

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

**Webinar  
January 25, 2022**

**Approved August 2, 2023**

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2. **Motion to approve proceedings of October 19, 2021** by Consent (Page 1).
3. **Motion to adjourn** by consent (Page 15).

**ATTENDANCE**

**Board Members**

Dan McKiernan, MA (AA)	Tom Fote, NJ (GA)
Raymond Kane, MA (GA)	John Clark, DE (AA)
Rep. Sarah Peake, MA (LA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Borden, RI (GA)	Mike Luisi, MD, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Russell Dize, MD (GA)
Justin Davis, CT (AA)	Dave Sikorski, MD, proxy for Del. Stein (LA)
Bill Hyatt, CT (GA)	Pat Geer, VA, Administrative proxy (AA)
Jesse Hornstein, NY, proxy for J. Gilmore (AA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Emerson Hasbrouck, NY (GA)	Bryan Plumlee, VA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Chris Wright, NMFS
Joe Cimino, NJ (AA)	

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

**Ex-Officio Members**

Craig Weedon, Technical Committee Vice-Chair	Jason Snellbaker, Law Enforcement Representative
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**Staff**

Robert Beal	James Boyle	Kirby Rootes-Murdy
Toni Kerns	Emilie Franke	Sarah Murray
Laura Leach	Lisa Havel	Mike Rinaldi
Maya Drzewicki	Chris Jacobs	Caitlin Starks
Tina Berger	Jeff Kipp	Anna-Mai Svajdlenka
Pat Campfield	Dustin Colson Leaning	Deke Tompkins
Lisa Carty	Adam Lee	Geoff White
Kristen Anstead	Savannah Lewis	

**Guests**

Karen Abrams, NOAA	Jeff Brust, NJ DEP	Alexa Galvan, VMRC
Jeff Amorello	Peter Clarke, NJ DFW	Lewis Gillingham, VMRC
Max Appelman, NMFS	Margaret Conroy, DE DFW	Edward Gladue
Mike Armstrong, MA DMF	Heather Corbett, NJ DEP	Brendan Harrison, NJ DEP
Pat Augustine, Coram, NY	Nichole Lengyel Costa, RI DEM	Jacob Holtz, MD DNR
Jason Avila, Avila Global	Greg Cudnik	Jeff Kaelin, Lund's Fisheries
Linda Barry, NJ DEP	Jessica Daher, NJ DEP	Emily Keiley, NOAA
Chris Batsavage, NC DENR	Lorena de la Garza, NC DENR	Pat Keliher, ME (AA)
Mel Bell, SC (AA)	Laura Deighan, NOAA	Maira Kelly, NOAA
Rick Bellavance	Steve Doctor, MD DNR	Adam Kenyon, VMRC
Alan Bianchi, NC DENR	Lynn Fegley, MD DNR	Marguerite Koehler, TMS Waterfront
Kurt Blanchard, RI DEM	Cynthia Ferrio, NOAA	Chip Lynch, NOAA
Francis Blount	Alexa Fournier, NYS DEC	John Maniscalco, NYS DEC

These minutes are draft and subject to approval by the Tautog Management Board.

The Board will review the minutes during its next meeting.

### Guests (continued)

Jerry Mannen, NC (GA)  
Conor McManus, RI DEM  
Nichola Meserve, MA DMF  
Mike Millard, US FWS  
Sen. Dave Miramant, ME (LA)  
Allison Murphy, NOAA  
Brian Neilan, NJ DEP  
Adam Nowalsky, Port Republic, NJ  
Tim O'Brien, NY  
George O'Donnell, MD DNR  
Cheri Patterson, NH (AA)  
Michael Plaia

Nick Popoff, FL FWS  
Kathy Rawls, NC (AA)  
Tara Scott, NOAA  
Bill Shillingfo  
Somers Smott, VMRC  
Anthony Sodano  
David Stormer, DE DFW  
Rachel Sysak, NYS DEC  
Wes Townsend, Dogsboro, DE  
Corinne Truesdell, MA DMF  
Richard Vaughan  
Vincent Tor

Scott Curatolo-Wagemann, Cornell  
Mike Waine, ASA  
Megan Ware, ME DMR  
Craig Weedon, MD DNR  
Ritchie White, NH (GA)  
John Whiteside  
Logan Williams  
Steven Witthuhn, Greenlawn, NY  
Greg Wojcik, CT DEEP  
Chris Wright, NOAA  
Harvey Yenkinson  
Renee Zobel, NH FGD

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, January 25, 2022, and was called to order at 1:00 p.m. by Chair Michael Luisi.

### **CALL TO ORDER**

CHAIR MICHAEL LUISI: This is Mike Luisi; I am the new Board Chair for Tautog Management Board, and I would like to call this meeting of the Tautog Management Board to order. Today is January 25, 2022. Before I get started, I would like to recognize the service of Bill Hyatt, the former Tautog Board Chair, and thank Bill for his time spent Chairing this Board.

I was looking back through the proceedings from the previous meeting, and realized that Bill made a comment early on that he was able to be a Board Chair for Tautog for two years, without ever having to do anything in person. While I hope to follow in Bill's footsteps in a leadership role on this Board.

I really hope that is not going to be the case for me, and for all of us, hopefully we'll all be able to see each other sometime soon, as we clear through the pandemic that we've been dealing with for the last two years. Thanks again, Bill! Okay, with that said, I would like to move to the first item on the agenda, which is the Approval of the Agenda. There is one item to note here.

Originally, when the meeting agenda came out, there were six items on today's agenda, and then we had supplemental materials come out with a revision to today's agenda. I would like to make sure everybody is using and working from the current agenda, which has six items. What we did was we removed the election of Vice-Chair from the original agenda.

### **APPROVAL OF AGENDA**

CHAIR LUISI: With the agenda before you with six items, are there any members of the Board that would like to make any additions or modifications to that agenda? If you could raise

your hand. Okay, seeing no hands raised, the agenda is approved.

### **APPROVAL OF PROCEEDINGS**

CHAIR LUISI: Moving on to the next item on the agenda, which is the Approval of the Proceedings of the minutes from the October, 2021 meeting.

