

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

The Crowne Plaza Hotel
Old Town, Alexandria, Virginia
March 24, 2011

Board Accepted August 2011

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INDEX OF MOTIONS

1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of November 11, 2011** by Consent (Page 1).
3. **Move to nominate Bill Goldsborough as Chair and Jim Gilmore as Vice-Chairman of the Tautog Management Board** (Page 1). Motion by David Simpson; Motion carried (Page 1).
4. **Move to accept the technical committee report and the stock assessment update** (Page 10). Motion by Pat Augustine; second by Jack Travelstead. Motion carried (Page 11).
5. **Move that the board accept for Issue 1, fishing mortality rate reduction, Option B, recommend that F equals 0.15** (Page 20). Motion by Pat Augustine; second by Jack Travelstead. Motion carried (Page 22).
6. **Move to substitute the fishing mortality rate target be 0.10** (Page 21). Motion by David Pierce; second by Bob Ross. Motion defeated (Page 22).
7. **Move to adopt status quo for Issue 1** (Page 27). Motion by David Simpson; second by Tom Fote. Motion carried (Page 29).
8. **Move to adopt Option B, state possession restrictions, Issue 4** (Page 30). Motion by Jack Travelstead; second by Pat Augustine. Motion carried (Page 30).
9. **Move to approve Addendum VI as modified on March 24, 2011** (Page 31). Motion by Pat Augustine; second by Mark Gibson. Motion carried (Page 31).
10. **Motion to adjourn** by Consent (Page 31).

ATTENDANCE

Board Members

David Pierce, MA, proxy for P. Diodati, (AA)	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
William Adler, MA (GA)	Jeff Tinsman, DE, proxy for D. Saveikis (AA)
Ben Martens, MA, proxy for Rep. Peake (LA)	Bernie Pankowski, DE, proxy for Sen. Venables(LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Roy Miller, DE (GA)
William McElroy, RI (GA)	Tom O'Connell, MD (AA)
Rich Bellavance, RI, proxy for Rep. Martin (LA)	Bill Goldsborough, MD (GA)
Dave Simpson, CT (AC)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Lance Stewart, CT (GA)	Catherine Davenport, VA (GA)
James Gilmore, NY (AA)	Bob Ross, NMFS
Pat Augustine, NY (GA)	Wilson Laney, USFWS
Peter Himchak, NJ, proxy for D. Chanda (AC)	
Tom Fote, NJ (GA)	

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

Ex-Officio Members

Staff

Vince O'Shea
Robert Beal

Danielle Brzezinski
Chris Vonderweidt

Guests

Dorothy Thumm, NYSDEC (LEC)

Paul Caruso, MA DMF

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, March 24, 2011, and was called to order at 9:30 o'clock a.m. by Mr. Robert E. Beal.

CALL TO ORDER

MR. ROBERT E. BEAL: We'll go ahead and get started with the Tautog Management Board. Before we get started, you'll notice obviously that staff is chairing this meeting. The Tautog Management Board currently does not have a chair or a vice-chair. Pat Augustine was the chair and served for three years. He got one bonus year and handled the board very well, so thank you, Pat, for taking the extra year.

We will get to the election of chair and vice-chair in a minute. One other substitution that we have is Mark Chicketano from the Law Enforcement Committee could not be here, so Captain Thumm has volunteered to step in and give the Law Enforcement Committee Report, and we appreciate her doing that.

APPROVAL OF AGENDA

With that, we'll go ahead and review the agenda. Are there any additions or changes to the agenda that members of the board would like to have? Seeing none, we'll go ahead and I'll consider the agenda approved.

APPROVAL OF PROCEEDINGS

Are there any changes or modifications to the proceedings from the November 11, 2010, Tautog Management Board Meeting? Any objection to approving those minutes? Seeing none, those minutes stand approved.

PUBLIC COMMENT

Public comment; this is the part of the meeting we'll have public comment on items that are not on the agenda. As we get to the decisions on Addendum VI and other points throughout the agenda, we'll try to provide some public comment opportunity as the board gets closer toward a decision on some of those issues.

ELECTION OF CHAIR AND VICE-CHAIR

Seeing no hands up in the audience, as I said we'll again look at the audience later in the meeting. With that, that takes us to Agenda Item Number 4, which is election of chair and vice-chair. Are there any motions? Mr. Simpson.

MR. DAVID SIMPSON: **I move to nominate Bill Goldsborough as chair and Jim Gilmore as vice-chair.**

MR. PATRICK AUGUSTINE: Mr. Chairman, I would second that but close nominations and ask the board to cast one vote for a new chairman and vice-chairman.

MR. BEAL: Any objections from the board to having Bill Goldsborough be elected as chair and Jim Gilmore be elected as vice-chair? **Seeing none, that motion carries.** I anticipated this happening so I talked to Bill before the meeting and he asked that I go ahead and just chair this meeting and then he'll take over at the beginning of the next Tautog Management Board Meeting.

2011 TAUTOG STOCK ASSESSMENT UPDATE

That brings us to Agenda Item Number 5; Paul Caruso is going to present the 2011 Tautog Stock Assessment Update. I think before Paul starts we want to thank Paul and the technical committee for turning the crank on this pretty quickly. The notion of updating the tautog assessment didn't even come up until the annual meeting in Charleston, and the technical committee pulled this together pretty quickly.

I think it puts the board in a pretty good position to have public comment from Addendum VI as well as a new read on the stock as they make their decision and decide how to move forward on tautog. Before Paul goes into the assessment information and the update, he is going to give a bit of a review of the management measures and the management program for tautog on how did we get to where we are.

REVIEW OF TAUTOG MANAGEMENT MEASURES

MR. PAUL CARUSO: As Bob I had mentioned, I just want to do a quick update on previous management actions. I think it's always good to know where you were and where you're going and where you're at the present time. The history is pretty long. We started in 1995 or so I think on the first FMP – actually, '96 is when it was adopted.

Some of the people on this board were involved at the technical committee level as I was with the start of this in 1995. At that time the first thing that was lacking was the information about the stock status and we did some VPA runs at that time. I'll talk

about them a little bit when we talk about the assessment history.

Basically, the board set its goals on a fishing mortality rate of 0.24 as in interim target for a couple of years; and then after two years to go to an F of equal to 0.15. That F is based on the natural mortality rate. The assumption of picking a low fishing mortality rate to match a low natural mortality rate was the desire.

Addendum I was basically a reset of the clock. It took a while for the states to kind of shuffle and get going on the mortality rate reductions, so they reset the clock two years into the future. Addendum II again extended the clock for a couple of years. I think there was a little mixup between states and everybody asked for a reset of the clock, so that was done and it extended the compliance schedule for the lower F out to 2002.

Addendum III was initiated and passed in 2002. All that did was allow a spawning stock biomass equivalent, so to speak, to the previous F targets to allow states that had differing size limits some kind of equivalency to the set F target. At that time there was a reduction that had to go around.

The reductions were required only for the recreational fishery at that time; and the reason being a lot of states had already done some reductions of the commercial fishery. Because 90 percent or more of the harvest is from the recreational fishery, the board decided, well, those are the people that ought to take the hit.

The most peer-reviewed stock assessment was done in 2005. Because that particular assessment only included one year of harvest after a management change, we updated that peer-reviewed assessment in 2006. At the time the fishing mortality rate was near the F target, which was 0.28 and the fishing mortality rate measured the terminal year F was about 0.29, so they were pretty close to the target at that time.

However, the stock levels remained at near historical lows, so the board embarked on I guess a series of exercises to bring about recovery of the stock. This is the kind of information we had at that time. We have no biomass metrics for overfishing at that time, so the board set a target and a threshold.

The target is the dark line on top, and that was based on the first ten years of the information we had as the biomass levels. The threshold itself is set at 75 percent of the target level. You can see in 2006 that

the biomass has been pretty flat since about 1994, and you'll see in subsequent slides here that hasn't changed a whole lot.

At the time we also did projections. The particular one that was adopted by the technical committee were these projections based on a constant recruitment value, and we projected out 15 years at the time. Basically the different lines going on the diagonal represent the different stock trajectories based on the differing Fs that are seen down below; the top line being a fishing mortality rate of zero would get you all the way to the target in about nine years.

The technical committee recommended a fishing mortality rate of about 0.15, which would be the line with the triangles associated as markers, and that would just barely get you to the threshold in fifteen years. At the time the board elected to go with a less conservative or more conservative, I guess, from a fishery standpoint, a target F of 0.2, and that's what we've working under the last few years.

The technical committee recommendations at the time were these targets that were represented on the previous slides with the lines; 26,800 metric tons; a threshold of 75 percent of that at 20,100 metric tons; an F target of 0.15; and the board initiated Addendum IV at that time. The addendum established that biomass and threshold targets as recommended. They picked the slightly higher F as I mentioned.

That required a 25.6 percent reduction in exploitation or harvest, if you will. The board initially voted to go with just a recreational reduction as in the previous addendum, but some of the states had some problems with that because the shares between commercial and recreational harvest had shifted substantially.

They wanted the ability to take some of the harvest out of the commercial fisheries, so the board initiated a minor addendum, Addendum V to just allow those reductions to both fisheries if a state so desired. In January 2008 the board implemented the reductions associated with those addendums.

ASSESSMENT OVERVIEW AND RESULTS

Now I'm going to move into the update of the assessment. As Bob had mentioned, we were on a kind of short timeframe here, but I was very happy with the process. Everybody, you'll find out later, was very cooperative. I don't think there was 20 minutes that I put down the VPA and more data came in and I was able to keep rolling right along and

crank this out in a relatively short timeframe. I think you'll be happy not necessarily with the outcome but we got the VPA done.

Just a brief assessment history, back when we started the process, we went through the SARC process at Woods Hole and they rejected the initial VPA runs. Nonetheless, those F estimates were used in the initial addendum. SARC 30 took place in 1999. The technical committee brought forward a biomass dynamic model, the same VPA we use now, and a collaborative tagging F model.

At that time the peer-review process approved the use of the VPA and the tagging and rejected the biomass dynamic model runs. The existing fishing mortality rate at that time was measured at 0.29. The update was done in 2002 to that peer-reviewed model and the fishing mortality rate at that time is 0.41 as opposed to the new target of 0.29.

