

Atlantic States Marine Fisheries Commission

Tautog Management Board

October 28, 2019

10:45 - 11:45 a.m.

New Castle, New Hampshire

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 (*D. McKiernan*) 10:45 a.m.
2. Board Consent 10:45 a.m.
 - Approval of Agenda
 - Approval of Proceedings from August 2019
3. Public Comment 10:50 a.m.
4. Progress Report on Commercial Harvest Tagging Program 11:00 a.m.
(*K. Rootes-Murdy*) **Possible Action**
5. Other Business/Adjourn 11:45 a.m.

The meeting will be held at Wentworth by the Sea; 588 Wentworth Road, New Castle, NH 03854; 603.422.7322

Sustainable and Cooperative Management of Atlantic Coastal Fisheries

MEETING OVERVIEW

Tautog Management Board
October 28, 2019
10:45 - 11:45 a.m.
New Castle, New Hampshire

Chair: Dan McKiernan (MA) Assumed Chairmanship: 11/17	Technical Committee Chair: Linda Barry (NJ)	Law Enforcement Committee Representative: Snellbaker
Vice-Chair: Bill Hyatt (CT)	Advisory Panel Chair: VACANT	Previous Board Meeting: August 2019
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, USFWS (10 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 2019

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.

4. Progress Report on Commercial Harvest Tagging Program (11:00-11:45 a.m.) Possible Action

Background

- Amendment 1 requires the implementation of a commercial harvest tagging program for Tautog. The Board moved to implement the program in January 2020.
- To ensure successful implementation of the tagging program, states provided feedback on their plans for implementation (**Supplemental Materials**)

Presentations

- Progress Report on Commercial Harvest Tagging Program by K. Rootes-Murdy

Board Actions for consideration

- Specify requirements (if any) for fish caught or sold outside of states with a declared interested

5. Other Business/Adjourn

Tautog 2019 Tasks

Activity Level: Low

Committee Overlap Score: High (Menhaden, BERP, Summer Flounder, Scup, and Black Sea Bass)

Current Committee Tasks:

- TC – Evaluate biological sampling requirements (assess the feasibility of adding pelvic spines as an acceptable ageing structure)
- TC – May 1, 2019: compliance reports due
- 2019: Consider initiating a benchmark stock assessment as per the 5-year trigger and MRIP data calibration

TC Members: Sydney Alhale (VA), Coly Ares (Vice Chair, RI), Linda Barry (Chair, NJ), Sandra Dumais (NY), Scott Newlin (DE), Deb Pacileo (CT), Craig Weedon (MD), Tiffany Vidal (MA)

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

**The Westin Crystal City
Arlington, Virginia
August 7, 2019**

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

Draft Proceedings of the Tautog Management Board Meeting
August 2019

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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Move to accept the 2019 Tautog FMP Review and state compliance reports and approve *de minimis* status for Delaware and Maryland** (Page 17). Motion by Raymond Kane; second by David Borden. Motion carried (Page 18).
3. **Move to elect Bill Hyatt (CT) as Vice-Chair of the Tautog Management Board** (Page 18). Motion by Justin Davis; second by Jason McNamee. Motion carried (Page 18).
4. **Move to adjourn** by Consent (Page 18).

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ATTENDANCE

Board Members

Dan McKiernan, MA, proxy for D. Pierce (AA) Chair	Russ Allen, NJ, proxy for T. Fote (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Stewart Michels, DE, proxy for D. Saveikis (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Mike Luisi, MD, Administrative proxy
Matthew Gates, CT, proxy for J. Davis (AA)	Robert Brown, MD, proxy for R. Dize (GA)
Bill Hyatt, CT (GA)	Sen. Monty Mason, VA (LA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Bryan Plumlee, VA (GA)
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Mike Millard, USFWS
Joe Cimino, NJ (AA)	

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy
Caitlin Starks

Guests

Heather Corbett, NJ DFW

Charles Lynch, NOAA

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The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Wednesday, August 7, 2019, and was called to order at 4:12 o'clock p.m. by Chairman Daniel McKiernan.

CALL TO ORDER

CHAIRMAN DANIEL MCKIERNAN: Good afternoon. My name is Dan McKiernan from the Commonwealth of Massachusetts. I'm the Board Chair, and we're opening the Tautog Management Board Meeting today on August 7.

APPROVAL OF AGENDA

CHAIRMAN MCKIERNAN: The first order of business is the approval of the agenda. Are there any changes to the agenda? Seeing none, I'll consider it adopted by consent.

APPROVAL OF PROCEEDINGS

CHAIRMAN MCKIERNAN: Next is the approval of the proceedings from the last meeting, which was almost a year ago, October, 2018.

Are there any recommended or suggested changes to the proceedings? Seeing none; consider it adopted by consent.

PUBLIC COMMENT

CHAIRMAN MCKIERNAN: Next is under public comment. Is there anyone who would like to speak on any of the items that are not on today's agenda? I don't believe anybody has signed up according to Kirby. We just have a few issues today, so I'm sure we can get through this and keep on schedule.

REVIEW IMPLEMENTATION GUIDELINES FOR THE TAUTOG COMMERCIAL HARVEST TAGGING PROGRAM

CHAIRMAN MCKIERNAN: The major business today is developing or adopting implementation guidelines for this commercial harvest tagging program, which is a component of Amendment

1, requiring a commercial harvest tagging program for tautog. It was originally intended to be adopted in the year 2019. The Board has postponed that to 2020. At our previous meeting we shared these guidelines. It's been distributed to you all, looking for your input.

Today what we want to do is approve those, and decide what level of compliance these rules or these guidelines are actually going to constitute for purposes of complying with this plan. I know that Kirby has a presentation to give us. In addition the Board, the TC, and the Advisory Panel have all weighed in on that and Kirby is going to give us a presentation on some of that today. Without any delay we can turn it over to Kirby for the presentation.

MR. KIRBY ROOTES-MURDY: As mentioned, I'm going to go through the draft Implementation Guidelines for the Tautog Commercial Harvest Tagging Program, just a brief outline to give you all some background regarding this, the Tagging Program requirements that are stated in the Amendment 1.

Then go through the draft Implementation Guidelines that were put together, what the implementation timeline will be, as well as the Technical Committee's review, the Advisory Panel's review and feedback, and then for this Board to consider management action. I want to just put it first on your guy's radar. Really when we're talking about these Implementation Guidelines, the Board today has kind of three courses of action they could take. The first is to specify changes to these draft Implementation Guidelines. The second would be to adopt these Guidelines as best management practices for this Harvest Tagging Program. In doing so they wouldn't be requirements, but they would be the best management practices to carry out this tagging program in its first few years.