Are there any Board members that have any additions or modifications to the proceedings from the October Board meeting? Okay, seeing nothing at this time, are there any objections to approving the proceedings and minutes from the October, 2021 meeting? Seeing no hands, that is approved with no objection.

### **PUBLIC COMMENT**

CHAIR LUISI: Moving on to our third item on today's agenda, we're here for Public Comment. This is an opportunity for the public to offer comment on anything not on today's agenda. Is there anyone from the public that would like to provide public comment today? If you're a member of the public and you don't have the ability to raise your hand through your device, if you're just on the phone, just please speak up and recognize yourself before you begin. Okay, I have Tim O'Brien. Go ahead, Tim.

MR. TIM O'BRIEN: How are you guys?

CHAIR LUISI: We're great, thanks, Tim. Can you just tell us your name for the record, and who you're affiliated with?

MR. O'BRIEN: Yes, my name is Tim O'Brien, and I'm a New York fisherman. I just wanted to comment on the tags, and see if we're going anywhere with this. I posted a comment. You know what we're seeing is a problem with the tags infecting the fish and harming the fish, so I was wondering.

CHAIR LUISI: Tim, if I could stop you here for just a second. The Law Enforcement Committee is going to provide some discussion on the commercial tagging program towards the end of today's meeting. Since you're talking about the tags, I think

it might be best if we just hold off on your comment until then. Would that be, okay?

MR. O'BRIEN: Yes, that's fine.

CHAIR LUISI: I'll ask for public comment on that agenda item later on in today's meeting, and then please just like you did, raise your hand and I'll go ahead and call on you, you can give us your thoughts. All right, thanks, Tim. Is there anyone else from the public? Okay, seeing none at this time, let's go ahead.

### **REVIEW AND DISCUSSION ON THE HYPOTHETICAL SCENARIOS FROM THE RISK AND UNCERTAINTY DECISION TOOL**

CHAIR LUISI: I would like to move on to the next item on our agenda, which is a Review and Discussion on the Hypothetical Scenarios from the Risk and Uncertainty Decision Tool. We have Jason McNamee with us to provide that presentation, so I'm going to turn the floor over to Jason, if you're ready, Jason. Whenever you're ready you can go ahead and get started.

DR. JASON McNAMEE: I'm ready to go, Maya, I think you're going to control the presentation for me, so thank you for that. I see it up on the screen there. Hi everybody, this is a quick presentation, just kind of updating you. If you recall the last Board meeting you had asked, since we weren't taking any management action on tautog, but we have sort of initiated testing out our Risk and Uncertainty Tool on tautog.

We did some hypothetical scenarios, so we're just reporting out on that. Just quick background, I think you all are fully up to speed on this at this point, but just to get everybody's head back in the space of risk and uncertainty. The Draft Risk and Uncertainty Policy and Decision Tool, what it does is it provides a method for arriving at the appropriate risk tolerance level for a stock, giving management priorities and the characteristics of that species and that fishery.

The tool kind of creates this risk tolerance level. We can then use that to select harvest levels based on things like projections. An important nuance here is it's not a tool for assessing the varying risk levels of different management approaches. That's a different thing that hopefully we start doing more frequently, but that would be a Management Strategy Evaluation, where you are kind of comparing two different management strategies, and seeing how they stack up across different metrics. That's not what this is. This is a little bit different, where we're just trying to set an objective way for determining the Board's risk tolerance for any particular management decision that needs to be made, so that we don't have to iterate back and forth with the technical groups to decide that.

This is a schematic of what kind of happens in the process. You have your technical inputs over in the left-hand box there. They go all the way from sort of their standard stuff, like stock status, model uncertainty, all the way down to socioeconomic considerations are built into it as well. Those are your technical inputs, they get plugged in.

Then you have the second component, which are the weightings, and this is where the management board decides how important all of those different technical inputs are in the construction of that final risk tolerance level. You plug all that stuff in, you turn the crank, and out of the tool comes a risk tolerance level.

We're going to start talking about that risk tolerance level, in terms of it being a goal probability of achieving the reference point. You know just to kind of characterizes that a little bit better, what we are putting forward is, this is our goal. You know it's not anything other than what we hope will occur. Hopefully that type of terminology helps a little bit in how we're talking about this.

In the end that probability that comes out of the tool will be used with projections to identify a harvest level, and then that will allow us to move on with our process. We selected tautog as a pilot case to test out the policy and the tool. The Technical

Committee for tautog, and the Committee for Economics and Social Science provided technical input for us.

We then got the Board together. If you'll recall, we did the kind of online surveying to provide those inputs on the weightings, and then we combined those to develop the four regional tautog risk and uncertainty decision tools. Back last year in the fall, the Board reviewed the preliminary decision tool, so we kind of did a little presentation like this showing you the outcome.

At the time, we were also in the process of going through a stock assessment, and determining whether or not we needed to take any management action. Luckily for tautog we did not. That is good for tautog, bad for adjusting the decision tool. But it was good news. But we didn't have to take any management action.

What we decided to do instead was to put together some hypothetical scenarios, so that we could see what would have happened had we needed to do anything. That kind of gets us back up to speed as to where we are today. This is another schematic of the risk and uncertainty process. You've got your technical components that go into the decision tool.

This is kind of an iterative process, and I don't know that this was necessarily clear from the outset here. There is kind of an iteration here, where we plugged the technical components in, and you produce a goal probability, but you do this without the socioeconomic considerations, and you use that to set some preliminary harvest levels. You look at the differences between those preliminary levels and status quo, and then you can pull in those socioeconomic components, because now the folks on the SAS, they understand what we're talking about, what the impact might be. That allows them to do their part in populating the Decision Tool. Then they plug in their information, and off we go.

Again, all of those next steps are triggered by initiation of a management action, which we didn't have here. What we're doing instead is kind of jumping over those and creating a make-believe world, and setting up some hypothetical scenarios. What we did, the two highest level scenarios that we looked at were, what if there was no difference in the harvest level, or what if we needed about a 5 to 10 percent change in harvest. It could have been up or down.