We did a benchmark assessment in 2005. I was involved in that one. It went out to full peer review, an internal review, and it was a coast-wide VPA plus state-by-state stock status reports. It was a pretty impressive document and we got a favorable review from the peer review committee. As I mentioned previously, that peer-reviewed benchmark assessment was updated in 2006 to capture two years of harvest data post management.

Now we're at 2011 here and we updated the coast-wide VPA to include the new recreational and commercial harvest up to '09 and fisheries-independent indices up to 2010. Just a brief recap of the input data, it's a fairly simple, standard. It's the recreational data from 1982-2009; your recreational discard data from 1982-2009; commercial harvest data, 1982-2009. The newest data is 2004-2009.

We have new age-length data from 2004-2010. All states contributed age data with the exception of Virginia. Virginia did contribute data but we just didn't use it. There are some issues with that data. Fisheries-independent indices were added up to 2010. It's a particular glitch of this model that you need the next year's indices to run the previous year's harvest.

We had 2010 data and again kudos to the technical committee and their people in the agencies for getting that out really quick. Some of these states had just finished the cruises and I was already getting the data, so it was great. A little bit more about the input data; basically everything is aggregated at these regional levels; northern region being New York and north; southern region, New Jersey south.

The age-length data is aggregated in a similar fashion. We have two separate age keys; one for the northern region and one for the southern region. The aggregated regional catch data is applied to those regional keys and you get these regional catches at age, some to a coast-wide catch at age.

The main reason we do this kind of breakdown by region is so that we can subsequently go back and do runs for each region if the board so desires. I have run the northern region VPA. The southern region VPA I haven't tried but it generally does not work. There is just not enough information.

The age fisheries-independent indices are provided from Massachusetts to New Jersey. There is no survey south of New Jersey that are in the model. The model settings; the models, the ADAPT VPA Model that used in the past is identical to the benchmark assessment. Because this is a turn-of-the-crank update, we changed nothing. The model settings are exactly the same as the last time. The results are I guess kind of what we expected going into the process based on the catch data we had. The spawning stock biomass level in 2009 is 10,500 metric tons. It's about half of your threshold and about a third of your target, so it's overfished and overfishing is occurring.

The three-year average fishing mortality rate is 0.38, the terminal year estimate is 0.45 and your target is 0.2, so overfishing is occurring. The fit of the model was pretty good. It's consistent with the benchmark model run and it's consistent with prior runs, so we're still getting a pretty good fit in the model.

The F estimate that we gave you is the average F – well, the F estimate that the model pumps out, I should say, is catch weight at F, ages eight through ten. We have a few things we'd like to play with in future assessments but this is kind of the benchmark catch F that we've used from initial VPA runs, so we haven't changed that.

The terminal year F estimate, as I mentioned, is 0.45. You recall back in '04 it was 0.28 so we've kind of lost ground here. The F average, as I mentioned, 2007-2009, of 0.38. The biomass estimate is a little over 11,000 metric tons. Your SSB in 2009 is a little less than – or a little over 10,000 metric tons, and it's a slight decrease from the 2006 update, so again we haven't really made any progress here in the spawning stock biomass.

These are the model output graphics. As I mentioned, things have been pretty flat since about

1996. If you'll squint at it, you'll see a slight increase in harvest in '06 and '07; a drop in '08 and another increase in '09, which is pretty much what is driving these fishing mortality rate estimates.

Your catch weight at F, it's a pretty noisy F, and I'll show you in a subsequent slide why. Your F target is the bright red line, and you can see we've only been below the target once since management in '05 every year. We've kissed it a couple of times but generally we've been over the F target of 0.2 and most recent years, of course, up. We dipped in '08 as the catch dipped.

This plot is not from the model output but I just wanted to show you the relationship between catch and F. If you look at it closely, you'll see the peaks and the valleys are in about the same spot. There is a pretty high correlation. Basically what it's telling us is the model runs vary highly on catch; so if you have noisy catch estimates, a lot of the MRFSS estimates are fairly up and down, well, the F estimates are going to go up and down just like the catch does.

The indices, although they do work in the model, they don't drive the model. They don't have as strong a signal as your catch. The biomass trends, like I said, it's pretty flat as a pancake since 1998. We haven't really made any ground as far as overall biomass; the spawning stock biomass, the same picture. There are your thresholds and targets; and quite a ways below and pretty flat trend.

Stock numbers, a little noisier at the end; it looks like we have a couple of good recruitment events. That would be 2008 age one so they're 2007 year class and 2008 year class look pretty good, but we're seeing these kinds of bump-ups in the model in the past and they generally tend to come down a little bit over time. Sometimes they disappear entirely. Tautog does not seem to be an animal that puts out big year classes.

It's just a kind of a steady plodding long-lived life history animal. This is not a Ricker or a Shepherd curve. This is just a quick fitted curve to these data points. This is your stock-recruitment relationship. There does obviously look to be some good relationship between your spawning stock biomass and recruitment.

The exceptions would be these kind of two flyers at about 10,000 metric tons, which is where we're at now, and those are those two most recent year classes that bumped up on the previous slide. Retrospective, the good part about this model, unlike a lot of the

other models that we work with, it does not seem to be a retrospective pattern issue with this animal. It hasn't been in the past and it's still relatively insignificant for F.

The terminal year F estimates are always a little bit higher than the subsequent estimates, but it's relatively minor. Things like 0.45 might go back down to 0.42 or something like that. It's also not significant for stock size. Again, the terminal year estimates are slightly higher or just a little lower than subsequent estimates, and there is almost no retrospective for the spawning stock biomass.

Here is the plot of your Fs. I won't belabor the point or go into it in detail but even this little bit of retrospective isn't generally much of an issue for this animal. Most people would dream to have these kinds of retrospective patterns. SSB is insignificant. Basically, the stock status, again based on the update, overfishing is occurring based on the F target and the terminal year F and the three-year average.

We've used the average in the past to kind of smooth out the noise in that F estimate. The stock is overfished. Your biomass target is 26,800 metric tons and at you're at 10.5, so a long way to go. SSB and biomass remain at low levels, about a third of the early time series average. Catches do remain at low levels as compared to the mid-nineties and eighties, but they've increased slightly in the last few years, and that's where your F is bouncing up.

We subsequently reviewed the model outputs as a stock assessment subcommittee. I chaired it; the other members were Richard Wong, Jeff Brust, Jason McNamee and Genny. We did a one-day meeting in Rhode Island just a few weeks ago. The committee reviewed and I'll give you their opinions.

Most of the comments you're going to see in the next few slides from the stock assessment subcommittee are pretty consistent with prior peer-review comments from both the internal peer review and the external reviews through the SARC. There is really not a lot of change but there are things that we just want to mention when you review the model results and keep in the back of your mind.

The SAS concurs that the update is appropriate for current management use given the need to address the recent harvest levels and your management goals and the lack of stock rebuilding. The committee remains concerned about the differences in stock dynamics over the entire range versus the use of the

coast-wide model, and that is, like I said, a long-standing concern.

You obviously want to get this to as fine a resolution as you can, but you really can't because the data limits you. The committee has concerns regarding the lack of fisheries-independent indices south of New Jersey. It was good to hear yesterday that NEAMAP is still going along and we might be able to use that in the future when we do a benchmark. There is also a little bit of a lack of confidence in the trawl surveys to provide the only independent indices.

We would like to explore alternate gear types. This again is a long-standing concern. I guess I don't share as much of the concern because the indices to some degree all show the same general trends over the coast. If they were conflicting, I'd have a little more issue with it; but if you look at every state survey, it shows the same general trend, so we're reading something.

The mean weight data was not updated for this. We do need to update it. The next benchmark we've got to get some good weight data. That really doesn't change things too much so it's not a big concern. The residual patterns in the model do suggest that there are some changes in catchability over time either in the – well, definitely in the fisheries-independent indices.

Other models that are out there now allow you to look at kind of these data streams in different time standards. By using an alternative model, we can kind of smooth out some of that issue and some of those residual patterns should go away. The recommendation, obviously, is to look at other models in the future and has been standing concern for a while.

There is always a question about the validity of the underlying recreational catch data. You'll recall that 90 percent of the data is recreational; so if there are any issues with that data or anything like the noise in the data, it's going to have an effect on this model output and the reference point calculations.

There is relatively little information concerning incoming recruits. Mostly these trawl surveys, they don't catch age zeros. We did have one age zero indices but it doesn't jive with any of the other trawl surveys at later ages so we don't use it in the model even though we have the data. The discard length frequency distribution is biased to a single mode. Most of the MRFSS data comes from for-hire

sampling so about 90 percent of the discard data is headboat data so it's kind of a biased sample.

There is no commercial discard estimates whatsoever or length-frequency distribution of the catch in the model. We used the recreational length-frequency discard as a proxy for the commercial, assuming they're working on the same bodies of fish. It's not the greatest way to go but it's what we've used since day one and we had to do it again.

The good part about the model and the data is the age data continues to improve. The keys are really very good. We've gone from prior keys of 500 fish to about a thousand or 1,200 fish consistent with the states good effort sample, so collectively you've done a great job. For tautog you can't really do a key with 400 or 500 fish. It just doesn't give you enough information. These keys are pretty robust, I would say.

The model fit is good and consistent and has been for the last few go-rounds. Like I said before, the retrospective pattern is minor so we don't really have any real issues with that. We updated the projections at the end of our modeling exercise of stock modeling. It's very similar to the previous projections that you've seen.

The recruitment has gone up just a hair, so it looks like 0.15 will get you pretty much to the threshold in 15 years. That's about all we can say about that. We also used the previous constant recruitment value, and like I said the update recruitment values are a little higher so you get a little closer to your threshold and target in a little faster time at low Fs. The committee wishes to acknowledge the contributions from all states for the timely submission of age data and fisheries-independent survey data.

It was a rush job but nothing lacked. We had the data right on time and we were able to do a good job. That's it for that. Do you want to stop for questions here, Chris, on any of the assessment information? I think it's a good time to break before we go into the technical committee review. Go through that?

MR. BEAL: Yes, let's go through that.

TECHNICAL COMMITTEE REVIEW

MR. CARUSO: It's similar to the stock assessment committee. The first order of business was the chairman, and you're looking at him, the time around here. Jason needed a break so I stepped in. The technical committee comments for the most part

mirror the stock assessment subcommittee comments with a few extras.

