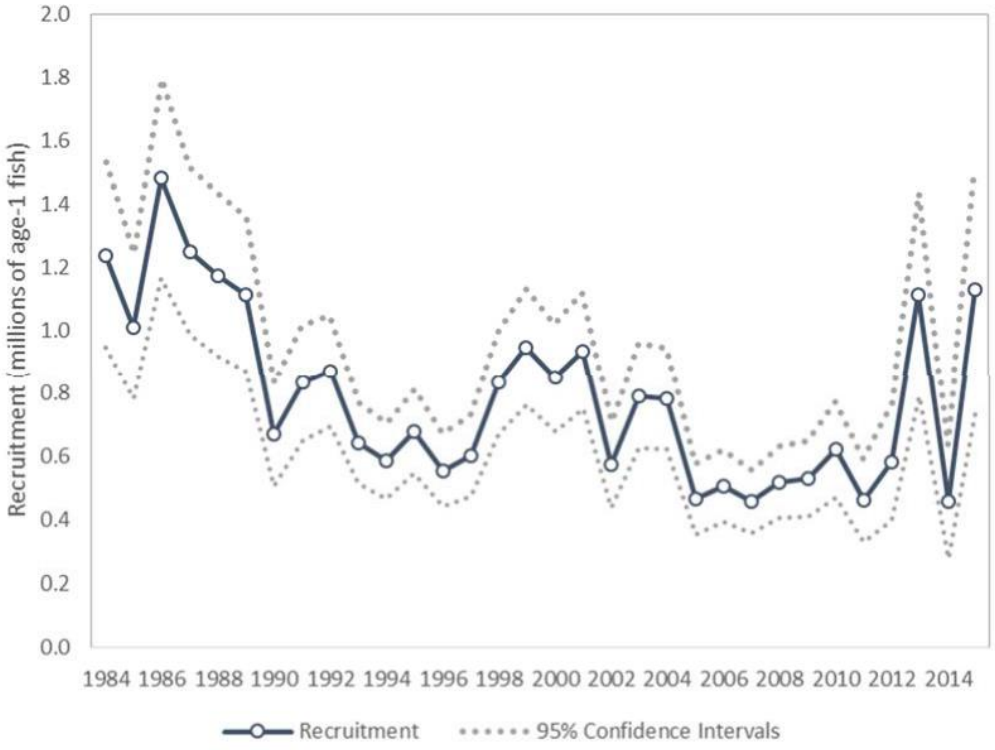
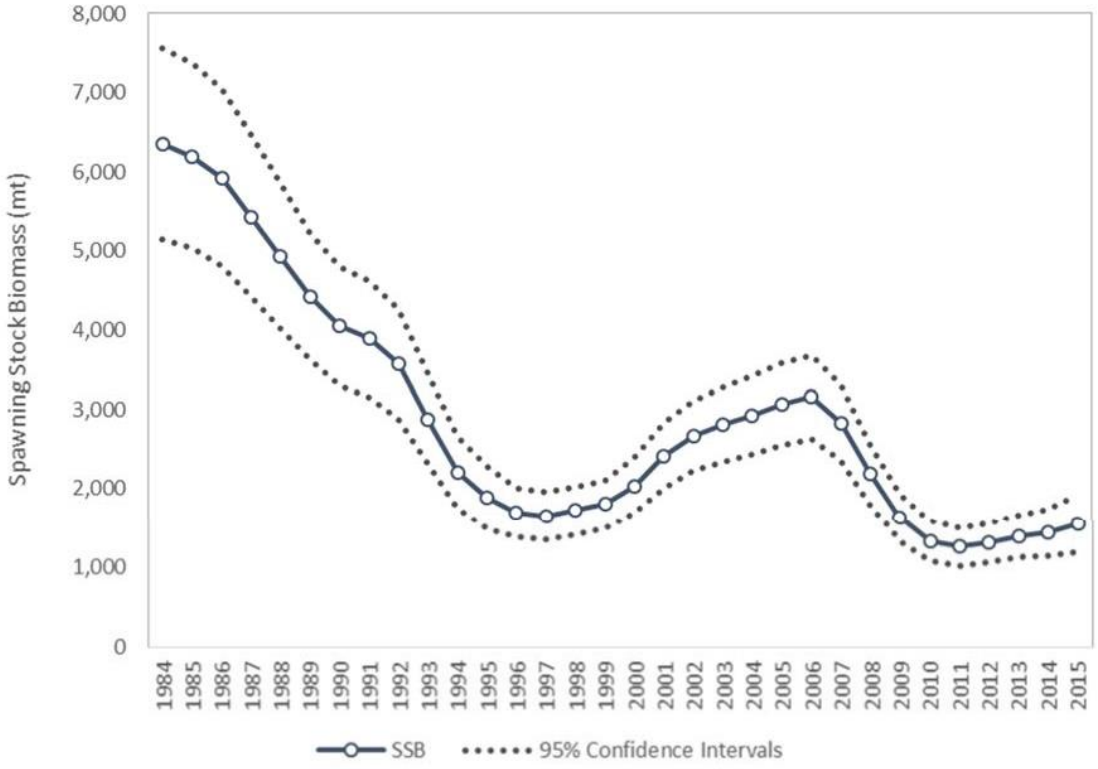