Just a little tangent here. I know that I often have to sort of pause and think about this kind of in a very focused manner, because it can get confusing. We thought we would take you on a little tangent here to talk about the probability. When we're talking about an F rate with a 60 percent probability or an F rate with a 50 percent probability, what exactly does that mean?

Hopefully, these next three slides help to give you a little more information on that. When we do a stock assessment, we often use projections to set up our management metrics. These projections take into account uncertainty. Basically, a thousand runs are sort of a standard number of projections to run. It could be more; it could be less.

But you conduct about a thousand runs with different parameter configurations, so different starting abundances within the uncertainty that the assessment thinks there might be around that. It goes through and it picks up a slightly different abundance, starting abundance, slightly different recruitment amount, et cetera, et cetera.

It kind of goes through, resamples those two things, and produces basically a new reality, and you do that a thousand times. You get this kind of haze of reality. In the plot you're looking at, on the screen there you had your total F on the Y axis, and then time along the X axis. The darker colors are the center of the distribution. Those represent the darker the blue is, that is your expected outcome.

As that blue color gets lighter those are less likely, but within the realm of probability outcomes, given the uncertainty in the stock assessment. When we



talk about the probability that we're trying to meet, what's better higher or lower? Of course, we shouldn't characterize it as being better or worse, but the way we can characterize it is that in the case of F, or fishing mortality, the higher the probability you set the more conservative your management will be.

Often, we talk about 50 percent probability. What you can see here is it's not a coin flip that folks often like to sort of characterizes it as it's more that you're taking all of those projections and those different possibilities and outcome, and you're splitting it in half, and you're picking the middle of that distribution, the center of that dark blue, and you can kind of see the dark black line right in the center there.

That is what you're picking. You are basically setting it at the most likely outcome for the center of the distribution. If you were to do something a little different, and say bump that up to a 60 percent probability. What you're doing is you're setting that fishing mortality rate at a level that makes the projection distribution asymmetrical, and so 60 percent of your realizations will be below the F target, and 40 percent will be above it. What you're trying to do is give yourself more chances of being at the F target that you selected.

There is a 60 percent chance, rather than just a 50 percent chance. Hopefully that was helpful context for you. Again, it was just a little tangent, so that the rest of the presentation makes sense. Using the technical inputs from the Technical Committee, and the weightings from the Board. The Decision Tools can produce regional goal probabilities without those socioeconomic considerations.

This includes everything except those socioeconomic components. Then you can see there is a list there in that first sub bullet. What you come out with, in the case of tautog, are the following probabilities. For the Massachusetts/Rhode Island Region without

the socioeconomic considerations, you would want to select a 54 percent probability.

Since we're talking about F, I'll keep talking about that. A 54 percent probability of being at your F target. Long Island Sound is a little bit more than that at 59 percent. New Jersey and New York Bight is 61 percent, so that's the highest one, and then DelMarVa drops it back down to about 56 percent.

One important note is that Amendment 1 stipulates that you need to be at a minimum of a 50 percent of the F target. That kind of sets some sideboards up, in the case of tautog. Even if the Decision Tool were to produce a probability that was less than 50 percent, so more risky, less conservative. You would get kind of set back at 50 percent.

Basically, you couldn't go below that per the FMP. It's an important consideration in the case of tautog. I don't know how unique that is for that to be stipulated in the different management plans, but it is explicit in the tautog FMP. Hypothetical scenarios, we looked at a couple of different things here.

You've got the hypothetical differences between the preliminary harvest level and a status quo harvest level, so there are two potential hypothetical situations there. One is to have no difference, and one is to have about a 5 to 10 percent difference, so that's what we looked at with regard to the harvest levels.

Then we also looked at some alternative weightings for the socioeconomic components. We looked at some differences here to kind of show you what the tool does, given these different circumstances, so you can kind of see in real time. You know how much does it go up, how much does it go down, given different weightings.

Just a sort of interesting fact, and this is something that John Clark brought up a couple times as we've been discussing this. The way that the Board ended up setting the weightings for the short term and long-term socioeconomic components, they basically canceled each other out. There was kind

of a split between those who valued short term over long term considerations. There was an equal split, and so they ended up canceling each other out. To kind of, again, test the bounds of the tool, we tinkered with those a little bit as well. We'll look at one, given the current weighting that we produced, and then we also tweaked those a little bit to put a lot of the weight on the short term versus the long term, and then we put a really extreme weight on the short term versus the long term, and then vice versa.

Hopefully that made sense, and we'll kind of translate now into the next slide. This is the outcome of all of that. To orient you to the table here. Let's start with the left-hand column. These are your scenarios, and I'll kind of walk through those. Then the next column over, these are your socioeconomic weightings, so these are the weighting factors that go into the model.

Then you have commercial and recreational, and each of those has a short-term ST or long-term LT to phone into it. In the right-hand column that's the outcome, that's your answer. If any of these scenarios were real, these would be the probabilities that we would be telling the Technical Committee to use when giving us back the F rate that we need to meet for our management changes.

Scenario 1 that's no change to the harvest level, so these are the same as what I showed you in that table on, I'm not sure if it was the last slide or two slides ago. That's the existing, or that is without any of the socioeconomic weightings. Then we get into our different scenarios, so that's Scenario 2, that's if we had a 5 to 10 percent change to the harvest level, so 2A is if we kept the weightings how we had configured them as a Board.

You can see that they sort of offset each other there, because they are of equal value. Those full probabilities look exactly the same as the row up above it. To go on to 2B, this is a

scenario where we said the short-term considerations are more important than the long term, but at a moderate level, so the scoring is not that extreme.

What you can see there is that those initial probabilities all decrease to varying degrees. For the Mass/Rhode Island Region they went from 54 percent down to 52 percent. This is that push and pull of the decision tool, where you're weighting those socioeconomic factors in the short term higher, and in this case what that did was it decreased the probability, meaning it would allow you a less conservative management option.

Moving on to 2C. This is short-term considerations with an extra high weighting, so we bumped that score up to 10, and kept the long term the same as it was. In a sort of logical manner, it drives those probabilities down even further. You can see that it goes from 54 down to 50 percent for the Mass/Rhode Island Region, just another here from New Jersey/New York Bight goes from 61 percent down to 57 percent.