The committee was happy with the data inputs and the model configurations. They're consistent with the benchmark, as I said. They recommend the use of the assessment for the management, just like the SAS. The technical committee agrees with all the stock assessment subcommittee comments.

A few extra comments; the technical committee recommends a benchmark assessment be performed at the earliest opportunity, and this, as I mentioned, will allow the use of alternative models that would address many of the concerns of previous peer review panels, the stock assessment committee and the technical committee.

To achieve the current fishing mortality target of 0.2, exploitation needs to be reduced 43 percent. That is based on the three-year average F. Immediate harvest reductions will minimize delays in rebuilding and reduce the chances of overfishing. There is nothing remarkable there. Exploitation will need to be reduced considerably more than 43 percent to get to your rebuilding timeframe that you kind of set back then.

If you go an F of 0.15, you're going to be talking about a 56 percent reduction in harvest. If you go to 0.10, you'll be looking at a 69 percent reduction. The committee has always felt that these targets are a little bit appropriate for this type of animal with these life history parameters. The Addendum IV and V reductions were not achieved, obviously.

Regulations did not effectively reduce harvest at least in most states. Recruitment was lower than projected; always an issue except for the last couple of years. While poaching needs to be addressed, the committee's consensus was that the results of the assessment don't indicate that the magnitude of removals all by itself is hindering stock rebuilding. Obviously, the legal harvest is a bigger component of mortality.

The committee recommends immediate harvest reductions and the reductions should be based on the assessment update rather than the Addendum VI options. That is a good thing; you asked for the update and now we have the information so just use that. The technical committee wishes to acknowledge the timely work of the stock assessment committee to update the models and the projections. We wish to thank Jason McNamee for his good job

as chairman for the last couple of years. Now we can stop.

MR. BEAL: Great, thank you, Paul. I'll open it up for questions for Paul, but keep in mind here is going to be plenty of time for discussion of the options in the addendum, and I'll ask Chris to go through those before we get to that point. Questions for Paul. Bill Adler.

MR. WILLIAM A. ADLER: Paul, a couple of comments back from when you ended; you said something about they didn't recommend the stuff that is in the Addendum VI. Would you reiterate what you meant by that?

MR. CARUSO: Addendum VI has some targets, projections and information relative to a reduction. We were just saying just kind of drop that information and use the newest information; that's all.

MR. ADLER: But with the same options that we went out to public hearing with in Addendum VI?

MR. CARUSO: The options are fine, Bill. We were just saying don't use the older information as to how much reduction you need or anything like that. It's just use the new information.

MR. SIMPSON: Paul, I noticed that recruitment indices across almost the entire time series very, very, very closely track the SSB, and I think there is a lot of autocorrelation. In other words, the within-survey year looks a lot more like across all ages more than it tracks year classes, but then in the last three or four years there starts to be a lot more wild fluctuation in recruitment, which is sort of more normally expected. Were there new indices or something that come in the last few years or what do you think might be behind that? I have a couple of follow-up questions.

MR. CARUSO: Without going too deep, David, I think Rhode Island's indices jumped up quite a bit in the early ages and maybe one other state, so that's probably what is going on there.

MR. SIMPSON: Okay, so there were no new indices; it just went from a very, very steady, smooth line to jumpy – okay. I should know this but the present F target is 0.20 and there was an F 40 up there; is that the threshold of 0.29; is that right?

MR. CARUSO: That was your previous target was – Addendum 3 set it at 40 percent SSB and that was 0.28 I think and at that time we were at 0.29.

MR. PETER HIMCHAK: Just so I'm clear on what we're doing today; if elect to go to the better recommended F target of 0.15, then coastwide I think you said a 56 percent reduction would be required to reach the lower target F; is that correct?

MR. CARUSO: Yes, without bringing up the slide, that is pretty much it.

MR. ADAM NOWALSKY: You mentioned, Paul, the desire to get to a full benchmark stock assessment to use some new modeling. What can you tell us about what new modeling procedures might be bring to the table and how do they compare to the current modeling process. We went through not too long ago changing the way we did black sea bass and it resulted in a very different output of how we looked at the stock. I was wondering what you could tell us about how new modeling might impact the tautog stock assessment.

MR. CARUSO: Usually, Adam, you don't get a big difference right off the bat, and the reason is you use your previous results to kind of – I hate to use the word benchmark, but that's what you do. You use the old VPA outputs with the new model to kind of get the new model to give you the same answers you got in the past to work forward from there.

Generally the outputs don't change much because you're making it kind of give you an output that you desire. But the ability of the new models to go forward and model different time stanzas, what we call different fleets, they give us more flexibility. We can make things like these residual patterns go away by tweaking the model.

The assumptions we're making is that since management and catchability in the recreational catch might have changed, because you've changed management and the catchability in the survey might be changing over time or natural mortality may be changing, so we can explore those in the models and see by tweaking the model if we can make the model behave and fit better and hopefully going forward from here get a better read on the stock and fishery mortality rates, et cetera.

But, like I said, generally the process has been you're going to use the old model results to benchmark the new model and then you're going to do the exploration afterwards, so generally you get about the

same results for the first couple of years, but they're better tools is what we're saying, and we'd like to better tools whenever we can.

MR. BOB ROSS: Just a followup on that – and maybe this is more for commission staff than for Paul, but is a new benchmark assessment on the schedule?

MR. BEAL: I don't think it is. Normally we have a five-year trigger for a lot of our stock assessments, but we don't have a benchmark and a peer review on the schedule as it is right now.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Two comments; recall the presentation that was made to the board about this issue was that there was workload issue and a timeliness issue when getting a new benchmark done in '12 plus getting it peer reviewed through the SARC process and so forth.

Also, we were given advice of the strength and confidence of the existing VPA and the ability of the stock assessment subcommittee to be able to basically provide this update. That's kind of why we're here today. My question to Paul was earlier you had mentioned I thought at one point when you sort of classifying the retrospective bias – I'm not sure if you used the word that would be something to kill for or die for, but I was wondering given the interest in a different model if there are other species that you've worked on that you might be able to characterize the strength of the results here compared to something else that we've been looking at and getting advice on. How does this compare to some other ones?

MR. CARUSO: Yes, as far as the retrospective, I think you're all pretty familiar with the summer flounder assessment that had pretty strong retrospective bias and it's always a management concern. Like I said, this has relatively little retrospective and in most people that's usually a good sign that the model, even though it may have issues, it's a good fit and you're getting good management advice from it.

MR. JEFF TINSMAN: Mr. Chairman, my question is one I've got to ask. I was wondering if there is any sentiment or feeling within the stock assessment subcommittee or the technical committee about what it is about the life history of tautog or whether or not there have been changes in fishing effort that make this stock so resistant to our best efforts to manage it.

I'll give you a quick example. Our fishing mortality in Delaware right now is almost identical to what it was in 1998 when we made our first reduction despite giving up 78 days of fishing during relatively primetime for tautog fishing. In our most recent reduction we gave up 50 days in the spring and our fishing mortality went up. I'm not aware of this problem being this dramatic I don't think in any other species that I can remember. I'm searching for what the reason might be. Is this life history or effort or don't we know?

MR. CARUSO: I think one of the terms you used was resilient and I think I might apply that to the fishery more than the fish sometimes because despite our best efforts it looks like the F keeps going up and not necessarily down or at least it doesn't stay down very long. I think nationally a huge issue, but my track record with most of these animals is every time we do a cut, you get kind of a one-year drop in harvest and then for some reason the fishery seems to be able to recoup it whether it's through effort or changes in fishing practices or whatever.

It may not apply to an individual state like Delaware or Massachusetts or anything else, but coastwide you can't kind of refute the fact that the fishing mortality rate has never kind of dropped below the target so if you're not getting below the target or kind to the recommended F, you really can't say much about why you're not getting the recruitment and the growth in the stock you expect.

The life history parameters, as I mentioned, this to me is kind of more like a redfish or a grouper or something. They're probably not an animal like a lot of the other animals we work with that can really take any amount of sustained fishing mortality. Because they live long, they don't put out a lot of progeny real fast so they don't have these big huge spikes in year classes like striped bass or sea bass that kind of help us sustain those fisheries at higher mortalities.

They just kind of keep putting out a little bit every year; and if they don't do this year, they've got next year because they live 30 years. The other part of this fish that's kind of something to keep in mind, they exhibit this hyper-stability behavior that cod stocks do and things like that. When they're bunched up in the spring in the fall, you can hammer them.

We do an age-sampling trip every year with rod and reel in the fall, one day, 3-1/2 hours, and we catch 60 fish with two rods. When you're on them, you're on them and you can really clean them out pretty fast. That kind of site fidelity and hyper-stability behavior

kind of allows the fisheries to recoup any – you know, you close all the months you want in the summer when they're spread out, it still doesn't add up to much.

But until you close the month when they're aggregated for spawning or coming out of hybrid estubation or whatever you call it, you really can numb them, so to speak. If you have high bag limits during those time periods, you never really get to where you want to go from a catch standpoint.

MR. MARK GIBSON: I just wanted to know what the oldest age is; is it ten? I can't determine what it was.

MR. CARUSO: Yes, the model goes out to 12-plus, Mark. That's another thing; when we do a benchmark we'd probably extend that. Because your fishing mortality rate is only being driven by your average catch weight at F from eight to ten, what has happened is you're getting this little read on things; so when a year class kind of bounces into that slot, it influences the F, but then they bounce out of it almost as quickly. We'd probably want to extend that plus age group out or 15 if we can. We have the age data now to do it probably, but we didn't do it in this update.

MR. GIBSON: Yes, I think that would be wise to do and I think migrating this to a statistical catch-at-age model would be very appropriate if not necessary given the high component of the recreational catch, which is measured with error and potential biases. I just wanted to echo what Paul said about the extreme catchability they can have.

I think that's the answer to Jeff's questions is they have extreme catchability at certain times of the year so what looks like relatively small amounts of effort in terms of days or deployment of individual fishing trips can have extreme catches and extreme catchability when they're clustered on rock piles and things like that, and they just can't sustain much fishing mortality. The work that we're doing in Rhode Island is telling us, yes, that you've got to be below 15 percent for a year in order to generate any meaningful rebuilding.