Figure 2. Estimates of spawning stock biomass for the LIS region (Figure 5.2.3 from 2016 Tautog Stock Assessment Update).



Attachment 1, Proposed Options.

Status Quo

	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	16”	4	30	0
Summer Season		2	62	0
Fall Season		4	58	71

Option 1 (20.3% Reduction)

	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	16”	3 (-1)	30	30 (+30)
Summer Season		2	62	0
Fall Season		3 (-1)	50 (-8)	60 (-11)

Option 2 (30.5% Reduction)

	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	17” (+1”)	4	30	30 (+30)
Summer Season		2	62	0
Fall Season		4	58	71

Option 3 (18.4% Reduction)

	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	16.5” (+.5”)	4	30	30 (+30)
Summer Season		2	62	0
Fall Season		4	53 (-5)	63 (-8)

Option 4 (27.0% Reduction)

	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	16”-19”	4	30	30 (+30)
Summer Season	Slot	2	62	0
Fall Season	Limit	4	50 (-8)	60 (-11)

Option 5 (23.6% Reduction)

	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	16”	3 (-1)	30	30 (+30)
Summer Season		2	62	0
Fall Season		3 (-1)	48 (-10)	57 (-14)

Option 6 (31.4% Reduction)

	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	16”-18”	4	30	30 (+30)
Summer Season	Slot	2	62	0
Fall Season	Limit	4	58	71

TAUTOG: Summary of Management Issues/Options in Draft Amendment 1

1. Options highlighted in green are the approved options through Board Action at the August 2017 Tautog Management Board Meeting
2. Options enclosed in a box have not been addressed through Board Action and will be considered at the October Tautog Board Meeting

2.2 Goals (pg. 48-49)

Option A. Status Quo. Maintain the 1996 Goals

Option B. Revised Goal Statement

2.3 Objectives (pg. 49-51)

Option A. Status Quo: Maintain the 1996 Objectives

Options B-H: Modified Objectives

2.5 Biological Reference Points (pg. 53-54)

Option A. Status Quo - Reference Points can be modified via a Management Document

Option B. Reference Points can be modified via Board Action (i.e., Management Document Not Required)

2.7.1 Fishing Mortality (F) Target (pg. 54-55)

Option A. Status Quo

Option B. Managing to the Regional F Target

Sub-Option B1: No Time Requirement

Sub-Option B2: Board Action within One Year

Sub-Option B3: Board Action within Two Years

Probability of Achieving F Target (pg. 55)

Option A. Status Quo

Option B. 50% Probability of Achieving F Target

2.7.2 F Reduction Schedule (pg. 55-56)

Option A: Status Quo

Option B: Three Years

Option C: Five Years

2.7.4 Stock Rebuilding Schedule (pg. 56)

Option A: Status Quo

Option B. A Stock Rebuilding Schedule can be developed via an Addendum

Option C. A Stock Rebuilding Schedule can be developed via an Addendum, Not to Exceed 10 Years