The short-term considerations are really pulling that and allowing you to be less conservative with your management. Then 2D and 2E is just the reciprocal of those. Here we've got short term being weighted less than the long term. Then 2D is with the long term at a moderate level, so you can see the probabilities all go up from that initial value.

From 54 percent up to 56 percent for Mass/Rhode Island, 61 percent up to 63 percent for New Jersey/New York Bight, and then when you make that super extreme it goes up a little bit more. You can see that in that bottom row. We'll come back to this table so you can process that a little more, but just to kind of wrap up the presentation, so that we can get to your questions. Any questions, and as we get on to the questions here, just a final thought on, thanks, Jay, but now what.

We think the idea here is to get any feedback from the Tautog Board on this test run of the tool. We'll kind of collate your feedback, and then report those findings back to the Policy Board. That is kind of the

next steps for this process. With that Mr. Chair, happy to take any questions, and Maya, it might be most helpful to flip back to that last slide we were on with the table.

CHAIR LUISI: Thanks, Jason, appreciate the presentation. I'm glad you captured at the end there, kind of what you're looking for, as far as direction from the Board. Before we get to that let's see if anyone has any clarifying questions for Jason. Okay, Chris Wright, go ahead, Chris.

MR. CHRIS WRIGHT: Yes, Jason, if a stock is overfished or overfishing, how would that get incorporated into that timeline in the feedback? You know when would you consider that in that chart that we had in the beginning in the timeline?

DR. McNAMEE: Yes, thanks for the question. That in particular that aspect, it's actually built into the decision tool. Stock status is one of those technical inputs that are at kind of the higher end of the decision tool there. In the case if stock status were bad, those would add precaution into the system. Those, like we're looking at the table here on the screen, those probabilities would be higher than that if stock status were bad. Each component of stock status gets treated as an independent factor in the decision tool.

CHAIR LUISI: John Clark, you're next.

MR. JOHN CLARK: Thanks for another very interesting presentation on this, Jay. Just looking at the chart up there. It looks like even under the most extreme weightings that the probability only changes about 4 percent. Is that pretty typical that these weightings are not meant to really effect the probability too much, Jay?

DR. McNAMEE: Yes, good question, John. I think your exactly right. A couple of answers. What we wanted to illustrate here for you is that you don't get wild swings in the proportions, like you don't go all the way up to

100 percent just by some small modifications in the tool. That was part of the reasoning here for the scenarios that were selected. But in the end, I think your comment is correct.

By building this into that logistic function that is exactly what that does, it kind of tapers the effect of things as you get out towards the tails, and it slows them down. The reason for that, there are a couple of reasons for that. One is so they don't get wild fluctuations. The other is so you can kind of fit in different components that might have different scales associated with them. You know that's why we chose the logistic function of form for the tool, but what you said is correct. Kind of a long-winded way to say, yes.

CHAIR LUISI: All right thanks, Jay. Bill Hyatt.

MR. BILL HYATT: Yes, John just asked the same question I was going to ask. I was seeing a 6 to 8 percent swing in the probabilities between the most extreme scenarios. I just wanted to know if they had a gut feel for that to be the expected. I think that's just been answered, so thank you.

CHAIR LUISI: Any other questions from the Board at this time? I don't see any hands raised for questions, any comments? Jay, I wonder if you could go back to the statement that you made at the conclusion of your presentation, and just kind of frame out what it is you might be looking for regarding comment or direction from the Board here, so everyone is clear, and then we can seek to obtain that from the Board members.

DR. McNAMEE: Yes, thanks, Mr. Chair, I think that will help. I'll kind of lead off here, and Sara if you're out there in radio land and you want to add in, please do. But you know the idea here is, we've gone through tautog with the risk and uncertainty tool from beginning to end. Feedback from the Board, did you love it, did you hate it, do you think there are things that need to be fixed or investigated further, or do you think this is ready to be tested on another species?

Anything in that type of comment range would be really valuable for us to then go back to the Policy Board and start to think about, you know you may want to test it on another species first. Are we ready to start building this in, and what is the sequence we want to build it out with, that sort of thing? Sara, I don't know if there is anything in addition that you think we should request from the Board.

MS. SARA MURRAY: No, I think you covered everything. That's really it, any feedback and thoughts on parts you thought were challenging, or if you thought it worked well. Any thoughts on next steps or comfort level. Anything in that vein would be very helpful. Thank you.

CHAIR LUISI: Okay, well let's see what the Board would like to offer here. We'll start with Dan McKiernan, go ahead, Dan.

MR. DANIEL MCKIERNAN: I have kind of a general question about, and I really like the approach and it's really fascinating. But would this work for a Magnuson species? Does Magnuson, with all of its priorities and guidelines, does it get too muddled? My question is, is this only appropriate for ASMFC species that don't have to deal with all the nuances of Magnuson?

CHAIR LUISI: Yes, that's a really good question, Dan. I'll turn to staff first. Maybe that conversation has come up, or if there is anyone from the Service on the line that may be able to speak to that.

MS. MURRAY: Yes, I'll chime in again, Mr. Chair, if that's all right.

CHAIR LUISI: Sure.

MS. MURRAY: Yes, we have discussed this, and the intention is for this to be applied to Commission managed only species, so that there is no conflict there as the Councils, for example, have their own risk policies, and that

would present a challenge to have conflicting risk policy. The intention is to use this for species that the Commission manages solely.

MS. KERNS: Mike, if you're talking to us, you're muted.

CHAIR LUISI: Oh boy, I'm sorry about that. Okay, let me think about what I said while I was going on and on. I appreciate the answer to that question, and I guess it's time now to really consider what we want to do with this tool. As Jay mentioned, you know we didn't have an opportunity with tautog to use the tool, because we decided not to make any management adjustments, based on the most recent assessment.

But it doesn't mean the tool couldn't be used somewhere else. There was a mention of perhaps taking this to the Policy Board, to see if the Policy Board would like to consider other species for this tool to be used with. With that idea in mind, let me see what you all think. I'll go to Bill Hyatt. Go ahead, Bill.