DR. LANCE STEWART: In response to Jeff's concern, I have the same concern. I know we've operated under the guidelines of trying to close the seasons when the tautog are spawning. I think it's extremely important because they spawn en masse. They go up to the surface and that egg fertilization process depends on a certain school integrity.

The other point was that they really do overwinter en masse. They go into the rocks and hibernate. Through our studies in lobster, we've found them dormant and vascularized skin and delivers three times, so there is a lot physiology that is very critical here going on with this species.

One final thing I can throw on the table here is probably after 50 years of diving in the Connecticut, New York, Rhode Island Reed System, which is one of the prime habitats for tautog, I've seen in the last 20 years a tremendous decrease in the number of juvenile tautog that inhabit the bottom seabed and also the related cunner.

The cunner and tautog are actually the same fish, just different species, but in behavior, overwintering and all are the same. There is a scarcity; I don't know why. There is a lot of stuff in the literature now on the endocrines interrupting and interfering with the fecundity success.

I'm just putting this all out on the table that I think again as some of the themes of other species, we should start looking at our physiochemical environments or recommending studies that really address that in relation to the spawning success and migration success of several species like river herring, shad, eel. They're all going into the rivers with olfactory queues and into the spawning behavior with olfactory queues. If endocrine systems are altered on top of that, you have a real problem and it's not fishery numbers or management that's going to solve it.

MR. JACK TRAVELSTEAD: Paul, earlier in your presentation you mentioned there was a problem with the Virginia aging data. I don't know what that problem is but I'd like to get it solved. I suspect maybe some exchange of hard parts amongst the states with ODU might help that, and I'm just wondering if the staff couldn't facilitate that getting done to see if we couldn't get that problem fixed.

MR. BEAL: To the staff question, yes, we can facilitate that and move that around. Paul, do you want to comment on what the concern was?

MR. CARUSO: Yes, Jack, it's a good point. What had happened when we did the last peer review was we got some age data from ODU, as we did this time, and we had prior age information from Virginia and we have existing age information from Maryland. Everybody else has been using operculums and ODU used otoliths.

There was a huge discrepancy in size at age, so for that reason without further exploration we just decided to leave it out. It wasn't any slight of the efforts or anything else, but it was just so disparate and not having the answer we just decided back then, as we did this time, was just leave it out until we resolve the question why an eight-year-old tautog in Massachusetts 18 inches; and an 18-inch fish, why is it two years old. Even the prior Virginia information didn't give us that answer so it just seemed a little odd that tautog were probably growing about as fast as dolphin. We kind of let it go at that and said we've got to answer the questions before we use it.

MR. BEAL: Jack, we'll work with the technical committee and mail some fish parts around the coast and see if we can get in on that. Pete Himchak.

MR. HIMCHAK: Paul, when you had the figure up on the catch weight at F values from 1982-2009, boy, they do jump all over the place. The comment was made that they're largely reflected by the landings' data, which we're on record as saying we certainly had some problems in some years where we had zero catch reported for certain modes.

I guess my question is – and this ties into the high bag limits at certain times of the year because if the landings' data – if you have a ten-fish bag limit in two months of the year and then much smaller bag limits or a closed season other times of the year, the field intercept data then become very sensitive as to whether or not they pick up on somebody that is getting ten fish per day and the expansion into the annual catch statistics.

I think these excessively high bag limits over a short period of time are problems not only for the stock rebuilding but also for the recreational catch data as well. I guess to get to my question; what kind of precision do you have on these annual F estimates because they can jump 0.22 to 0.45 in one year from 2008-2009. What is the reliability of these estimates?

MR. CARUSO: I wish I had put a slide up there with the bootstrapped F. The precision of the F estimates is pretty good, but you do bring up a good point about the harvest. This is a fairly infrequently encountered species in most states. Where we have issues with the MRFSS Survey estimates, generally this is the kind of species where you have the least confidence because it's infrequently encountered.

You'd have to get a lot more intercepts and maybe even some directed intercepts to find a way to get the

noise out of these kinds of animals. I mean, scup is kind of the opposite. Everybody intercepts scup. Striped bass is the opposite. Tautog is at the opposite end of the spectrum. It's infrequently encountered so your PSEs are not that great, but nonetheless they're only information we have about the harvest so we use them. But the F estimates from the model output look good, because the model does smooth out some of this noise.

MR. BEAL: We probably have time for a couple more questions and then I think we're kind of starting to migrate into the discussion of what do we do with the management of this critter.

MR. NOWALSKY: Paul, as I was looking at the catch rates here in the update summary, from 2007 to 2008 to 2009 there is a documented decrease in commercial landings, recreational landings and recreational discards, and the catch used in the assessment reflects that. From 2007 to 2009 we've gone from 1.4 million fish is what is indicated here to under 900,000 fish.

The F that we're looking at is for a very small age range, eight to ten fish, in an animal that is very long lived. You had made the comment that you see fish moving into that range that can – I think I heard you say affect the F, move into it and then move out of it very quickly. This spike of F equal 0.45, what discussion has been had about that this is what we're seeing here; yes, there is an increase on F on eight to ten age fish, but given the lifespan, the length that this fish lives, that it may not be reflective of F on the total stock, especially given that catch is decreasing.

MR. CARUSO: I'll stand by those previous comments, Adam. Unfortunately, we can't change the model here because it's just an update. Like you said, that's one of the concerns the committee has. We'd like to expand that measured F range out so we get a little bit of the noise out of the F estimate.

Like I said, we tend not to use the terminal F estimate for management because of that. That 0.38 is that average of the last three, so it kind down weighs the last year up weighs '08, and down weighs '07. In any way you cut it, you're still a long way from the F target. I guess that's the take-home message.

We hopefully in the next update or the next – well, it won't be an update; it would have to be a benchmark. We will go to a new model and hopefully we'll expand the age range of the animals and we'll get out of this eight to ten. The main reason you do the eight to ten, too, is these are the fully recruited fish.

This animal has a little bit of a dome-shaped recruitment pattern, and what that means is as the fish get older they tend to drop out of the catchability of a fishery, so you don't want to include these unrecruited ages or not fully recruited ages in the model F output because it will bias your F results.

Basically, it's also – like I said, it's part of the model issue but it's also part of the data issue. If you have a dome-shaped recruitment pattern, you don't want to start adding too many ages that aren't fully recruited because it will influence your results. We don't really know about the dome-shaped pattern and why it's there and how much it influences the model, but I think the reality is – and you're a fisherman like I am. – if you think about a wreck and tautog, they're going to get in the wreck pile and you're not going to get them out, so it may be reality.

The other reality is the pot fishery at least in my neck of the woods, they'd rather have a 16-inch fish. They're discarding; they're actually low grading. That may also be why we see some of this dome-shaped pattern.

MR. AUGUSTINE: Question and a comment, thank you, Mr. Chairman. Paul, an excellent report, very eye-opening, honest, direct. The committee did a great job. Mr. Chairman, when you're ready for a motion, I'd like to end the pain and make a motion on the recommendation from the technical committee.

MR. BEAL: Is this relative to Addendum VI?

MR. AUGUSTINE: It's relative to the recommendation by the technical committee on their report.

MR. BEAL: On the fishing mortality rate target?

MR. AUGUSTINE: Yes.

MR. BEAL: That will be part of the discussion for Addendum VI. If there is a motion to accept the stock assessment report from the technical committee, I'll entertain that.

MR. AUGUSTINE: May I do that; **may I move that we accept the technical committee report as presented.**

MR. BEAL: Is there a second to that? Jack Travelstead seconded that. Any discussion on accepting this report from the technical committee stock assessment update? Seeing no discussion, any objection to approving this report from the technical committee? **Seeing no objection, the technical**

committee report and the stock assessment update is accepted.

DRAFT ADDENDUM VI FOR FINAL APPROVAL

With that, I don't see any other hands for questions of Paul, so I think it would be best if we go ahead and ask Chris to give a review what is included as far as options in Addendum VI and the public comment. We'll get reports from the advisory panel as well as the law enforcement committee and then we'll jump into the discussion of where the board wants to go from here.

REVIEW OF OPTIONS

MR. CHRISTOPHER VONDERWEIDT: Right now staff is going to hand out four documents. Three of these were provided in the supplemental material, which is the public hearing summary, the AP Report and the LEC Report. Those will be relevant to the agenda items as we get to them under Issue 6, but I thought it might helpful for you to have them in front of you.

Then the last thing that they're going to hand out is a matrix of the written comment. I will go over that when I go over the written comment summary. I just wanted to draw your attention to what you're getting right now. For a review of the actual options in Draft Addendum VI, for the statement of the problem there are two issues here.

There is the illegal live market, which was included and initiated by the board following reports from the technical committee and the advisory panel and just kind of comments from the general public that the illegal harvest is very common and should be addressed.

The second was sort of a stopgap measure between when the addendum was initiated at the November meeting and when originally we thought there was going to be a benchmark assessment, which would have optimistic for 2013 and probably implemented in 2014, so sort of between now and when we get the new assessment we should potentially reduce harvest because it has increased substantially based on what was supposed to be implemented with the 2008 measures in Addendum IV and V.

As was noted before, the schedule of the assessment changed later that week to a turn of the crank, which was carried out March 2nd. There was a lot of overlap in this and so that's kind of why it is what it is; but the second part, prevention of fishing mortality

increases were included because in 2008 states were required to implement new reductions to achieve the new fishing mortality rate of 0.20, but since that time harvest increased over the target; and as such, new measures may be necessary.

For background of the illegal live market, most of you are pretty familiar with it, but poaching is attractive because there is low risk compared to the reward. In the background information in the addendum reports of ten dollars per pound sales in Asian markets are common. This is the X-vessel value. There has been no economic support or analysis on this. It is the illegal live market and it's very hard to quantify.

These reports also say that the undersized fish are best at less than 14 inches because they're a nice single-serving filet size, which the Asian restaurants and markets in places like New York and Philadelphia there is a great demand for these. There is some concern that it is impacting the fishing mortality rate. However, it's extremely hard to quantify being that the illegal live market is underground.

The only real analysis that has ever been done on this was simply looking at the VPA Model, how it's currently run, and seeing what it would take to go from 0.15, which was the technical committee recommended amount, to 0.20, which was the board-implemented fishing mortality rate; and that analysis showed that to have an impact significant enough to increase the F rate from 0.15 to 0.20, it would have equal 1.5 times the 2003 commercial catch or be about half a million pounds.