The third course of action could be instead to consider specifying aspects of these Implementation Guidelines as actual FMP

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compliance requirements. That would be taking some of those pieces that are included in the document, and making them an actual addendum to the FMP, and requiring states to comply with them annually. I just want to put that on your radar now. We'll revisit this at the end of the presentation.

First, the tagging program requirements as outlined in Amendment 1. The Commercial Harvest Tagging Program was required to combat illegal and unreported harvest of tautog; specifically the requirements as described in the Amendment include uniform single use tags with unique identifiers, to be applied to tautog by the harvester before offloading, and that the number of tags allocated to the harvesters to be determined by the state, based on a biological metric.

That unused tags be returned to the state management agency no later than February 15th of the following year, and that each state must submit an annual commercial tag report as part of annual compliance reports, including information on tags used and issued, participating harvesters and reported commercial harvest.

As you all are aware, this program was supposed to go into effect this year in 2019. By Board action it was postponed until January, 2020. Now, shifting from what the requirements that are in the FMP to the draft Implementation Guidelines. Staff worked with the Board Chair of the LEC and TC to develop these guidelines.

Again, the goal here was to provide guidance on how this program should be administered, encourage consistency between state programs, and try to enhance enforcement. It also recommended procedures for tag distribution, application, accounting, reporting, tag expiration, penalties, and outreach to help facilitate this program.

The first section of the draft Guidelines provides recommendations on tag distribution. In Year 1 what would happen is that ASMFC would purchase the tags on behalf of the states. States are then responsible for distributing those tags to licensed and permitted harvesters. To avoid confusion and reduce the opportunities for unauthorized individuals to obtain the tags, this is how we are going to address this through the Commission purchasing them, and then these tags being sent to the states.

The LEC and TC agreed that accounting and reporting would be made easier if harvesters were issued tags with consecutive numbers. The states would need to determine the total number of tags to order, and the number to allocate to each harvester based on a biological metric, like the prior year's harvest in numbers of fish plus an additional amount as a buffer.

Tags should not be transferrable, and regulations should prohibit reuse, altering, or counterfeiting of tags. Regarding tag application, the LEC recommended adding language to the Amendment requirements to specify that all fish need to be tagged prior to offloading, or before carrying, to ensure there aren't any untagged tautog remaining on vessels without an authorized harvester onboard. It is also recommended that the tags be applied consistently to the operculum of the fish on one side of it.

The TC had indicated the tags could be applied to either side of the fish and would not interfere with any biological sampling. Again, application of tags in sequential order would simplify accounting and reporting, though we understand that this might be challenging if certain tags are lost or damaged in the first year.

Tags need to remain on the fish until final sale. That is another recommendation that was put forward, and there is the need to restrict tag

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applications during closures in the fishery. Please note that it will be ideal for harvesters, as I said to apply the tags in sequential order, but we understand that this might not be possible.

This is an example of how the tag would be applied to a fish. Note, it might be difficult to apply tags to the left side of the fish, if for example a person is left-handed, so you can see it's applied to the left operculum. The draft Guidelines outlined that states need to allocate tags based on this biological metric. A biological metric is an estimate to determine the number of tags that would be required per year.

The types of metrics included with what some states calculate as part of their Striped Bass Tagging Program. For example, taking the average commercial weight per fish from the previous year, and using that as a basis to develop a number of fish, and in turn a number of tags that are needed. This language that is up on the screen now is what we would be looking for, for the states to submit as part of their biological metric request.

In terms of accounting and expiration, the Amendment requires that unused tags be returned by the harvester or the state agencies that issue them no later than February 15th of the following year, and the LEC recommended adding or within 90 days of the end of the fishing season, whichever is sooner, to reduce the gap between the end of an early season and tag returns.

In terms of these draft Guidelines. It's also recommended that harvesters should document tags that are lost or broken, and that annual commercial tag reports would include all of this information. The other potential recommendation that was included was the tags expire at the end of the fishing year.

Please note that currently there is not language in the Amendment on when tags expire. In terms of penalties and outreach, this would be left up to the states. But some ideas that were put forward in the document is that states should determine appropriate penalties, including suspension or removal of the commercial license or permit.

Wholesale dealer permit, retail dealer permit, or authorization to purchase tautog, as well as confiscation of all tautog caught and possessed or sold in violation, seizure and forfeiture of all property used in violation and fines, and then an outreach program to raise awareness of how the tags should be applied correctly would go a long way in ensuring that the program works successfully. In terms of a tentative timetable moving forward today, the Board would consider these draft Implementation Guidelines. Following this meeting states will need to submit their tag allowance or their biological metric to staff, likely at the end of August or early September. As I said before, ASMFC would order these tags, and the tags would be sent to the states.

Once that purchase has happened, and the tags are sent to the states. The states will then be responsible for distributing those tags to harvesters. Again, the goal would be to have those tags distributed to harvesters such that effective January 1, fish could start being tagged in 2020. Just so that it's clear, these tags would be sent from the manufacturer to state agencies; it wouldn't be going to ASMFC and then sent to the states.

Next for the TC Summary, the Technical Committee talked through a number of these elements of the draft Implementation Guidelines, and had the following comments. In terms of where to apply the tags on the fish, as I mentioned before tags could be applied to either operculum. This is because they can collect biological samples from either side of the fish.

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In terms of the biological metric, there was a discussion on the tag loss. We've had a number of states that have actually gone through and tried implementing these through a trial period. What we found is that there is approximately a 10 percent loss rate. What that means is they've got their order, they go out on the water, and they try applying them. At least 10 percent of the tags that they were trying to apply either broke or came off.

That should be factored into any amount of tags that are being requested by the states. The TC also recommended that after the first year there should be an evaluation of the appropriate tag loss rate, such that if there is a general understanding that 10 percent works that if you're finding that there is a loss rate in certain parts of the coast, or in certain states that is much higher than that. Then that might start to become an area of concern.

In terms of expiration dates for tags, there was no consensus on the concept of a tag expiration date, and there was a need to clarify whether there would be an expiration date of the tag versus the expiration date of the sale of the fish. In terms of potential times of year in which tags could expire, the Technical Committee noted that possibly the end of February might be a potential timeframe. Next the Advisory Panel reviewed these draft Guidelines as well, and had the following comments.

They raised a number of concerns regarding tag application, accounting and distribution, expiration, and penalties. I'm just going to summarize a few of them. These materials were included in an e-mail sent to you all last week. In terms of the tag application, there was concerns raised that there may be a higher mortality rate than what was concluded in the New York study that has been the basis for us identifying the tag to be used in the upcoming year.