MR. HYATT: Just have maybe another question for Jay. In considering this tool. In the opinion of the people that worked on it. Is it better to gather a lot of the information in advance of needing to actually apply it to management decisions, or do you perceive gathering the information sort of in the heat of the decision-making process? How does this type of tool, how do you envision it kind of rolling out into something that can be applied?

DR. McNAMEE: Yes, that's an awesome question, Bill. I think it's the former of what you said. What I mean by that is, I think you want to get these constructed, and not try and do that necessarily in the heat of the moment. Some of them you have to wait for stock assessment information. Some of the components depend on that.

Some of that has to wait. But there is no reason why a Board couldn't get together and kind of set up their weightings for the socioeconomic components, so the weighting part of it. That could be done ahead of time. In fact, it would be best to

do that ahead of time, when you can sort of think clearly and objectively about it.

But remember, this is always meant to be kind of an iterative process. Even though you set those weightings up ahead of time, there is always this opportunity to kind of revisit. I'll give you a scenario. Say you set your decision tool up for Species X, and then you go through an assessment process and the outcome is really bad for Species X.

It's going to result in some really significant reductions that's going to really hurt, let's say a particular community. During that, even though you've already set your weightings, the folks that interact with that community might come forward and say, hey look, here is our reasoning for up weighting the short-term consequences this time.

The point is that you're being explicit as to why you are changing the weighting, so that gets recorded, and then you can reproduce with that new weighting, if the rest of the Board concurs with you. That is kind of the idea there. I think it is best to create it ahead of time, and then sort of tweak while you're in the process. That's kind of the idea.

CHAIR LUISI: John Clark, you're next. Go ahead, John.

MR. CLARK: I think this is a great idea to bring to the Policy Board and try with other species. I know during several addendum/amendment processes, I've talked about it, many others have talked about taking into account the long term and short-term effects on the economies involved. This is a small concrete step toward taking those into account when we move to actually change our compliance requirements during the addendum and amendment process. I would like to see this move forward; I think it's really good.

MS. TONI KERNS: Mike.

CHAIR LUISI: Yes, go ahead, Toni.

MS. KERNS: Just to clarify. I think what we're trying to get feedback from this Board, in terms of what we would discuss at the Policy Board level is that this Board was a test case for using the Policy. We worked a little bit with it in striped bass at the very beginning, and then we moved it to this Tautog Board, since it was going through the assessment process. When we bring it back to the Policy Board, I think it would be great to have feedback to them.

See if you think it should be tested on other species as well, or are we at a level that you're comfortable enough to make this a policy that the Commission uses for all of its Commission managed species? I just want to make sure that there is this like kind of clear distinction that will be asking the question of the Policy Board. Are you ready to accept this as your risk policy, or are you going to be testing it on additional species?

CHAIR LUISI: Okay, yes, thanks for that clarification, Toni.

MR. CLARK: I would like to see it tested on other species, but I do think it should be made a policy, so kind of both.

CHAIR LUISI: Do you have a preference, John, which you would prefer to happen first?

MR. CLARK: I think it would give everybody more kind of acceptance and belief in it, if it was tested on one more species, maybe, before we take it live for everything.

CHAIR LUISI: Okay, that's a good point, John, I appreciate that. Anyone else from the Board have any thoughts regarding whether or not you would like to see this tested or made a policy, one versus the other or at the same time. One before the other. Is this something that this Board is comfortable in moving this to the Policy Board for further discussion, since there is nothing really in the plans right now to use this draft policy with tautog. Bill Hyatt.

MR. HYATT: Building on what Jay said before, in terms of a preferred way to develop and apply this. You know I agree with John, I think building it out for a couple of additional species, for which we anticipate needing to take management action, would be a good step. I think instead of thinking about it as a test, at least based upon what Jay said earlier. I would think about it more as a build-out for a couple of species that we would anticipate using it on. Jay, please jump in if I'm misinterpreting anything that you said.

CHAIR LUISI: Thanks, Bill, that's a good way to look at it. It's clear in my mind. Jay, I'll ask you, is that along the lines of how you were thinking this might work well for the Commission?

DR. McNAMEE: Yes, absolutely. I think that is spot on to kind of keep it rolling, give it a couple more cases to give people that context. That's how it would implement anyway, so it's kind of in this stepwise process. It's not like you have to redo the ones that you've done already, if you like the way they came out. I think it can work well that way.

CHAIR LUISI: If that is the pleasure of the Board, Toni, can I ask you, would there need to be a motion?

MS. KERNS: I think we have that on the record here. Staff have the reporting, and we can bring that into the Policy Board discussion.

CHAIR LUISI: Bill, did you have a follow up to that? I see your hand again.

MR. HYATT: No, just forgot to put my hand down.

CHAIR LUISI: Okay, so before staff takes this discussion and runs with it, let me ask, is there any objection to what we have heard about expanding this to some other species, through discussion with the Policy Board, for species that we may be considering management change in the near future, so that it can be

tested prior to its being approved as a policy for the Commission.

Is there any objection to that idea, which was floated? Toni just indicated that staff would be able to package that together and prepare it for the Policy Board discussion at a later date. Okay, I don't see any objection at this time, so that will be the plan, and we will have that discussion next at the Policy Board. But Jason, thank you very much for your presentation and the work that you've done here. Perhaps we'll be using it down the road, the next time that we need to make some management changes on this species, so thanks again.

#### **REVIEW OF THE FEEDBACK FROM THE LAW ENFORCEMENT COMMITTEE ON THE COMMERCIAL TAGGING PROGRAM**

CHAIR LUISI: All right, that takes us to our last item on the agenda, other than Other Business, which is a Review of the Feedback from the Law Enforcement Committee on the Commercial Tagging Program. Jason Snellbaker is with us. Jason represents the Law Enforcement Committee for this Board, and I'm going to turn over to Jason. Jason, did you have a presentation you wanted to offer, or are you just going to speak?

CAPT. JASON SNELLBAKER: Yes, I believe somebody there was going to throw the slides up for me.