Given the nature of the illegal live market, I'll leave it up to you. The question is whether or not – needing to have live tanks transport, you need specialized gear, aerators, tanks to keep these fish alive – is it realistic that there would be a half million pounds sneaking through. That's the background on the illegal live market.

For prevention of fishing mortality increases, there is the '05 assessment and the '06 update which stimulated Addendum IV and V and the board to set a new fishing mortality rate equal to 0.20. What this meant was based on the coast-wide fishing mortality rate there would be a 25.6 percent reduction in the exploitation rate. What the technical committee recommended and what the states did was to use harvest as a proxy for exploitation and then reduce based on the average of 2003-2005.

This was recommended by the technical committee to take those three years, take the average because there was some variability in the landings, but basically average 2003-2005 reduced by 25.6 percent, and that's what the new regulations beginning in 2008 were supposed to achieve. What we can do is we can say what were the state regulations designed to do on paper, we have those reports, and then we can see what the actual harvest was since then.

If you do that, it looks like there is 50 percent and 40 percent greater than the harvest target in 2008 and 2009. And then compounding this is the concern that the technical committee has reiterated that the current fishing mortality rate of 0.20 may be insufficient to rebuild the stock. So what this looks like graphically is that circle on the left there are the average landings 2003-2005.

If you take a 25.6 percent reduction, you get the red line there at the bottom. Addendum IV and V reductions were implemented January 1, 2008, at the top of that green arrow so that's where the harvest was. The harvest supposed to be at that red line. It decreased slightly in '09, but it was still 40 percent above what the target was.

The 0.20 may be insufficient to rebuild, anyway. As Paul showed before, that top line there is the F of zero. The two horizontal lines is the target and the threshold. The bottom line there was the previous fishing mortality rate, and then the asterisk line above that, the second from the bottom, that's the current fishing mortality target.

This is assuming that we would achieve the fishing mortality target. You can see by 2019, it doesn't come close to either the threshold and especially not close to the target. If you look at the actual percentages, you see that in 2008 the harvest target was 674,415 fish – this is numbers of fish – and you can see that in 2008 it was 49.8 percent and 39.9 percent above that number.

It appears that we didn't achieve the harvest reductions through the regulations. So for the actual management measures, it is broken into four actual options separated by illegal live market and prevention of a fishing mortality increase prior to the completion of the next assessment. Issue 1 is prohibition of live tautog by non-commercial fishermen.

Originally there were a bunch of other measures that were included in the draft. However, they were not viable options at the time the board approved those.

They were included as potential management measures and they were taken out for public comment to get comment on those. I'll go over those last, but the issues with measures that are ready to go today are one through four here.

The first one, prohibition of live tautog by non-commercial fishermen; the second one is adjusted regulations for states that had incomplete harvest reductions. The third one would be a fishing mortality rate reduction, and then the fourth one would be recommendations for federal waters because there are currently no regulations.

So, looking closer at the illegal live market, what this measure intends to do is prohibit recreational fishermen from retaining live tautog. This was designed and included. We had conference calls and took advice from the advisory panel and said this is what we're trying to accomplish; please give us ways that you think we could accomplish this. One AP member had strong support for recreational prohibition or even culling bleeding of live fish. The questions behind this are why do recreational fishermen need live fish? Supporters of this measure think that they don't. They also said that the increased supply from the illegal live market is driving the price down because there is more fish for those people that are operating under the law.

In the description here it says that the regulations are not intended to penalize the recreational anglers. It makes it clear that poachers are not recreational anglers; they're poachers when you break the law, but it's trying to address poachers operating under the guise of being a recreational fisherman.

The actual options here would be status quo. Option B would be prohibition of any device that is designed to keep tautog alive, whatever that might be, but listed specifically in the measures would be a live well, a cooler full of water, a mesh bag suspended over the side of the vessel. Now, Option C is taking this a step further with the idea that tautog are so hardy that you can basically ice them or you can keep them just on the deck of the boat during the winter months and you can revive them later when you get to shore, throw them in a tank and then they're saleable to these live markets.

Working with the advisory panel member, we came up with an incision behind the last gill arch as a method to successfully bleed the fish. However, it also includes an allowance for another method if a state wanted to specify something else that might work to bleed the fish. There are a couple of other

suboptions here under Option D, and this is a permanent ID mark that would be placed on recreational fish.

It's similar to what is used for like lobster, but it's on recreational fish rather than commercial. The idea is that if all recreational fishermen have to make a permanent mark on their fish which is easy to identify and also not on a body part that is commonly mutilated by commercial gear – like if the tail is destroyed commonly in a commercial pot, then somebody could mutilate the tail to remove the ID marking and then say, “Well, you know, I caught this with commercial gear” to kind of cover up the mark.

So the idea is that it has got to be easy to identify and not a mutilated body part. Then there are suboption here that try and accomplish that; and so if there was a fish that was in a market that was 14 inches but it had this recreational mark on it, it would be evidence that this was an illegally caught fish or you could not sell this fish; it's recreational only.

Suboption A would be ID triangles, which would be two cuts in the back of the tail like that. Option B would be V-notches. Option C is an anal fin notch. This particular fish is a striped bass, but basically use a hole punch to rip a notch in the anal fin. Suboption D would be a different unspecified ID mark, and it says that we don't know what that might be, but it could be identified at the public hearings. I'll go into what the public thought about that next.

Moving forward to measures to prevent an increase in F, as I said before in 2008 there were new state regulations that should have achieved a harvest target, a specific amount of fish, and it was exceeded. If you compare by state you see that some states achieved it while others didn't. Massachusetts and Rhode Island were below. There were a few states that were over by a hundred percent and Virginia was below. If you just compare what the regulations were supposed to be in 2008, based on the 2008 total harvest, you can tell the percent above or below.

Now, taking that a step further, what about increases in stock size? The calculation from the fishing mortality reduction to exploitation reduction is based on removals from the total population, so you could increase the stock the same amount as the projections without increasing F if the stock was to increase, so this is a less restrictive way to do it.

But if you do run that and you see that since the '06 assessment results, the stock has increased or is projected to have increased 10.6 percent, so you

could allow a 10.6 percent increase in harvest above the 2008 target level because increases in stock size weren't considered at that time. This is just included as sort of a less restrictive way to do those calculations.

However, it assumes that the fishing mortality rate didn't increase in 2006 and 2007, and it also assumes that the harvest reductions achieved the F equals 0.20, which now we know has not. You look at the percentages here and they're different because they're taking the '09 harvest and '08 harvest into account, and it's the average of that. Those are in your addendum if you want to look at them.

The options specifically associated with what I just showed would be the board could choose one or more of the following. Option A is status quo. Option B actually doesn't apply to any of the measures. It was included before these calculations were complete, but that would be that a state is not required to reduce if overharvest is less than 10 percent, sort of fudge factor thrown in there, but they're all above 10 percent or negative so it does not apply.

Option C would be further reductions based on the harvest target. This is the more restrictive 2008 harvest target number. Option D would be reduce the harvest but also account for increases in stock size, so 2009 was 10.6 percent based on the most recent projections. The next issue would be a fishing mortality rate reduction.

As it has been said, F equals 0.20. The current fishing mortality target may be too high to rebuild the stock. The original F was 0.15. The implementation was delayed and eventually replaced by the F 40 percent. The projections show that the stock is not going to reach the threshold or target in the near future.

The technical committee has recommended 0.15 to rebuild in a reasonable amount of time. And then sort anecdotally, Massachusetts and Rhode Island do their own VPA, and they've shown that when you achieve 0.15, the stock seems to respond and increase; but then when you get back to 0.20, it tends to plateau. That is sort of just anecdotal stuff that is supporting maybe a reduced F. Graphically the top line there is the target; the one below it is the threshold.

The line right below that with the Xs on it, that would be 0.15 and you can see that we still don't get there by 2019, but we get closer than the bottom line there with the diamonds of 0.20. The options there would

status quo; target F equals 0.15; or maybe a different target than A or B. That was just included to cover all bases.

The final viable option is recommendations to the Secretary of Commerce. Right now there are no federal regulations that apply to tautog so that means that there is no size limit, there are no bag limits or anything. There is concern that the lack of federal regulations allows for loopholes which makes poaching easier. Members of the advisory panel said that fishermen were kind of stockpiling tautog, putting like hundreds of undersized fish in a bag suspended by a buoy and they just kind of had to run back and forth to get those fish.

If they didn't feel the presence of law enforcement, they kind of run that three-mile state gauntlet; but while they're in federal waters there were no regulations on these fishermen. However, we've had discussions with the National Marine Fisheries Service and we've been told that because states have such disjointed regulations it is extremely hard to implement a fisheries management plan in federal waters or to just mirror the regulations because they're so different from state to state.

However, one thing that we could do is look at all the state regulations and for any state who doesn't use a possession restriction for their current regulations, we can require that they switch that over. There are only a few areas where a state doesn't restrict possession. New York has an out-of-state, I believe, food fish license that it just restricts landings, so it just sort of makes it more regulated in state waters so that you have to run the whole three miles. It is not a landing restriction.

That's one thing that we can do on the ASMFC side. Another is that we could recommend federal measures that are simple but do not impact current fishing behavior. What those are would be the least restrictive state measures; and the idea being that a fisherman will be able to go out and catch the maximum amount for his or her state, but they can't go well above that.

If you look at what that actually means, the least restrictive size limit is 14 inches and the least restrictive bag limit is ten fish. While most states have a higher bag limit than ten fish, that would stop a fisherman in federal waters from keeping sixty fish and maybe eventually those fish wouldn't end up at the market because the coast guard would now be involved.

Massachusetts and Rhode Island have a 16-inch size limit. The other states have a 14-inch size limit so you could go with 14 and it wouldn't restrict those states. It would be less restrictive than Massachusetts and Rhode Island, but potentially you could impact those in federal waters and kind of close some of those perceived loopholes.

The options there would be – and the board can select one of the following – Option A would be status quo. Option B would be state possession restrictions. Option C would be to recommend to the Secretary of Commerce a 14-inch federal size limit. Option D would be to recommend a ten-fish recreational bag limit, which is currently the least restrictive. This is Delaware has a ten-fish bag limit.

Moving forward to the potential future management measures, these were asked to be included by the board, so you could get some comment and see how the public feels. They are a permit or paper trail, tautog tags, fines and/or loss of license for poaching and consistent regional or coast-wide regulations.