Concerns focused on that study had a controlled environment with those animals being able to be tagged, and kept in a condition that allowed them to have a higher survival rate than might happen in other situations that aren't controlled for a number of variables. Additionally, and to that point, applying tags while fishermen are on the water may be difficult. In terms of tag accounting and distribution, there was a recommendation to possibly move forward with a partial allocation of tags annually. It would be conditional on getting the other part of the tags that a harvester would be allocated, based on them returning their unused tags annually. In terms of tag expiration, the AP noted that there is a significant market demand for tautog around Chinese New Year, which varies year to year between late January and February.

This would complicate tag expiration dates if they followed along a calendar year, because a number of fish tend to be caught in December, and then held for a certain amount of time in preparation for that market. It was also noted by at least one AP member that there wouldn't be the need for an expiration date if the tags were to be applied, and there was a calendar year deadline by December 31st annually the fishing year ended.

Last there was the note that penalties need to address more than simply commercial harvesters that are not operating properly within the Tag Harvesting Program. That there are recreational harvesters who are catching tautog and then selling to dealers without a valid commercial license or permit, and that addressing those loopholes needs to be done.

Again, those were comments from the AP. We also received some requested changes from the state of Maryland. As you all are aware, staff sent out these draft Guidelines to the Board in early June. We received comments from Maryland regarding requested changes, and I'll walk through those briefly now.

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They boil down to three items. The first was to allow some states to delay implementation until July 1. This would effectively be postponing the implementation date for the Tagging Program, and will require Board action. In terms of their second concern, they are requesting that there be an allowance of conservation equivalency for states to allow dealers to tag the fish rather than harvesters. I believe this would also require an addendum to the FMP to allow for this.

In terms of tag expiration, Maryland also noted a concern to allow dealers to retain inventory into the New Year. It's not a current FMP requirement, as I mentioned before in terms of there being an expiration date. If this Board wished to specify an expiration date on these tags that would also require an addendum.

To summarize, in terms of Board actions today, this Board could specify changes to these Implementation Guidelines, or can adopt these Guidelines as best management practices, and not make them requirements for the Harvest Tagging Program, or this Board could consider certain parts of the Implementation Guidelines and make them compliance requirements, and this would likely require an addendum. With that I will take any questions.

CHAIRMAN McKIERNAN: Yes, go ahead, Maureen.

MS. MAUREEN DAVIDSON: ASMFC is going to buy the tags for the states. Is there going to be one large purchase? Would we be allowed to purchase tags midyear if the need arose, or should we just estimate now what we really think we're going to need?

MR. ROOTES-MURDY: I'll take a first stab at this, and Toni might have a follow up. The plan is to have a bulk purchase for this first year. There has been some discussion about whether midyear there is the ability for states to do an additional purchase of tags, depending on how

it plays out in the first few months. But there hasn't been any determination on how that would play out in 2020 at this point, aside from the bulk purchase of the tags that is about where we stand. But Toni might have some more information.

MS. TONI KERNS: First I want to clarify that we are going to purchase these tags, but the states are also going to reimburse us back. We are not actually buying them for you. We're physically doing that but not paying for them. Second, in lobster for trap tags, we've been able to negotiate a price, and then that price can last throughout the course of the time of that contract that we have with the company.

I believe when Caitlin spoke with the tag company, we get the lower price on the tags because of the volume that we're purchasing them in at that given time. I don't know if that price would then also carry over if we're not buying at the same bulk, but we can talk with the company and see if we can get that to work. If not, I'm sure that the states could order additional tags later on; it just might be at a higher rate per tag.

CHAIRMAN McKIERNAN: Mike Luisi.

MR. MICHAEL LUISI: A question that comes to mind now. We made some comments. Maryland doesn't have a commercial tautog fishery. Our fishermen operate under the recreational limits of 2 fish in the summer, and maybe 4 fish in the winter. It's almost a year round season. It's a bycatch to sea bass fishing and some lobster fishing.

But my question has to do with how the current commercial fisheries up and down our coast operate, and I'm looking across the table. Are they mostly derby style with limited access permits? Is that how fishermen, you know everyone has a quota? Not everybody has a quota? I'm just wondering. I don't know much about the commercial tog fishery.

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But, I'm thinking about the experience that I went through that almost put me in the grave, when I had to use biological metrics in the striped bass fishery, and when I got that big giant box of tags I had to decide, of my 1,200 permitted fishermen, how I was going to give those tags to them, knowing that I couldn't order any more. That became the ITQ issues that again almost put me down. That was not fun at all. I'm only just bringing this up.

If you have a derby style fishery with a lot of fishermen participating, and you only have a limited availability of tags, everyone is going to tell you that they're going to catch as much as they can this year. You're going to have to figure out a way to allocate those tags. We did it through an ITQ on harvest history, but I don't know if this is all going to lead to something like that which you know we might want to think about, if that is something that you want to take on as a state.

CHAIRMAN MCKIERNAN: Mike, do you want an answer to the question, or was that a rhetorical question about the states? Kirby, do you want to just give a summary of what the states rules are?

MR. ROOTES-MURDY: I can give you a general one, and then get into more details if you want. But basically there are some states that have a commercial quota as part of Amendment 1. Then there are other states that do not have a commercial quota. Then each of the states has different requirements for what their permitting and licensing is for their commercial fishery.

CHAIRMAN MCKIERNAN: Jay McNamee next.

DR. JASON McNAMEE: Just to the root question that you asked, Kirby. You know I like some of the things that are in the Guidelines. I like all of them. Some of them I think would be problematic to try and dictate. For instance, I like the expiration date. I think the penalty stuff

would be really difficult. States have very different mechanisms for that sort of thing. I'm hesitant to ask to initiate an addendum.

I think the most, I don't know sensible thing that we could do is let this shake out for a year, and revisit it like this time or at the Annual Meeting next year. Let the states test it out, and then revisit these guidelines and say, we should really implement X, Y, and Z in an addendum. My sense is we could give you a couple of things, you would go out to rulemaking, and we would have to do it again next year anyways. That is just a suggestion from me.

CHAIRMAN MCKIERNAN: Rob O'Reilly.

MR. ROB O'REILLY: I agree with Jay. I don't know how we do that exactly, but certainly this has caused a lot of consternation in Virginia on how to do this, because I wouldn't say we have a derby fishery, but we have sort of an erratic pool of commercial fishermen. We think we can use the metric to help with that.

We would have to put something in the regulation that said if you don't have a tag then you're in violation. I guess that is how we go forward there. I was interested in the violations as well. You know we have a matrix of guidelines for penalties that started in 2013, and so I hope that that was just sort of a suggestion that Kirby put up there what states could do.

I'll give you an example, if there was a violation in Virginia, and then the most you could expect as a harvester would be a six month revocation. That is the most in that fishery, so it would take a couple of violations to get you to go beyond that for up to five years. I mean we have a fairly good working situation, and I'm just taking those as recommendations. I wasn't positive in the beginning, Kirby if I may, on the Best Management Practices versus having something that would be compliance.