4.0 Management Program Implementation

4.1 Regional Boundaries (pg. 65-66)

Option A. Status Quo – Coastwide Management

Option B. Regional Management (Four Regions)

Long Island Sound Boundaries (pg. 69)

Sub-Option B1: LIS Boundaries, Montauk Point, NY to Watch Hill, RI

Sub-Option B2: LIS Boundaries, Orient, NY to Watch Hill, RI

4.2.2 MASSACHUSETTS-RHODE ISLAND (starting on pg. 72)

4.2.2.1 MARI Recreational Management Measures (pg. 73)

Option A. Status Quo

Option B. All measures consistent (16", 3 & 4 fish)

Option C. All measures consistent (16", 3 fish)

4.2.3 LONG ISLAND SOUND (starting on pg. 74)

The Following Options have a 50% Probability of Achieving F Target (47.2% or more harvest reduction)

4.2.3.1 LIS Recreational Management Measures (pg. 74-75)

Option A. Status Quo; state-specific reduction

Option B1. Consistent Minimum Size (16") and Possession Limit (1)

Option B2. Consistent Minimum Size (17") and Possession Limit (2)

Option B3. All Measures Consistent (16", 1 fish)

4.2.3.2 LIS Commercial Management Measures (pg. 76)

Option A1. Status Quo

Option B1. Regional Quota

4.2.3.3 LIS Slot Limit for the recreational and commercial fisheries (pg. 76-77)

Option C. 16-18" Slot Limit

4.2.4 NEW JERSEY - NEW YORK BIGHT (starting on pg. 78)

The Following Options have a 50% Probability of Achieving F Target (2% or more harvest reduction)

4.2.4.1 NJ-NYB Recreational Management Measures (pg. 79)

Option A1. Status Quo

Option B1. Consistent Minimum Size (15") and Possession Limit (4)

Option B2. Consistent Minimum Size (16")

Option C1. Slot Limit (15-18") with Consistent Possession Limits (4)

4.2.4.2 NJ-NYB Commercial Management Measures (pg. 80)

Option A1. Status Quo

Option B1. Consistent Minimum Size (15")

Option B2. Consistent Minimum Size (16")

Option B3. Commercial Quotas

Option C4: Slot Limit (15-18")

4.2.5 DELAWARE - MARYLAND – VIRGINIA (starting on pg. 81)

4.2.5.1. DelMarVa Recreational Management Measures (pg. 82)

Option A. Status Quo

Option B. Consistent Possession Limit (4) and Seasons

Option C. Consistent Minimum Size (16")

Option D. All Measures Consistent (16" and 4 fish)

4.2.5.2 DelMarVa Commercial Management Measures (pg. 82)

Option A. Status Quo

Option B. Adopt recreational measures as commercial measures for DE and MD

4.3 Commercial Quota (pg. 83-84)

Option A. Status Quo

Option B. Commercial Quota Procedures

4.4 Commercial Harvest Tagging Program (pg. 84-86)

Option A. Status Quo

Option B. Implement a Commercial Harvest Tagging Program

4.4.3 Tag Application (pg. 85-86)

Option A. Harvester Application at Harvest or Upon Landing

Option B. Application by Dealer

Tautog

Activity Level: Medium

Committee Overlap Score: Medium (overlap with BERP, Menhaden, Striped Bass, BSB/S/SF)

Committee Task List

- TC – Review the commercial tagging program implementation plans
- LEC – Review the commercial tagging program implementation plans
- TC – (pending Board action on Draft Amendment 1) Additional review of the management options provided in Draft Amendment 1.
- TC - May 1: compliance reports due
- TC – Evaluate the 5-year trigger for the benchmark stock assessment

TC Members: Jason McNamee (Chair, RI), Linda Barry (NJ), Sandra Dumais (NY), Scott Newlin (DE), Deb Pacileo (CT), Alexei Sharov (MD), Tiffany Vidal (MA), Katie Drew (ASMFC), Caitlin Starks (ASMFC)
Supporting Technical Personnel: Greg Wojcik (CT), John Maniscalco (NY), Jacob Kasper (UConn)