When they were brought to the board by the plan development team, we found out that they require a lot of additional development. They require a lot of resources as far as time and potentially money. They could be considered for future management, but the board wanted to seek public comment before making any kind of an investment or making it a requirement.

For number one, the permit or paper trail, it's just the concept of using a permit or a paper trail. If you want to catch or hold live fish, the idea is that a seller or a market has to have either that permit to hold the live fish or would have to have a receipt that shows that they bought it from a licensed commercial fisherman.

When we looked into it, there was no existing permit or a paper trail system in place, and it would be easier to implement for some states than others. The second one would be tautog tags, which you could require tags for all commercial fishermen or all commercial live tautog. The trick here is that they have to be difficult – because they're secured to a live fish, it's a little bit different than a lobster trap tag or a striped bass tag, they have to be difficult to counterfeit and they have to hold securely onto the fish and they have to be non-reusable, but they can't kill the fish at the same time.

The technical committee looked at it quickly over a conference call and found that there are no existing tags or some tags that show promise and they could

look into that further. There is also the issue of how to allocate the tags. You may need to implement a commercial quota. Some states now have a commercial quota but not all states do.

The third measure would be that the ASMFC actually stipulate what state fine structure must be for tautog with the idea that currently the profit from poaching is much greater than the actual fine so it's sort of the operating cost of poaching that you might have to pay small fines here or there but you still make an excellent profit.

We looked at the striped bass fines because they're also a fish that is commonly poached and found that they're variable from state to state. We asked the LEC if they could suggest to us a fine structure that might be successful to deter poaching. They're very opposed to the idea of the ASMFC stipulating to states what kind of fine structure they have to put in place.

They said that there are three parts to achieve compliance. One is that fines do deter people's operating costs or are great enough to actually be more than just slap on the wrist, but you also need a fear of being detected or apprehended. You also need strong public support. They pointed out that fines vary greatly depending on the judge.

We can implement a fine structure, but the judges are going to hand out the fines at the end of the day and they might not appreciate being told what they have to put in place. Because of that, the advisory panel was opposed. The last one would be consistent tautog regulations.

This would be the idea that currently we only stipulate a fishing mortality rate which allows – and so as a result states have different seasons, different bag limits, different size limits, and it allows fishermen to go from a state with more restrictive regulations to less restrictive regulations and that might be one of the reasons for the harvest being well above what the target is.

This could be regional regulations – let's say Massachusetts/Rhode Island. I don't know New York or New Jersey might make sense. We offered the question up to the technical committee and the advisory panel and they both said this is going to take a long time to sort of tease what would be most agreeable for everybody, so it was left there and taken out for public comment. Those are the options in the addendum.

MR. BEAL: Thanks, Chris. We're going to get into this and we're going to have sort of a structured decision process hopefully as we move through it, but are there any specific questions of these options before we go into public comment? Pete.

MR. HIMCHAK: I just wanted to mention that – and I had this position at the Charleston meeting – when you put up the landings for tautog based out of the addendum – maybe I should wait until we get to Issue Number 2 and talk about the options. I'll hold off on this.

MR. BEAL: That sounds good. Chris, do you want to go ahead into a quick summary of the public comment.

PUBLIC COMMENT SUMMARY

MR. VONDERWEIDT: Staff passed around a matrix of written comments. Over a hundred pages of comments were included on the CD, so please read those if you want more information. Basically, at the top it has a thing that says "Count". It has all the issues and then it has from north to south if it was a fishing organization or an individual.

It's just sort of a snapshot of what the written comment was, but please read the full thing if you'd like more information. For the public hearings, there were public hearings in all the states in the management unit with the exception of North Carolina. Thank you to all the commissioners who ran those public hearings that I couldn't make it to.

I'm just going to summarize each option sort of coastwide with any common themes. Issue 1, prohibition of live tautog by non-commercial fishermen, the majority of people on the coast from various states supported Option A, status quo. Twenty-two participants in New York favored the mandatory bleeding by recreational fishermen.

The comments that we got were that these measures are not going to stop poachers. They take undersized fish which are already illegal. They take well above their bag limits. They're using high-tech equipment. People were talking about time-release buoys, things like that. They said that these measures are just going to aggravate people. It's an attack on the recreational fishermen.

There is strong support for increasing enforcement and fines and to do your enforcement at the point of sale, at the markets and the restaurants. Issue 1, to continue, we definitely got the most comments on

Issue 1. As we moved along there were fewer and fewer comments by the different issues.

Some of the further comments that we got were that recreational anglers have a right to keep live fish. If they want to bring their tautog home and have a traditional Asian dinner, they have the right to do that. The recreational anglers don't always know the regulations; so to expect them to bleed their fish or put a marking on it, not everybody is going to know to do that.

Bleeding can be dangerous if it's wavy on a windy day. People in support of the bleeding said it's going to close loopholes, it's going to improve the taste and it's the only way to assure that these fish don't make it to the live market because you can revive them even if you don't use a live well. There is also a significant amount of support to increase size coastwide to 16 inches to make the undersized fish more visible.

For Issue 2, adjusted regulations for states that did not achieve the harvest targets, Massachusetts and Rhode Island, those participants did not comment because those states don't need a reduction. Coastwide, other than those two states, there was the most support for status quo. People were concerned with the MRFSS data.

They felt that their current fisheries are barely viable under the current regulations; so if you reduce them anymore they said they'd go out of business. They also felt that since recreational fishermen can catch a lot of tautog, that indicates that the stock is healthy. The supporters of the reductions and a good amount of participants who were in favor of status quo, no reduction, said let's wait until the March 2nd assessment results are available and then let's take measures based on the assessment results.

In Delaware where they do need to take a reduction, their supporters were actually – or their participants were actually in support of reductions with an increased allowance for stock size. They felt that the stock has not recovered from what it once was. There are a lot of new participants. It is going to be necessary if we want to have a future fishery.

For the fishing mortality rate reduction, we only got a few comments on that. People said wait for the results of the assessment and then adjust the fishing mortality rate based on what those results are; that we should achieve the F target rather than reducing it. They also commented that MRFSS is flawed and that we can't base any management on it.

For the recommendations to the Secretary of Commerce, participants generally support all those measures, B, C and D, to require states to have all regulations read prohibit on possession, to recommend a 14-inch federal size limit and a 10-fish federal bag limit. They would generally want to close any loopholes to stop the live market.

There were some comments to say wait until the Addendum IV measures are passed by the board and states implement their reductions and then go with whatever the least restrictive bag limit is after doing that. There was some support for a 16-inch federal size limit, and there were a lot of comments that why can't the federal regulations just mirror the regulations of the adjacent state.

For the potential future management measures, some were opposed because they said we already have too much paperwork, we already have too many permits and all that and instead let's just increase enforcement. Instead of putting the money into the paperwork system or permit system give the money to law enforcement agencies.

However, there was some support for this as a tool to address the illegal live harvest. For the tautog tags, New York in particular was very opposed because of the contentious allocation. They said there are a thousand food fish licenses. There were 16,000 tautog harvested last year so that means that if you just simply divide it, each angler gets 16 fish, which isn't enough.

There was a lot of support for tautog tags as an effective tool to address illegal harvest, being that it's very simple to know if this fish is legal or not legal, tag or no tag. There were also comments that the customers are looking for sustainably caught seafood these days, and that they might be actually be able to market it as a legal fish to increase business. For the fines and/or loss of license, everybody was in favor of this. They just felt that the revenue is too great to actually deter any kind of poaching.

There were reports that it was eighteen dollars per pound at some of the public hearings, which is much – it was just higher than we've heard previously. They also supported confiscating gear and enforcing at the point of sale. For the tautog regulations, we didn't get very many comments on those.

There was some support that the technical committee should investigate this. I think people would have commented more if they knew what those proposed measures were as far as the seasons and the bag

limits that would have impacted at their state, but there was some opposition as well. That concludes the public comment summary.

MR. BEAL: Any questions on Chris' summary of the public comments? A lot of this information was included in the handouts or the CD material. All right, seeing none, we'll go on to the technical committee report, Paul Caruso.

TECHNICAL COMMITTEE REPORT

MR. CARUSO: Okay, back again. We did review this on a conference call twice, I think. Again, we talked about it a little bit at the post stock assessment meeting. I'll just give you a couple of slides about the technical committee's comments on these issues. For Issue 1, the prohibition of live tautog, one of the issues that came up was, of course, this mutilation problem.

We know that the pot fishery catch them. They're a hard-bottom animal and a lot of times the tail and fins are frequently tattered so it's going to be hard to deal with that in the context of marking. The other issue I think that came up – I'm not sure if it's here, but if you look at some of the markings that were up there, there was one with a couple of triangles.

If you make a triangle mark it basically turns into a V-notch, anyway. We always thought that tagging would be preferable, but we realize that there is a lot of other issues, mostly allocation and particularly about the effects of ID markings and tagging. We thought that we should do some studies before they're implemented because you never know what kind of other issues are going to come up.

Like I said, fin clippings will eventually grow back as well so they're not really permanent, per se, if the fish gets released. Relative to Issue 2, this all kind of bounces off the assessment results but we're recommending an immediate harvest reduction to rebuild the stock; and like I had mentioned before, base the reductions on the current assessment update F rather than what is going on with the Issue 2 of the addendum.

As far as the fishing mortality rate reduction, we agree that the species are highly susceptible to overfishing and F should be lowered to rebuild the stock in a reasonable timeframe. Nothing new here; we've been saying that for quite a few years. It just doesn't look like the higher Fs of 0.2 are going to get you rebuilding. The current F almost exceeds the threshold around 2025 and it's still under at 0.15.

As far as the recommendations to the Secretary of Commerce, the members supported all of B, C and D. We thought that the state possession restrictions generally would be enough to deal with the issue because it all comes down to landing in some state somewhere. If you have possession limit, no matter where they caught it they have to deal with that. We recommend the 14-inch federal size limit at minimum and a ten-fish maximum bag limit for federal to close the loopholes.

Potential future management measures, we did look at a couple of these zip-tie tags, garment tags that might work. It's probably the most effective tool if you can get past the allocation problems. That seems to be the biggest issue. We think some of them may work. We do some tests on them, it might work, but allocation seems to be the big hurdle to pass. That's about it from the technical committee.