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But, if we're thinking of Best Management Practices then what Jay McNamee suggested, I would say we do need a trial for this. You know a lot of us already are swamped, and I can tell by the way the reactions that I received at VMRC from staff that they are scurrying around trying to figure out how to do that. One question in particular, it seemed unusual that the AP went from recognizing the Chinese New Year to then with the next statement you had there was just to end the tags December 31st. Well that would completely be a problem for us, as we fold into January with our fishery. We're into January up to the 21st, and certainly we do have some. We're trying to identify them.

We know of at least one harvester, maybe two that hold fish, and hold exactly for that situation. I know this has been lingering for several years. But I think it's a lot quite frankly. I appreciate any feedback specifically on the Best Management Practices versus having something where we're in compliance. I think what Jay brought up is worth more discussion.

CHAIRMAN MCKIERNAN: I want to get Joe next, but I think the key questions today are the program start date, the tag accounting date, and the tag expiration date. Everything else about how you deal with your harvesters and distribute tags I think is something each state can sort of bake internally within their state rule making.

But it's going to be critical that to make this program work to have it be mandatory that there aren't fish in interstate commerce that don't have tags. I think all of our states are going to have to prohibit the possession of untagged tautog at some date certain, and that we need to decide that today. Go ahead, Joe Cimino.

MR. JOE CIMINO: I'm assuming we're into comments and not questions. I think we had long discussions about when the tags should be,

and so you didn't suggest that this is one of them, but the AP talked about at the dealer. We felt that would not address the issue, so I think that can be taken off the table.

I would suggest, because I don't think that anyone, these tags are quite cheap, so I don't think that anyone's fishery is so large that as a state we shouldn't be over ordering, and they can hold on to those excess tags and redistribute if they feel there is a need after that initial distribution. I do agree with the AP that it is important for those tagged fish to not have an expired tag, so that a dealer could hold onto fish or even the harvester can hold onto the fish.

I think the expiration is for those unused tags. You know if states could put it in that if a vessel was stopped in 2021 with unused 2020 tags, then there is a problem. I think that's one of the things that we can move forward on. But one other thing that I thought was well hashed out was this has to be an all or nothing.

I sympathize with Maryland, but I don't see how one state could not do this when the others have to, as you said. Every fish that's out there for commerce should have a tag, and that would also apply to different starting dates. I mean if states can't start until July 1, then this program should start on July 1. I'll leave it at that.

CHAIRMAN MCKIERNAN: Joe, to the point you're making. On Page 5 there is a section called Tag Expiration. What is implied there is that fish that are being held by dealers would have to be liquidated by some date certain in the New Year. We're looking for that cutoff date, so we're looking for the Board to endorse some date. Go ahead.

MR. CIMINO: Yes, and we had some conversations with our Law Enforcement guys on this. They said if the whole point is for any fish in commerce to have a tag, and all those

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fish have a tag. How important is it whether or not that there is a date tied to that? I'm not sure there needs to be an expiration date. That's a personal opinion.

CHAIRMAN MCKIERNAN: All right Maureen, did you have another comment? Go ahead, Toni.

MS. KERNS: Joe, in order for that to work do you think then though the fishermen will also have to report tags used, in order for us to link what was used and what was returned? Right now that is not a requirement, because otherwise I decide to only return 10 of the 20 tags I have, and I sell the rest to some recreational fisherman and those tags get into the market, but there is no way to prove that they weren't caught by a commercial fisherman, because right now we don't have any requirements to say that the tag was used by this fisherman on this date.

CHAIRMAN MCKIERNAN: Go ahead, Joe.

MR. CIMINO: Okay so I fully support the guidelines that each harvester is assigned a range of tags, and these are lessons learned from striped bass, I mean because this is all the striped bass as well. If a harvester has a range of tags and that is known, those sold tags. Going back, if that harvester comes in asking for more tags then yes, there should be some sort of process to say I either used all those tags or they were unused. For some states they use affidavits if they are saying that they lost an exceptional amount of tags.

CHAIRMAN MCKIERNAN: All right any other discussion? Yes. David Borden.

MR. DAVID V. BORDEN: I would like to go back to a point that Kirby made. He used the term final sale, they have to keep the tag on, and I was trying to find it in the document. Is it defined in the document, in the Guidelines? What constitutes final sale? I couldn't find it.

MR. ROOTES-MURDY: Yes. For the Guidelines, it's in the Guidelines. This is specific to tag expiration. It would be tautog with expired tags may be sold only directly to the final consumer, Page 5.

MR. BORDEN: Okay thank you.

CHAIRMAN MCKIERNAN: Joe, are you comfortable with that? There wouldn't be an expiration date. A dealer could possess expired tagged fish, but they could only be sold to a consumer. Is that what you were thinking? Mike.

MR. LUISI: Just as a comment to that. Before we went to the new system for striped bass, we had no date on the tags. They just rolled from year to year, and it created the situations that we got ourselves into with the harvesters losing boxes. They didn't have to return anything. There was no need to return it, because it never expired and it just snowballed on itself over the years, where all of these unaccounted for tags. You give somebody a thousand tags and never expect them to return them. They can go anywhere out there, because there is no audit. That is I think an important part of that expiration date on the tags, so that they have to be returned and then there is an audit by the state.

CHAIRMAN MCKIERNAN: Kirby, do you have a comment?

MR. ROOTES-MURDY: Just again to remind the Board that the language in the Amendment right now is that all states will require recipients to return unused tags from the previous fishing year no later than February 15.

CHAIRMAN MCKIERNAN: Go ahead, Mike.

MR. LUISI: One of the comments that we made had to do with does it have to be a calendar year, or can you have the fishing year, and then have your tags returned during your closed

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season, 45 days which would be the same as January 1 to February 15, after the end of your fishing year. That could be helpful for my staff that are doing all the auditing to the five fishermen that we have. It just could be helpful. I don't know if other states would be in the same situation.

MR. ROOTES-MURDY: The language is specific to the previous fishing year; it doesn't have it tied currently to a calendar year. I think part of that is because you do have some states that have a fishing season that extends across two calendar years.

CHAIRMAN MCKIERNAN: Any other questions or comments? Eric Reid.

MR. ERIC REID: Kirby's comment and I'm reading the requirement that if you are a dealer and you have expired tags, you have to sell them. If you're a dealer and you have a tautog with an expired tag, you are required to sell it to the final consumer. That is totally insane, totally insane.

I mean we don't sell to the final consumer, we sell to a wholesaler who may sell to another wholesaler, who sells to a little Mom and Pop store, and somebody is going to walk in and buy one fillet, maybe a half a fillet. I mean that requirement is not reality and it's not acceptable for the market, no way.