CHAIR LUISI: Okay, great. Whenever you're ready, Jason, you go ahead and you can get started whenever you're ready.

CAPT. SNELLBAKER: Good afternoon, Board and Mr. Chair. In August the Board was presented initial reports from the TC, Industry and the Law Enforcement Committee on the implementation of the tagging program. The focus was general, and it was to assess compliance and reducing illegal harvest.

The assessment of compliance and reducing illegal harvest has not been done in depth. In October, the Board considered questions for the Law Enforcement Committee to answer to help assess,

Number 1 the compliance with the tagging program, and the impact of the program in reducing illegal harvest and markets.

Today we're going to go over a summary of the Law Enforcement Committee feedback on each of the Board questions. First question, are there any areas of concern, examples: specific fisheries or markets where compliance with tautog tagging requirements remains a significant issue. Please be as specific as possible.

Law Enforcement Committee feedback. A few commercial harvesters in possession of fish above the trip limit upon returning to the dock are penning fish up at sea. The fishermen cited the need to avoid multiple trips in bad weather. Sometimes this occurred prior to the season opening. Generally good compliance in the commercial fishery, primarily concern was observed by the recreational sector.

Harvest above the trip limits coordinating among bad actors makes monitoring difficult in the recreational sector, and the commercial sector. Law Enforcement Committee was challenged by limited staff and competing priorities in monitoring the illegal harvest of tautog. Question 2, is there a practical way for agencies to collect information on noncompliance with tagging requirements in the fishery or markets that could inform and improve the efficiency and effectiveness of Law Enforcement efforts?

Examples might include specific types of advanced information gathered by Agency biologists or by partner organizations. Please be as specific as possible. Next slide was the feedback from the Law Enforcement Committee. Using other agencies or organizations to monitor markets is challenging. There is a distrust of outsiders from the community. Inspections need to be synced or conducted simultaneously; otherwise, illegal sales move elsewhere. Again, most commercial harvesters and markets appear compliant.

It is unclear if collecting noncompliance information would help more. The best approach is for the Law Enforcement Committee to meet regularly, and exchange updates in information. The primary of concern is the recreational fishery, but increasing monitoring is challenged by limited staff. Question 3, any additional thoughts or recommendations for improving the efficiency and effectiveness of enforcement of the tagging program.

Law Enforcement Committee feedback, a few Law Enforcement Committee members have heard of frustration from commercial harvesters about the tag type, specifically citing the tags causing sores or infections and hurting sales. Law Enforcement Committee felt the best way to strengthen compliance with the tagging program is to have full buy-in from the commercial sector, and possibly continue to test and evaluate tag types may help improve compliance. Question 4, now that the tagging program has been underway for a couple of years, what is your expectation on if the program will ultimately be successful at reducing illegal fishing and markets? The Law Enforcement Committee, overall, the Law Enforcement Committee is in agreement that the tagging program has reduced the illegal harvest.

The big change is that the illegal harvest seems to primarily be in the recreational fishery. When harvest is above the possession limit it's difficult to determine if the extra fish are intended for private consumption or illegal sales. That concludes the Law Enforcement Committee summary, is there any additional questions at this time?

CHAIR LUISI: Yes, thanks, Jason. Let me see if anybody has any questions for Jason at this time. As I mentioned before we began the meeting, during the public comment there will be an opportunity for the public to offer some thoughts here as well. Dan McKiernan.

MR. MCKIERNAN: The question I have, I think has to do with Question Number 1. There were some comments about multiple trips being made in bad weather. Could we go back to that slide? I guess one of my questions is on that first bullet, where it

was found that some folks were making multiple trips to avoid bad weather.

Were those in a quota managed state? The challenge we have here is some of our states, like us and the state of Rhode Island, have a finite quota. You know if somebody made multiple trips to avoid bad weather, it's probably less of a problem than if the incident where this state took place was not a quota managed state.

CAPT. SNELLBAKER: From what I understand it would be where there was a trip limit. Maybe if there was a 200-pound trip limit, what was happening is the vessel would go out to sea, maybe catch 4 or 600 pounds, not fish for three days, but have the trip limit penned up, or be able to go out to sea inshore/nearshore, close to the dock or even at the dock, be able to take 200 pounds out of that pen and sell it, you know versus trying to go out in bad weather and get 200 pounds every day, if that makes sense to you.

MR. McKIERNAN: Yes, it does. All I'm pointing out is, if it's a quota managed state it's less of a problem, because the overall removals would be capped. But if it's not a quota managed state then it could result in excessive harvest. Thanks for that.

CHAIR LUISI: Any other questions on this Law Enforcement Committee report? Any questions? Any comments? Why don't we take an opportunity to give some thought to, for Board members to get some thought to any comments they want to make, and I'll go ahead and offer an opportunity for the public at this time. Earlier we had Tim O'Brien, Tim are you still with us?

MR. O'BRIEN: Yes.

CHAIR LUISI: There you go, we can hear you, so if you want to offer your comments now, I think it is more fitting than when you had put your hand up earlier. Go ahead.

MR. O'BRIEN: Yes, thanks for the information. Basically, the problem that we're seeing is these tags harming the fish, the live fish, and effectively they get infections, and it's affecting the market value. I think a different tagging system would maybe avoid this from happening.

CHAIR LUISI: Thanks for your comment, did you have any thoughts as to what that tagging system could look like? I guess you would be in favor of the Commission working to evaluate other types of tags, is that what you're getting at?

MR. O'BRIEN: Yes. I guess the challenge is putting a tag through, say the meat or the fillet of the fish would damage the fillet. The gill is obviously damaging the fish, maybe something that goes through a fin. I'm not familiar with all the tags, but I have seen them in horseshoe crab, it's a thin plastic tube almost, like almost like a zip tie. But yes, there is a challenge with not harming the fish and not ruining the product. It would have to just be tested.

CHAIR LUISI: Got you, thank you for your comment, I appreciate it. Anyone else from the public, before I come back to the members of the Board? Okay, I have another hand, Anthony Sodano.