MR. THOMAS O'CONNELL: Just one question, Paul; you mentioned that under the F of 0.15 we would hit the threshold level by the 2025 projection. Do you know what it would take at the F of 0.10 level; when we would hit the threshold level?

MR. CARUSO: I'd have to bring that bring that slide up to answer that. It's in the other presentation.

MR. O'CONNELL: You don't have to answer me right now, but if you could look I would like to know that information as we go into the discussion. Thank you.

MR. BEAL: Okay, we'll get back to you on that one, Tom.

MR. CARUSO: We have it right here, Bob, if you want – 0.1 is not on here, sorry.

MR. HIMCHAK: Mr. Chairman, I had a question for Paul – and again we're going to be talking about reductions all morning here – does the board have to agree first on the target being 0.15 as opposed to the current F or does the change in the reference point have to be done through a peer review stock assessment?

Reductions in the addendum are all based on the difference of the 2003-2005 average versus the 2008 harvest, and then that gives percent reductions by state. So just for a point of clarification, when we start talking about reductions, should we not agree first of where we're headed as far as the target and then figure out how we're going to get there?

MR. BEAL: Yes, as I mentioned earlier, once we get to the discussion on where to go with Addendum VI we're going to kind of structure that decision and discussion. The first thing that will come up is the F target; you know, keep it 0.2 or move to something different.

I think that's the first decision and then the next decision for the board will be how do we get there and what type of reductions do the states take. With that, we'll get to that in one moment. Any other questions on the technical committee report? Tom, if we've able to find that – okay, Paul has got it now.

MR. CARUSO: This is based on the previous projections we did a couple of years ago, but things haven't changed that dramatically. At a fishing mortality rate of 0.1, you'd get to your threshold in about nine or ten years.

MR. BEAL: So with that, we're at the advisory panel report. Pat Donnelly is the chair; he is not here today. He is a dentist in New Jersey and apparently administering a root canal is more entertaining than hanging out with us for the morning, so I'm going to ask Chris to quickly go through the advisory panel report.

ADVISORY PANEL REPORT

MR. VONDERWEIDT: The advisory panel had a conference call with two recreational and two commercial and Captain Nowalsky was an observer on the call. For prohibition of live tautog, everybody agreed that the illegal live market is a major problem. However, they were split on how to deal with it through Issue 1.

Three of the members supported the mandatory bleeding for recreational anglers, which is Option C. They felt that of all these options it's the only one that is realistic. It's the only way to guarantee that the fish do not get sold and that bleeding improves the taste of fish and recreational fishermen do not need live fish for any reason that supersedes the need to stop poaching.

The member who was opposed preferred status quo. This member is a recreational fisherman. He resented the prohibition for recreational – he felt the angler has the prerogative to keep live fish if they want to. In New Jersey they're allowed to trade up for a larger fish and so you couldn't do that if you bleed and also pointed out the poachers are going to find a way around the loopholes regardless.

For the adjusted regulations, two members favored status quo, so you should look at the other sources of mortality which is the real reason that the stock hasn't increased. One member supported harvest reductions but said that we should use the assessment results and not the harvest calculations.

For the fishing mortality rate reduction, all members were in support of Option A, status quo, keep the fishing mortality rate where it was, address the illegal harvest; saying that if the current regulations were enforced, the stock would have rebuilt and we would be relaxing regulations now rather than increasing them.

For recommendations to the Secretary of Commerce there was unanimous support for B, C and D; the state possession, 14-inch federal and ten-fish federal recommendations. They would prefer federal regulations that mirror the adjacent state. They also commented that we should recommend the least stringent regulations after the board has implemented Addendum VI. If you want to read about the potential future measures, it's in the report. Thank you.

MR. BEAL: Any questions on the advisory panel report? With that, that brings us to the Law Enforcement Committee Report, Captain Thumm.

LAW ENFORCEMENT COMMITTEE REPORT

CAPTAIN DOROTHY THUMM: Law enforcement commented only on the issues that were relevant to the law enforcement activities. On Issue 1 with the prohibition of live tautog by non-commercial fishermen, they found that the options under Issue 1 were unenforceable. They recommended that the management board select Option A, which was status quo, for a number of reasons.

Those reasons were that many fishermen have the live wells and coolers on board for other species. Prohibiting live wells is enforceable but may not be a reasonable solution. In addition, determining if all fish have been bled is tedious and prohibitively time-consuming. For example, if a party charter comes in with 60 people on it, it could have hundreds of tautog on board and it would take maybe 40 minutes or more to investigate if all the fish have been culled properly, and that's not even including the writing of any summons if the illegal fish are found.

Members agreed that the average recreational angler is not going to know that they have to bleed the fish

or put ID marks on it. There is going to be a learning curve for them. Finally, law enforcement has worked hard to improve the relationship with the judges. If we start bringing in cases where we're arguing whether a fin was properly clipped or whether the triangles were cut in the tail or whatever, the judges aren't going to want to entertain that type of a case, especially when there is a possibility of some of that having been natural environmental damage or handling damage.

The next issue that we commented on was Issue Number 4, which were the recommendations to the Secretary of Commerce, and the Law Enforcement Committee supported a combination of Options B, C and D. The first one would be that the recommendation be put out that the state change their regulations to be possession limits and not harvest and not taking.

That way whatever they're going back into shoreline with will meet the possession or the size restrictions of that particular state. Option C was the federal size of 14 inches be implemented and on Option D a federal 10-fish bag limit recommendation for the recreational; members commented that it would help to deter poaching in federal waters where poachers are currently unrestricted.

They also commented that the bag limits and size limits are enforceable management tools. While the LEC supports a combination of Options B, C and D, they prefer regulations that are consistent between state and federal waters. That avoids the confusion when the fishermen are out there. They'll know what they can come in with.

They'd also like to see the federal regulations that mirror those of the adjacent state waters or require the fishermen to follow the regulations of their home state. We also commented on the potential future management measures. The first one was the permit or the paper trail for live fish, and they agree that a permit or paper trail could make enforcement easier.

In addition to aiding enforcement, a permit or paper trail could give an idea of the number of live fish that are actually being sold and would help standardize the reporting requirements. We were also talking about having permits for the retail level if they want to deal in live fish so that we have an idea of which shops out there could actually have them and where to look.

If we find somebody that doesn't have that permit for the live fish, then there may be other issues that we

need to address there. The second one is the potential future management measure two for the tautog tags. The LEC agreed that the tautog tags would be the most effective tool to help enforce the regulations for a number of reasons.

First, it's a simple, clear enforcement tool. It's difficult to circumvent. It would be a clear violation to sell a fish that does not have a tag. It allows the officers to walk right into the shops and see whether a fish that is being offered for sale is a legal fish or not. Enforcement on the water is more difficult. It takes a lot of time for law enforcement to address the enforcement on the water.

You've got to try to locate the boats that are taking the fish, follow them in and meet them at the dock and hope you'll be successful in apprehending them. We do have limited staff; and in the case of the budget issues that are occurring, we're finding that we're having declining staff for enforcement. If you get to a point where you're actually using the tags, that also would help give you an estimate of the number of fish that are being sold in the live market because you would know how many tags you're issuing.

Potential future management number three that they commented on were the fines and the loss of license for poaching live tautog. It was a recommendation that the states implement stringent fines for poaching, but it's opposed to requiring the states to do that. You can set the higher fines, but that doesn't mean that we're going to be able to get them in the courts.

A lot of states already have regulations and fines in place. We just don't have the officers to get out there and to address the size of the poaching problem. The fourth would be the consistent tautog regulations. They agree that a consistency in regulations across jurisdictions is the most enforceable. Consistent regulations are more difficult to circumvent and easier for anglers to understand and learn, which results in improved compliance rates.

MR. BEAL: Thank you, Captain Thumm. Any questions of the Law Enforcement Committee on their report?

BOARD DISCUSSION OF ADDENDUM VI

MR. BEAL: All right, seeing none, that brings us to discussion on Addendum VI and how the board wants to move forward. I think as Captain Thumm was speaking, there was a document passed out,

Decision Tree for Draft Addendum VI, to kind of structure the discussion that we're going to have.

The documents that went out to public hearing included four potential future management measures. They're sort of not in play today. I would propose that we don't discuss those until the very end of the meeting, if anybody wants to. I think we focus on the F rate, harvest reductions, how to deal with the illegal live market and recommendations to the Secretary of Commerce.

With that, I think the order that seems logical to me – and I asked Chris to pull together this document – was as Pete Himchak was suggesting, figuring out the fishing mortality target probably seems to be step one, figure out where you want to go. Step two would be what type of reductions and how do the states want to take any reductions to either get to the current target of 0.2 or any other targets should the board change that under their first decision.

Then we'll get into the live market and recommendation to the Secretary of Commerce. With that, I think the background has been pretty well provided on the pros and cons of the current F rate and changing the F rate to something different. With that, are there any motions on the F rate? Pat Augustine.

MR. AUGUSTINE: All the information we have received this morning does paint a very dire picture and I do think we have to take some aggressive action although considering what Mr. Himchak noted as a point of concern. **Issue 1, I move that the board accept for Issue 1, fishing mortality rate reduction, Option B, recommend that F equals 0.15.**

MR. BEAL: Second to the motion by Jack Travelstead. Pat or Jack, as maker and seconder, do you guys have any supplemental comments to make on the motion before I open it up.

MR. AUGUSTINE: I don't; it's pretty clear for me where we're going and what we have to do at this particular point in time. Mr. Travelstead may have some comments.

MR. TRAVELSTEAD: Well, I think the science is clear on this. Our technical committee has been telling us this should have been the target since 1996, and we've put it off and ignored it. I think the decision is only to get more difficult down the road if we don't do the right thing here today.

Just for a comparison, I would not that two days ago we took action on a species that is not overfished and was experiencing overfishing only one year out of the last ten, and that's menhaden. We took action to reduce harvest there. Then yesterday on striped bass, a species that's not overfished and overfishing is not occurring, we initiated an addendum to potentially reduce harvest there.

I think both of those decisions were the right decisions even though the science doesn't say we're in a significant problem necessarily. Here the science is clear. We've got a problem and I think we simply need to be consistent. If we don't do this today, then we've got a major problem with consistency in how we're managing these various species. I would urge the board to support it.