MR. ROOTES-MURDY: I'm going to keep coming back to this, guys. We've got the draft Implementation Guidelines, so they are not requirements right now. That tautog with expired tags may be sold only directly to a final consumer is in the draft Implementation Guidelines. As I mentioned before, if you want to change or adjust the language in there we're happy to take those comments today to make those changes. If you want to make it a requirement that's also something the Board can do, but I need the Board to clarify what the pleasure of the group is.

CHAIRMAN MCKIERNAN: Eric, did you want to follow up?

MR. REID: This whole thing is really, I've lost a lot of sleep over this, because just this whole thing is kind of crazy. The issue of an expired tag or the date of expiration, have you ever tried to tag a tautog with two tags? You've got a harvesters tag and a dealers tag. I don't know how.

CHAIRMAN MCKIERNAN: Well there is not going to be a dealer tag in this program.

MR. REID: My opinion from the very beginning has been that the dealer should have the tags. You know you're talking about the point of last sale versus point of first sale. I'm not even sure if a guy that has got a tagged tautog has to sell to a licensed dealer.

CHAIRMAN MCKIERNAN: I'm sorry, would you repeat that?

MR. REID: Does a harvester, who has a tagged tautog, have to sell it to a licensed dealer?

CHAIRMAN MCKIERNAN: That's a question that every state would have to answer around the table. Certainly in my state it does. Are you thinking of like over the rail sales of like retail boat sort of stuff, where it direct sales to the public?

MR. REID: Honestly, Mr. Chairman, I'm just trying to think of the accounting of the tags themselves, and how you can keep the accounting for all those tags. You're going to lose 10 percent right off the top, apparently. That is an interesting number. I'm sure it's more than that, but this whole thing about we're going to tag, and we're going to have some accounting of all this.

I know in Rhode Island for striped bass. In order for me to get my next year's tags, I have to take all my unused tags and turn them in, every one.

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When I get tags I have to sign for numbers 1,000 through 1,100 or whatever, and I have to sign for proof that I'm a dealer.

CHAIRMAN McKIERNAN: Well let me ask you this. As a Rhode Island dealer, do you only buy fish caught in Rhode Island?

MR. REID: Yes.

CHAIRMAN McKIERNAN: Okay Jay, when do you land tautog in your state? What months? What months of the year do you have commercial sales of tautog?

DR. McNAMEE: It's off and on, but starting in April and ending in December usually.

CHAIRMAN McKIERNAN: Okay so Eric, how many months into the following year do you need to hold onto those fish?

MR. REID: We only participate in the fresh market, we don't do live market. But if the Chinese New Year is a lunar, based on the moon not on the day, so it would change every year what that market condition, when that is going to appear. If you want to get into the, forget about the calendar year or the fishing year, you want to get into the lunar year. Now we're really going into the weeds there. But that is the market. That is what that's based on.

CHAIRMAN McKIERNAN: Is three months sufficient?

MR. REID: I think the end of February would be fine, but like I said we only participate in the fresh market, we don't participate in the live market.

CHAIRMAN McKIERNAN: Well, could we make the tag expiration then through the end of February of the following year? Is that a reasonable accommodation?

MR. REID: I think it would be reasonable. I don't know if the Chinese Year has ever gone into March. I don't think that that would be correct.

CHAIRMAN McKIERNAN: Yes go ahead, Doug.

MR. CRAIG PUGH: Would it help, I know in our striped bass fishery we do it at point of landing as our expiration, not at point of sale. Point of sale can continue, and the expiration is solely set on that date at end of the calendar year. At point of landing, as long as that fish is landed within that season can be sold outside of that parameter. But it seems to work for us at the point of landing, without issue.

MR. ROOTES-MURDY: I just want to clarify for the Board again; there is not language that requires a tag expiration date in the FMP right now. If you want to add that we can. But what we have put up on the screen for you all to consider regarding that topic is the closed and open seasons, commercially for each of the states. On the screen you have in red is when a state is closed, and in green is when a state's commercial season is open. If you have a transition that's usually showing that the start date is not falling on the first day or the end of the month. Toni has a point.

MS. KERNS: Originally when we had talked about this we said we would put the year, and that we thought all the tags would expire December 31st, just like any other fishery. As we continue to discuss this, and recognize that there are these states that have fisheries that span over December and January.

What if on the tag instead of putting the year, like 2019, we put the month and year that that fishing year ends, so that you could sell up until the end of that month, and then you turn your tags in 45 days after the end of that month? Will that work for the states, which is following the premise of the addendum. We had said

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February 15 before, because it's 45 days after the end of December 31.

It will mean that there are tags with different timeframes, which I don't know what Law Enforcement would say about that. But I'm just trying to figure out a way to make these tags work, so that fishermen don't have to get tags in the middle of their fishing year, which I recognize is unrealistic.

CHAIRMAN MCKIERNAN: I think that might be challenging, Toni for a state that has a quota, because the quota could fill in October. In other words, we might have a season that is only two months or six months, depending on the quota filling.

MS. KERNS: For those states that they're fishing year spans, because your quota starts on January 1 then? For example Mike, if you had a, well you don't have a quota. Delaware, do you have a quota? New Jersey, do you have a quota? If you had a quota, and your fishery closed in October, would you reopen January 1, or would you keep it closed until what looks like the opening sometime in September?

MR. CIMINO: Quite frankly I don't think that we would need to do this seasonally; I think annual works for us. Going back to my original statements, I think there would be value in the unused tags expiring annually; you know used tags, a tag in a fish not necessarily needing that same expiration. I think that is kind of what the AP was getting at. I also wonder if we thought this through, if states could handle receiving an order. All the states would receive the order at the same time, and then the states figure out when distribution would be most appropriate.

MS. KERNS: I'm just trying to determine that if your fishing year spans more than one calendar year what date do we put on that tag? That is the part that I am struggling with for you all.

CHAIRMAN MCKIERNAN: Go ahead, Maureen.

MS. DAVIDSON: When we discussed getting tags for our tautog, and our season spans from April through the following January. If we say got tags for 2020, we would keep them in effect through January of 2021, and Law Enforcement would know that those tags go until the end of the fishing season, which ends in January.

But for most of 2020 it would be fine. We also said, because the dealers are going to keep the fish, you know well past the end of the season, especially if they're trying to sell fish for the Chinese New Year. We said that market-tagged fish we'll allow that to expire March 15th. We'll tell this to our Law Enforcement that 2020 tags for fishing will be good for fish until January 25, the season ends. However, dealers will hold fish labeled 2020 until March 15.