MR. ANTHONY SODANO: Yes, hello. In fact, I was just going to comment on Tim's remark, the same thing is happening with my fish tagging them, you know inserting the applicator into the gills sometimes the fish jump, you know it seems to cause them pain. I mean it obviously causes them pain, and sometimes the gills get damaged.

Like Tim said, there goes either a fish or people don't want to buy them. Also, infections, you sometimes if I'm holding a fish in pens to get to my daily limit, you know if it takes two days or whatever. Seeing the same thing, you know it doesn't take long. Just to reiterate what Tim said, I agree with that, and I think a different tagging. I mean the tagging system is probably good for illegal fish and all that, which obviously helps the species, but I think a different way of tagging would definitely work better. That's all I have to say.



CHAIR LUISI: Thanks for your comment. One last time, I didn't see any new hands come up from any members of the public. Okay, seeing no additional hands, I come back to the Board. Dan McKiernan, go ahead, Dan.

MR. MCKIERNAN: I guess it would be useful for us to hear from some of the dealers, because when I read the reports that were part of the materials for this meeting, I read about fish that were being held for up to three months, which I was really surprised that anybody would hold a fish for more than three months, or that long. It seems to me that if the tag is being used properly, it seems like we're not getting many complaints from all states, but it seems to be a core group of fishermen that are challenged by that.

It seems like we should be talking to the dealers about whether this is actually affecting ex-vessel price, because these fish are destined to die anyway. If it reduces the shelf life, I would be interested to know if it's actually affecting market value, because we're not hearing from dealers. I can tell you that I had a really interesting case, where a dealer in Massachusetts shipped a fish to New York, and that fish was short, and that dealer called me to tell me exactly who caught that fish. It was caught by an out of state Environmental Police Officer, not the state where it was landed. I think that's brilliant. That's exactly what we were trying to accomplish. I will concede that the tag that was originally tested by the state University of New York was a smaller version of the tag that we went with in the end, and we went with the larger, it was a larger tag in the end, because we needed to put more information on the tag.

The smaller tag that was in the trials, in the end wasn't large enough to inscribe all the necessary information. I'm personally a little skeptical that we need to change the tagging system. But I'm certainly open minded. But I would like to hear from dealers, as to whether or not this is a market issue or not.

CHAIR LUISI: I would as well. Maybe I'll ask Toni what the process would be working with staff to get some type of report, maybe at our next meeting, regarding the situation and with some dealer information, with dealer input. Toni, is there something we could do here as a Board to task staff with that?

MS. KERNS: Thanks, Mike, I think we can definitely task staff to work on that. What I would want, and I don't necessarily think we have to work this out today, but I would want to know specifically what questions you would like us to ask the dealers. Then we may need some help from the states on dealers to reach out to, it's not someone that we and our FMP coordinators interact with on the regular. In order to get quick response back for you guys we would need a little help there.

CHAIR LUISI: Okay, do you think that's something that we could put down as an item for an upcoming agenda, to see if we could generate. You know maybe staff can work up some ideas to build from, and we can go from there.

MS. KERNS: Yes, we can do that, and I will say that would either be at the spring or summer meeting that we would bring that back to you all. As you know, Kirby, who is the coordinator for this species is leaving us at the end of the month for a new job, and so we'll just have a new staff member on this, and it will take a little while to get up to speed, and I want to make sure to set that expectation.

CHAIR LUISI: It does take time, and in my mind that's fine. It doesn't seem as if this issue is so pressing that we need answers immediately. Before I ask the Board if they support that concept moving forward, I've got a few other hands to go to. I'm going to start with Eric Reid, and then Bill Hyatt, I'll come back to you. Eric, you're up first.

MR. ERIC REID: As far as the market value goes for live tautog, it's an ornamental dinner. It's a pretty exotic dinner, and those fish are served whole. As far as I know they're served whole, it's a big presentation thing, and the market value for something that's got a big blemish or bruise or

some other thing on its face, absolutely does lose value in my mind.

That's the problem. You know nobody is buying a live tautog to cut it into fillets, and then throw the rack away. They're using it as a special occasion. You probably had one on your birthday, Mike, you know. But it does affect the market value when the fish itself isn't perfect. That's my opinion.

CHAIR LUISI: Thanks, Eric, my birthday is in two weeks, so I'll be expecting a package in the mail, I guess.

MR. REID: You'll get a package all right.

CHAIR LUISI: I'm sure I will. I thought I had Bill next. Bill, did you put your hand down accidentally, or did you want to make the same point?

MR. HYATT: No, no. I did have a question, I did put my hand down, but I'll ask it. Just for clarification on Jason's Law Enforcement report. I looked at the meeting materials again. It mentioned relative to what was being observed in the recreational fishery that boats are being observed operating in unison.

It says later on that it's hard to prove that the fish overharvest from the recreational fishery is being directed towards the market. I guess my question to Jason, is that kind of what they suspect? Do they suspect that the remaining issue, relative to illegal harvest for the market, is largely being driven by illegal recreational harvest?

CAPT. SNELLBAKER: If I gave you a scenario where three or four guys were out in a boat, and they came back with you know 50, 60, 70 extra tautog. When you're standing on the dock and you don't know these folks, you have no idea whether they're just out there for a good day of fishing.

They had a good day, and they weigh the risk and reward, or once they go home at the end of the day, are they going to take them somewhere to a local establishment where they live, which is often in another state? You know we don't know what their intention was. You know when you're conducting inspection and you're conducting business and issuing summonses, they are not going to come out and tell you that.

That is kind of what that was meant. I don't know if that answers your question or not. I mean anytime we see a large number of fish, we try and assess, you know based on the gear, you know any kind of conversation we have, how knowledgeable they are. You know it's just small talk sometimes, where it indicates to us that these guys know what they're doing, they've done this before. But a lot of times you just don't know.

MR. HYATT: Are they keeping these fish alive? Are they coming ashore alive, or are these fish coming into shore every day?

CAPT. SNELLBAKER: I've personally seen it both ways. I've seen people who had tanks, and in conversation they had a swimming pool or a tank in their basement, and they kept fish alive in their house for personal consumption in their family.