In light of that here is my question for Toni. Will we have enough states on the tags to put all the numbers that we are required to by the guidelines? I know that they are just the guidelines right now, but in terms of what you're going to do for 2020? We were concerned because the number of tags we might have to order for New York, because we do not have a quota. We're just limited to 25 fish a day. Off the top of my head, if we go to 100,000 tags, does that give you enough space to put everything you need on the tag?

CHAIRMAN MCKIERNAN: Caitlin is going to speak to that. She worked on this question, Kirby, sorry.

MR. ROOTES-MURDY: The simple answer is yes, but if you want some more details Caitlin can speak to what has been thought through for the numbers that would go on the tag.

CHAIRMAN MCKIERNAN: I mean in my mind, many of these fisheries are very small scale. There is overfishing occurring and many of these stocks are overfished. It may be necessary to tweak the in-state rules to accommodate this tagging program. I don't

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think we should be throwing the tagging program out, because we have some rather loose rules within one jurisdiction or another. It may be that we need to evolve the rules to accommodate the tag. But go ahead.

MS. DAVIDSON: We intended to enact the tagging program, but since we currently don't have a quota, we weren't going to use a tagging program to establish the quota. We wanted to make sure we would be able to order enough tags to accommodate our fishermen, and then make sure that I know that there is limited space on the tags.

CHAIRMAN McKIERNAN: No, I agree.

MS. DAVIDSON: If I said that I needed six digits, just to make sure each one has a unique number. Would the tags be able to accommodate that? I believe New York has one of the largest landings of tautog on the east coast. We're not ready yet to start limiting our fishery just like that.

CHAIRMAN McKIERNAN: Well what I meant to say is because you have a closure beginning in February, you have a natural break that will allow you to do the accounting. I'm suggesting that that is probably something that other jurisdictions should probably consider, to accommodate the administration of this program. Rob O'Reilly.

MR. O'REILLY: I want to come back to the expiration date. I know we've moved a little away from that. Despite the graphic up there, I see three states, New Jersey, Delaware, and Virginia on Table 8 that roll through the calendar year and have a fishery in January. I guess what I'm wondering is can we settle on an expiration date for the previous year, because come January that year's tag is going to be made available.

The previous year tag is going to be still there, I hope by those who are holding fish for the

Chinese New Year, and how difficult is it going to be to do that? One thing that we thought about is a permitting system. You're going to have a declaration. If you're going to hold fish beyond the calendar year, you're going to have a permit to do so.

I mean that is one thing that we have talked about. There probably are ways at the state level to take care of an end of February expiration date on the previous calendar year's tag. I'm just wondering. Is that something that is beneficial to the Board, because I know that Eric made a pretty good point about where he thinks the tag should be?

But it seems as if it's going to be on the harvester, from everything I know, and because of that I'm just curious as to can we set an expiration date, knowing that we leave it up to the state to ensure that those tags that are held beyond the calendar year are held by those individuals that the state knows have permission to do so, and law enforcement in that state knows that those are the individuals, not going to be a lot, have the ability to hold those fish and tags at that time.

CHAIRMAN McKIERNAN: Mike, go ahead.

MR. LUISI: To Maureen's example. If the state of Maryland had a tag with a printed date on there, 2020, but we had internally established an expiration date for that 2020 tag as being May 15, 2021. We established that via whatever rulemaking process we have. We have our own expiration date for that tag. It simplifies for me, just having a date on the tag, and then we just decide what our own expiration date is for it. That would work.

MR. ROOTES-MURDY: Yes. Sorry, we were side barring, trying to think through this and give you guys the best guidance, and trying to determine if an expiration date is really necessary, and really come back to the Implementation Guidance Document. The

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language right now says that tags will expire when the fishing year when they were issued ends.

As you can see on the screen, there are two states that have a fishing year that straddles two calendar years, right, New York and Virginia. Really if that calendar year does not work for your state, then it would be up to your state to kind of think through what is the best guidelines for that.

I think Maureen outlined generally how they are going to view this in the state of New York for tags that are issued in the previous fishing year, but their fishing season ends in the next calendar year. Again, if this is a requirement that you guys want to put in place, then you can do that. But otherwise, if you are looking to just change the language in these draft Guidelines, this is what we were hoping to get feedback on from you all today.

CHAIRMAN MCKIERNAN: Kirby, it sounds like consistent with Eric Reid's comments, he would want us to strike the last sentence of tag expiration, which says tautog with expired tags may be sold only directly to the final consumer. Eric would want that struck. Otherwise, the rest of the section could remain intact.

That would satisfy Maureen's concerns, which is to allow each state to have a fishing year that may cross over New Year's Day. Is everybody okay if we strike that last line and we take it up in that fashion, allowing states to define their own fishing year? Yes, Maureen, are you good? Okay. All right anything else? Yes, go ahead, Maureen.

MS. DAVIDSON: I also understand that the Guidelines it says that we should be assigning tags by management area. Do I have that correct, Kirby?

MR. ROOTES-MURDY: I don't believe so. Can you refer to where that is in the document?

MS. DAVIDSON: I don't have the document open. I have my notes open, not the document. We would be able to explain where the fish were caught by stat area from the VTRs as opposed to assigning tags by management area.

CHAIRMAN MCKIERNAN: I don't recall seeing any reference in the document to tags attributed to a management area.

MR. ROOTES-MURDY: Yes just to confirm that. I'm not seeing that as well. It's not a requirement in the Amendment, and I don't see it in the Implementation Guidelines.

CHAIRMAN MCKIERNAN: Are there any other comments on the document? Yes, Justin.

DR. JUSTIN DAVIS: What would now be the last sentence in the tag expiration section of the guidelines says it will be illegal for any dealer to buy or sell any tautog with an expired tag, but if I'm following this correctly, the expiration date for the tag would vary by state, and would be at some point in time past the end of the fishing season, at which you know it's reasonable to expect the dealer has had ample opportunity to sell sort of standing stock by that point, so this is conflicting with that sort of need to hold onto fish past the expiration date, or past the end of the fishing season and sell them.

MR. ROOTES-MURDY: I'm going to let Caitlin answer that I missed it, sorry.

MS. CAITLIN STARKS: I think if you're suggesting removing that language that would work. Maybe an addition would be it will be illegal for any dealer to buy any tautog.

MR. ROOTES-MURDY: Going through this document with you now. Staff's recommendation may be to remove those last two sentences, such that for the guidelines it would read; tags will expire when the fishing year for which they were issued ends. In parentheses, unless the state determines this

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would unnecessarily restrict harvest and sale at the end of the year, in which case an alternate expiration date could be determined. That would be the end of it for that section.

CHAIRMAN MCKIERNAN: Is everybody good with that? Good, all right. Thank you, Justin, good pick up. All right, I think we're pretty close. Are there any other comments? Yes. Ray Kane.

MR. RAYMOND W. KANE: We're talking about two states, so I'm going to presume Virginia and New York will make their submission 45 days after the middle of January, or the 20th or 21st of January, Rob?

MR. O'REILLY: That's when the season ends, yes for that portion.

MR. KANE: Yes, so you'll be submitting your numbers back within 45 days after January 21, as the other states are required.

MR. O'REILLY: I was just going to say that is the requirement. You know we haven't of course gotten to that point. I have a little confusion here on New York and Virginia being the only states. Is Table 8 incorrect in the documents, because it certainly looks like Delaware and New Jersey roll through December into January? That's what Table 8 says, and Table 8 says New York does not. But Virginia does, and that is why I indicated earlier that three states roll through a calendar year into the next year. I mean that's been a little bit of confusion for me.

CHAIRMAN MCKIERNAN: Rob, Toni I think wanted to comment.

MS. KERNS: I think that maybe we misspoke earlier. There are I think five states that have the potential to carry over through the calendar year that have fisheries that go past January, or December 31. In the plan the one requirement that still holds is that harvesters must turn in

their tags by February 15. I think that a state could apply for conservation equivalency when your fishing year spans two calendar years, and request that your harvester's turn in their tags to the state 45 days after the end of your fishing year, or in order to get your new tags. I don't know if all of these fishing years have 45 days in between them, but I would suggest they not be able to have two years-worth of tags in their hands at the same time. I think you would want to make sure you have the previous year's tags before they can have the new year's tags, as we do in striped bass.

CHAIRMAN MCKIERNAN: Rob O'Reilly.

MR. O'REILLY: Consistent with what Ray asked me, the answer is yes. But at the same time, given everything that's been done to get to this point. I still see that the state is going to be responsible, I'm just informing you, for sort of having a two-tier system. In other words, if you're a harvester, and you are not holding fish for the live market, then those tags will come in before, and the other tags will be there on the fish.

As long as that's something that we're all in agreement about, because I don't expect a lot of harvesters in Virginia, but I know there will at least be a couple, maybe three. I hope that that is certainly consistent with what the Board is talking about, and in Toni's case that would mean that no one would have two years of tags, except those individuals, those few individuals who would be holding fish for the Chinese New Year. Is that still consistent?

CHAIRMAN MCKIERNAN: Go ahead, Toni.

MS. KERNS: Well if you have a fish in your tank you've already tagged it, so you're not holding onto your tags from the previous year, you've tagged that fish, and if you're into your next fishing year you wouldn't need the previous year's tags anymore. Yes you could have tags in a tank that have two different calendar year

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tags, but you as an individual harvester couldn't have tags in your hands with two different calendar year tags.

CHAIRMAN MCKIERNAN: Rob.

MR. O'REILLY: I wasn't suggesting that and I think we've moved to a situation where it's a lot more understandable through this discussion. I think it will work out. I appreciate that Toni.

CHAIRMAN MCKIERNAN: All right are we good? Yes, Ray.

MR. KANE: I have a question looking at this graph. We want to get this mandated and in place by January, 2020 right? We seem to be hung up on the fact that some states roll into January 21. Follow up years, as Jason has mentioned, we're going to have to tweak this as we go along. But follow up years.

There seems to be a concerted effort to get this up and running by January 1 of 2020. States will need that liberty to report up until January 21, so now we're looking at Jersey, Delaware, Maryland. But in years following like in '21, the year should start January 1, and it ends December 31. Kirby, I'm sorry. Go ahead.

MR. ROOTES-MURDY: No, it's all right, Ray. I'm realizing that there could have been some more clarity to this graph. I'm looking at the FMP right now that we reviewed state compliance reports, and with the exception of New York, all other states are listing that if they have a fishery in January, it's starting January 1. It is not straddling two different fishing years.

CHAIRMAN MCKIERNAN: All right, any other comments? What about the implementation date? Can states succeed in getting rules enacted by January 1 to require tagging for harvesters, and to prohibit untagged fish in dealers? What do you say? Mike.

MR. LUISI: It was part of our comment, and Maryland can't get it done in time, because we have to go through a process to identify a group of people who are going to be applying for these tags, and that's a process we do. We have a declaration period, which we have to establish via regulation. We can't get it done by January 1, but we can begin the process of working to have it accomplished as soon as we can in the new year. But after this discussion today, I'm thinking about prohibiting all commercial landings of tog in Maryland. I'll walk away now.

CHAIRMAN MCKIERNAN: Maureen.

MS. DAVIDSON: Our season for tautog will not open until April 25th, I forgot the date already. We would not put it in effect January 1, because we're going to consider that to be still the 2019 season.

CHAIRMAN MCKIERNAN: Okay.

MS. DAVIDSON: We will probably have our regulations in effect in time when our season opens in April.

CHAIRMAN MCKIERNAN: April 1.

MS. DAVIDSON: April 20 something or other. Yes. Is that okay?

CHAIRMAN MCKIERNAN: Well let's find out what the consensus view is among the states, and maybe we can just delay to some common date. Jay.

DR. McNAMEE: I was just going to offer. What both Mike and Maureen have offered seem like perfectly fine exemptions. I would rather; you know we were supposed to have this in place right now, so I would rather get it going, allow some flexibility in this first year. But just mandate that it needs to start January 1, if you have it in process that's good, if your fishery doesn't start until April that's good, like we're

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not going to find people out of compliance. But let's get it going.

CHAIRMAN McKIERNAN: Okay, all right. Anyone else, go ahead, Maureen.

MS. DAVIDSON: Well, to be clear, Tautog harvested in New York in January will not be tagged because we're not going to start it until April.

CHAIRMAN McKIERNAN: David Borden.

MR. BORDEN: In the spirit of trying to help, Mr. Chairman. How about if we just say if January 1 is the date, or as soon after as the state can implement the regulation, and they'll notify the Commission of that date of course.

CHAIRMAN McKIERNAN: I'll take that. All right, it won't be strict compliance criteria for January 1, but it will be to maybe commence rulemaking by January 1, Toni. We can monitor rulemaking, and if each state could send the plan coordinator their public hearing notice or whatever is being proposed, so we can keep our eyes on that. I know in Massachusetts we intend to have it in place by January 1. Eric, go ahead.

MR. REID: What about, let's say I want to buy tautog from New York in January and they're not tagged, but we are engaged in our tagging program? How are you going to interact with interstate commerce of non-tagged fish in states that are complying with the tagging program earlier than other states?

CHAIRMAN McKIERNAN: I think that's an issue for Jay when he goes to rulemaking. If he enacts the tagging program on January 1, you as a dealer in the state of Rhode Island can make that comment that you would like to get three months of grace period, until after that time period.