CHAIR LUISI: Next on my list I Have Jesse Hornstein.

MR. JESSE HORNSTEIN: I just wanted to make the Board aware that New York is going to be sending out a survey to permit holders and dealers as well, to get additional feedback on how the program went this year. We would be happy to share the survey that was put together with staff, to work towards getting additional information from other states as well.

CHAIR LUISI: All right, I appreciate that information, Jesse. Dan McKiernan.

MR. MCKIERNAN: Yes, thanks, Mr. Chairman. Just if you would allow me one more comment here. I want us to be really careful about conclusions, anecdotal conclusions about the saleability of a

single fish in a pan. I had a fisherman comment to me, an out of state fisherman who felt that his fish were worth more, because a lot of the illegal fish on the market, because of the tagging program, disappeared.

His fish brought a higher ex-vessel price, because some of the dealers couldn't get the unlawful fish. Now I'm not saying the dealers knew the fish were unlawful, but you know once fish leave Massachusetts in the old days, before the tagging program, who would know? I think this overall program probably increased price per pound to the legally caught tautog.

I just want us to keep an eye on that. As I understand it, New York just finished their first year with the tagging program. It was easier for us in the second year, so maybe through some more practice with the tag and the applicator, maybe things get better in the second year.

CHAIR LUISI: Anyone else from the Board that would like to make a comment on this? Jason McNamee.

DR. McNAMEE: Just a quick comment. You know to echo something that Dan McKiernan said earlier. You know I'll keep an open mind on this as well. If there is a better solution out there, I'm interested to learn about that better solution. But you know I would need it to be based on, as careful testing as we did in the first round.

That would be compelling to me if there is something as effective that gets tested with the same amount of care that we took when picking the current tags, you know modifications to that notwithstanding. I just wanted to sort of offer that comment to the Board as well. You know I'm sort of, like Dan McKiernan just said a moment ago.

Our fisherman didn't love the idea, kind of worked through it. I think it's going okay in Rhode Island, and like he said, it took some getting used to. That is the reason why I just

don't want to haphazardly switch after making that effort and implementing it in our state. But if there is a better solution that can have as good or better outcomes that people are interested in, I am open minded about taking a look at that, and seeing the data that comes out of that study.

CHAIR LUISI: Yes, I think your point is well covered here, as far as jumping the gun to making changes. I don't necessarily think that's where we are, but I think it would be helpful, as recommended by, I think it was Dan, to put some information together to try to solicit some information back from the dealer side of this fishery. I'll take that as a task, unless there is objection by the Board. We've already discussed it, and it sounds as if Toni is in step, or aware of that tasking, once we have a new staff person to replace Kirby after his departure. We'll have to look forward to that at a meeting in either the spring or summer, more likely probably in the summer. Is there anything else on this topic regarding commercial tagging, to come before the Board at this time? Okay, I see no hands at this time. Roy Miller, go ahead, Roy.

MR. ROY W. MILLER: Just looking at the pictures that were included in our supplemental materials. Some of the tagging wounds from the long-term holding of tautog for up to three months look pretty nasty. Having not been involved in the original testing process for tags, is there any more work that should be done, to try to avoid pictures like we saw?

Is the three-month holding time way beyond what anyone would have thought would happen with these animals before they were consumed? The question is basically, is there more work we should do with regard to tag type, or is this the best we can accommodate?

CHAIR LUISI: That's a good question, Roy. I was not part of that initial experiment to determine the best tag type, so I would have to look to staff, or members of the Board who played a role in that to help me with this one. Does anyone have any thoughts, anybody involved in that?

MR. KIRBY ROOTES-MURDY: Hey Mike, it's Kirby. I'll just note that as Dan McKiernan mentioned before. One of the challenges has been trying to make sure we have all the information on the tag, to uniquely identify that fish to the state and year. I think something that the Board, if they truly wanted to consider an alternative tag, you know there could be other ways to come up with a unique ID, if there is interest in using a smaller version of the current one.

That would be maybe one approach if there is interest in that. But otherwise, I think it's important to try to refer back to that study that New York and Massachusetts took part in, to evaluate the tag types, because a number of them were looked at. The Law Enforcement Committee had provided guidance on what their concerns were, especially around tamper ability. There was some considerable thought given to the strap tag that is currently being used.

CHAIAR LUISI: Okay, thanks, I appreciate that, Kirby. John Maniscalco.

MR. JOHN MANISCALCO: Not speaking as a commissioner, but just as someone to provide some additional information on the initial tagging study. We held those fish for approximately a month, certainly under different conditions than some of our fishermen are working under. But we did not see the effects, we did not see the mortality rates. But if interest is evident in our survey responses that we will be sending out, New York state is more than happy to help with investigating alternative tag types.

CHAIR LUISI: Okay, appreciate that, John. Yes, I think the Board could learn something from the survey, and perhaps provide some direction moving forward after receiving that information. Okay, I think we have what we need at this time. It sounds as if New York is going to be doing a survey, and we're going to work to put something together for a future

meeting, regarding some questions and specifics that we want to direct towards the dealers in this situation, and see what kind of information they can have for us. Is there anything else at this time on this topic from the Board? Okay, seeing no hands at this time, that takes us to our last item on today's agenda, which is Other Business. Is there any Other Business to come before the Board at this time? Chris.

MR. WRIGHT: I would just like to thank Kirby for all of his great work, and congratulations on the new job.

CHAIR LUISI: Yes, thanks, Chris, you took the words right out of my mouth. I was going to thank Kirby for all his work and efforts, not only on this Board, but on all the other species that he's been working on throughout, I think it was nine years, I read that Kirby has been with the Commission.

Congratulations, Kirby, and best of luck on your new position.

#### **ADJOURNMENT**

CHAIAR LUISI: Okay, that concludes our business today, and I would entertain a motion to adjourn. Chris' hand is still up, so I'm going to say Chris Wright, seconded by Dave Sikorski. Any objection to the motion. Seeing none, we are adjourned. Thank you all very much.

(Whereupon the meeting adjourned at 2:18 p.m. on Tuesday, January 25, 2022)