MR. REID: Okay thanks. Thanks, Jay.

CHAIRMAN McKIERNAN: Okay, yes Toni and Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Not to complicate anything. It might be worthwhile to have the states that can't implement by January 1st identify what they anticipate their timeline to be, and then come back at the annual meeting to have those conversations. Then Jay will know if he needs to give Eric three months grace period or six months.

You know if they're buying fish from Maryland it might take even longer. Just so there is sort of a conscious decision about what are the timelines for each of the states. A number of states can and will be able to go on January 1, but there are a couple that have identified they haven't, and it's probably worthwhile to have that conversation, and identify those timelines for those states.

CHAIRMAN McKIERNAN: Does that mean we'll schedule a Board meeting for the October, or just make it Policy Board?

EXECUTIVE DIRECTOR BEAL: We can. Maybe if we set a date. Notify the Commission by October 15th of your timeline, and then we'll see what those look like and we'll see if we need a Board meeting or not. I don't know, pick a date. Maybe September 15th so we can do the agenda. I don't know, the last minute? I think once the states go home and really start thinking about this, if there is even more, which would be hard to believe, even more difficulties than we've already talked about. I think we need to maybe set aside some time to work through those.

CHAIRMAN McKIERNAN: Does the Board agree that a September 15 deadline to report back to the Commission on their rulemaking timeline?

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**CONSIDER APPROVAL OF 2019 FMP REVIEW
AND STATE COMPLIANCE**

CHAIRMAN McKIERNAN: All right, thank you let's move on to the rest of the agenda then. Next is the Plan Review Report.

MR. ROOTES-MURDY: I'll try to go through this quickly, given we are behind on our schedule. I'm going to go first though the management measures. All the states implemented new regulations consistent with Amendment 1. Long Island Sound and the New Jersey/New York Bight Region put in place regulations to reduce harvest for that Long Island Sound Region.

It was to achieve a 20.3 percent reduction for the New Jersey/New York Bight. It was commercial and recreational measures to achieve a 2 percent reduction. The Massachusetts through Rhode Island Region, MARI and Delmarva, Delaware/Maryland/Virginia implemented regional regulations.

This is an important slide for you all. Since the last assessment as you're aware, NOAA implemented changes to the MRIP program for estimating recreational catch. That multiyear transition changed much of the harvest estimates for the entire time series. In particular, if you're looking at the graph on the screen, we have what the base series calculations are. That is what we were using up until last year.

We have the calibration applied to the APAIS design since 2013, and then we have the final calibrated estimates that are the higher ones. What this shows you is that annual coastwide harvest by weight has increased at the coastwide level in all years, anywhere between 27 percent to 323 percent after this calibration took place. This is the recreational data.

In looking at commercial and recreational harvest together, we're looking at landings from

'81 to 2016. Commercial landings decreased by 15 percent in 2018 from 2017. In 2018 the commercial landings value was its highest ever at 3.98 dollars per pound. Recreational harvest though, while it was much higher for the time series, decreased in 2018 relative to 2017.

These recreational landings in 2018 were the lowest in the time series. As you're aware, recreational harvest has consistently made up at least 90 percent of coastwide landings combined. For the Biological Sampling Program, New York, Delaware, and Virginia were unable to meet the 200 age sample requirement.

The states reported that they did try to acquire these samples, and each state had different reasons for why it was difficult. New York has had issues with the contractor they previously worked with. For Virginia, they had a donation freezer that was at a marina that has since been removed, and Delaware has had more difficulty trying to get some of their samples from a previous for-hire captain that they've worked with.

In spite of that the PRT recommends that the Board find all states in compliance with the sampling requirements as these states did strive to try to collect these samples. One note to the FMP review, Maryland's regulations will be updated to reflect that they have a start date of January 1. The Plan Review Team recommends that state's should make more clear what their state measures are in their compliance reports, and what those measures result in for their regional management program to achieve a regional F target. This was spelled out in the Amendment. In terms of de minimis requests, Delaware and Maryland have both requested de minimis status, and continue to qualify for the commercial sector, and the Plan Review Team recommends that the Board approve the states for their requests. **For Board consideration today move to accept the 2019 Tautog FMP Review and state compliance**

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reports and approve de minimis requests for Delaware and Maryland.

CHAIRMAN McKIERNAN: Can I get someone to make that motion? Yes, Ray, second, David Borden. Shall I read it into the record? **I'll read it into the record; motion to accept the 2019 Tautog FMP Review and state compliance reports and approve de minimis status for Delaware and Maryland. Motion by Mr. Kane, seconded by Mr. Borden, is there any objections to the motion? Seeing none it is unanimously consented.**

ELECT VICE-CHAIRMAN

CHAIRMAN McKIERNAN: All right, the next item on our agenda is the election of a Vice-Chairman. Jay McNamee, before we get there.

DR. McNAMEE: Thanks Mr. Chair, I didn't want to interfere with the motion. But I did want to make a comment on the age samples. In particular, now that we've moved to a set of spatial region specific stock assessments. I wanted to make a statement that the age information, the age samples become more important.

I just wanted to offer, I know folks are trying. I know the PRT felt that people had made efforts, but I just want to reemphasizes the importance of getting age samples from your regions, because we are using age-structure models that are now spatially explicit, so it has added importance now.

CHAIRMAN McKIERNAN: All right, we're looking for a Vice-Chairman and we're looking for a motion. Yes. Justin Davis.

DR. DAVIS: I nominate Bill Hyatt, to be the next Vice-Chair of the Tautog Management Board.

CHAIRMAN McKIERNAN: Would you like to close nominations as well?

DR. DAVIS: I would.

CHAIRMAN McKIERNAN: Any objection to Bill Hyatt being the next Tautog Board Chair? Oh a second, thank you. Can I get a second? Jay McNamee. Any objections to Bill Hyatt as the next Board Chair – Vice Chair – **Oh it will be quick, it will be Board Chair.** All right seeing none, thank you Bill for enlisting as Vice Chair, and next meeting will be my last, so maybe you'll be up then.

CHAIRMAN McKIERNAN: That is the end of the meeting and of our agenda. Bob, do you have any announcements? Oh Emerson, go ahead.

MR. EMERSON HASBROUCK: I would like to correct something that Kirby mentioned when he was going through the review on sampling, where he said that in New York there was a problem with the contractor. There is not a problem with the contractor; there is a problem with the state issuing a new contract to the contractor. I just want to make that clarification, thank you.

ADJOURNMENT

CHAIRMAN McKIERNAN: Bob, any announcements? I am done. Is there any objection to adjourning? Seeing none, the meeting is adjourned.

(Whereupon the meeting adjourned at 5:28 o'clock p.m. on August 7, 2019)

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