MR. O'CONNELL: I personally would support this motion as the minimal amount of action that we need to take. I go back to the discussion that we had yesterday at the executive committee regarding our vision for rebuilding, well on our way to rebuilding by 2015. We're looking at, if this motion passed, a projection that would get us to the threshold level by 2025.

Recall that the technical committee recommended an F of 0.15 or lower. Looking at the difference in timeline between an F 0.10 and an F 0.15 based upon the projections; if we went to an F 0.10, we're looking at a 13 percent further reduction in landings, which 13 percent is 13 percent, but we gain five, six, seven years in getting to the threshold level. I guess I just ask the board to consider our vision and whether or not if this would put us on a reasonable pathway forward to rebuilding this stock. Thank you.

MR. HIMCHAK: Mr. Chairman, as a charter member of the Tautog Technical Committee from the late 1980's with Paul Caruso, yes, we fought vehemently to put this F equals 0.15 as the target, and I guess we lost ground on Addendum III or whatever it was when the board elected to go to the higher value. I may speaking from an unpopular point of view from New Jersey, but as an agency I would support the 0.15.

MR. BEAL: I think we've had three or four comments in favor of the 0.15. Is there anyone in opposition to 0.15? Bob Ross.

MR. BOB ROSS: Not as much opposition, but I have to agree with Mr. O'Connell that given the situation we're seeing in the update from the technical committee, it would seem to me – and if we

look at this draft addendum, Page 7 has tables on various F rates. As was indicated, even 0.15 really won't get us there, and I would urge the board to consider a lower F of 0.1.

MR. NOWALSKY: My concern remains that we had a benchmark peer-reviewed stock assessment that we were looking to have on the schedule for next year. We went through a process of initiating an addendum prior to my sitting here but was at the meetings in August of last year that was primarily driven to address the illegal harvest that was taking place. While I strongly support the sustainability of any stock and through this board tautog in particular, where I'm left with is that we're making a decision here without getting to that benchmark stock assessment, and now I'm hearing that it's five years out, and that's very disconcerting to me.

At the end of this process, as we go through here, I'm going to request that we get the benchmark peer review to still be given priority scheduling at some point. I'm concerned that we're doing this; we're looking at F for a portion of the years for a very long-lived species. The technical committee has expressed its desire to move to different modeling mechanisms that could greater encompass that.

This is concerning to me from a procedural perspective that we're making this decision here and in the interest of transparency I can't reconcile with myself making this decision without getting to that benchmark peer-reviewed stock assessment. For that reason, I can't support this at this time. Thank you.

DR. DAVID PIERCE: I've got a slightly different perspective from the one that was just expressed by the previous speaker. I do share the concerns expressed by a few board members already regarding the target itself in that at 0.15 we still don't get to where we need to go in a timely way.

I reflect on the mission of ASMFC that is repeatedly drilled into us in every document that we receive about healthy, self-sustaining populations or successful restoration well in progress by the year 2015. I don't think we really commit ourselves to that particular vision by adopting this particular motion, the target of F0.15. I do agree that it should be lower. **I would make a motion to substitute and that would be that the fishing mortality rate target be 0.10.**

MR. BEAL: Is there a second to the motion by Dr. Pierce? Bob Ross seconds that motion. All right,

comments on the motion to substitute, the F equals 0.1. I had David Simpson.

MR. SIMPSON: I share the concern about this stock, and I'm also one of those charter members of the Tautog Technical Committee Club and did my masters thesis on tautog, so they are my favorite mostly because they're so cute but that's why I studied them. But, remember what Paul is saying that this target F – and, Paul, just check me if I misspeak, the full F is based on only three years, so it's age eight, age nine, age ten. Before and after that, the F is lower.

Before that they haven't fully recruited so the F is some fraction of the target we set and after that because of catchability – you can consider all different kinds of ways that that might occur, availability, they break off easier – that the fishing mortality rate falls off before and after that period. I think if we shoot for 0.15 we'll easily be in that 0.1 range for most of the age structure.

These are things that can live out to be 20 or 30 years old. I've aged them as old as 31, which I always tell people at the time it was older than I was, so it was impressive. The F of 0.15 sort of fits with that general conservative theory of F equals M, and that would be for the longer-lived males. For females it's 0.2 generally thought. I think this is too conservative a move given that most of the population will be exposed to an F lower than what we set for a target, so I'd speak in favor of the 0.15. I think that's more than adequate conservation for this stock.

MR. AUGUSTINE: Along with what Dave said, he's a technical guy and I thank you very much for your expertise and your background and having used that as your primary specie of fish to work on your degree. In looking at the other issues that we have on the table, this is the first time we've really put force and effort into trying to do something with the live market. Heretofore all the effort has been on enforcement.

We've got some areas here where we're really trying to put some sideboards. As Gordon Colvin would say, we're trying to put some sideboards on reducing that. So far we only have an estimate as to what the live market is. I personally think we're probably a hundred percent off what we're estimating.

Having said that, it just seems that if we go through this addendum and realize the impact we can have on the live market if we indeed agree to have no live fish on recreational vessels or people fishing recreational

– those who are not permitted to sell fish. That in addition to what other measures we might do with the feds, where we had recommendations we would have a minimum size of 14 in federal waters and a ten-fish bag limit – I quite frankly don't agree with that. I think we should have a reflection of the regulations where the vessel was launched and where the vessel will land.

MR. BEAL: Pat, let me interrupt you briefly; to the motion, please.

MR. AUGUSTINE: To the point, I cannot support this motion.

MR. BEAL: Other comments on the motion to substitute with the F equals 0.1? Jeff Tinsman.

MR. TINSMAN: My concern here – I voted to go to 0.15 in February of 2002 when that effort went down by one vote, I believe, so I certainly support that. The attendees at our public hearing were mostly head and charterboat captains. They are concerned about the stock and support a reduction in fishing mortality as well.

We're all doing this without any view or knowledge of what that is going to mean for each state along the way. In reviewing the reduction options that have been distributed during past reductions, one reason that we've made all of our reductions by closing seasons was that it seemed like you got a lot more for closing down during periods of the year when you traditionally had harvested a lot of fish as opposed to reducing creel limit.

I can remember just looking if we did it by a creel limit we'd have to go to two or three fish, I believe, to accomplish the reduction that was necessary. All the concern for the stock – part of the Magnuson Act language also indicates that you should try to maintain traditional fisheries and that sort of thing.

If we're going to maintain the stock by putting the headboat fishery completely out of business along the east coast, we ought to know about it going into it rather than make a large move here today not knowing exactly what that is going to mean for each state. Thank you.

MR. GIBSON: Mr. Chairman, I would speak in opposition to the motion not because it's not correct in spirit and philosophically that Dave is clearly on the right track in terms of understanding that an animal like this you probably have to have a fishing mortality rate no greater than half the natural

mortality rate in order to increase biomass substantially.

I just don't think we have the analytical tool in hand right now to estimate age-specific Fs well enough to know what the selectivity pattern is on, as Paul Caruso spoke to earlier, the older fish, whether there is a dome-shaped pattern there that can be better characterized by statistical catch-at-age modeling.

I'm hesitant to go to a more conservative one at this point even though I agree with it in spirit because I don't think the analytical tool is there to track progress of it and estimate a fishing mortality rate that low with any sort of reliability, so I think we're going to oppose that at this point for those reasons. Thank you.

MR. BEAL: Thank you, Mark. Other comments on the motion to substitute? Seeing none, is a need for a caucus on the motion to substitute? Caucus for 30 seconds, please.

(Whereupon, a caucus was held.)

MR. BEAL: All right, is everyone set with their vote? All those in favor of the motion to substitute please raise your right hand, 4 in favor; those in opposition to the motion, 5 opposed; abstentions; null votes. Virginia is a null vote. **The motion fails for lack of a majority.** That brings us back to the original motion, which is move to have the F rate set at 0.15.

Is there any additional discussion needed on this? I think it was pretty well covered in the discussion for the main motion and the substitute. All right, seeing no hands, is there a need to caucus on this motion? Yes.

(Whereupon, a caucus was held.)

MR. BEAL: As everyone is wrapping their caucuses, I'm going to read the motion into the record: move to select Option B for Issue 3, F equals 0.15. Motion by Mr. Augustine; second by Mr. Travelstead. All those in favor of the motion, please raise your right hand; those in opposition; abstentions; null votes. **The motion carries unanimously.** Tom.

MR. FOTE: It was a difficult decision on my part because I looked at this and I looked at the comments, and there was a lot of opposition to moving just because they looked at the ramifications. We should have been here many years ago with the 0.15 and that's why in the end I supported the

motion. I'm really upset that we don't have the benchmark assessment and we don't have the age classes so I can really justify this to my people, and that's a real problem here. We need to move on.

MR. BEAL: That brings us to Decision Number 2 in this decision tree that was handed out a minute ago. With the target of F equals 0.15, based on the information that Mr. Caruso presented earlier, that requires a 56 percent reduction coastwide, so a pretty large reduction coastwide.

The tables that were included in Addendum VI were based on reducing back to the 0.2 level because that was the goal originally of the addendum, and they evaluated where the current landings were relative to the base period of 2003-2005. The reductions included in those tables would get the states back 0.2. The calculations weren't done to get back to 0.15 since that is new information that was provided in the stock assessment.

The situation that the board is presented with now is essentially how do you want to get from the terminal year F of 0.45 or the three-year average of 0.38 down to 0.15? One of the decisions that the states can make is to allow state-specific assessments to provide some information and kind of dial in what exactly the states may need to do at a state level.

I think there are only a few states that have enough data to actually pull that off. I think maybe Rhode Island and Massachusetts might be the only ones. Some other states may be able to try. With that, I think we can open it up to discussion on how we get from where we are down to 0.15. Any suggestions or comments on how to do that? Mark Gibson.

MR. GIBSON: Yes, a question on your comments; is it necessary for Massachusetts and Rhode Island to advocate an action today to continue our ability to engage in a bistate assessment and provision of that information in support of our management program? It's my understanding our ability is ongoing; do we need to reiterate that somewhere or confirm that in this action?

MR. BEAL: Mark, Addendum IV includes the language that is on the decision tree under Item Number 1, which allows essentially states to bring their own evidence forward to provide some justification for something different than the coast-wide reduction. If the board wanted to take action today to change a state's ability to do that, they could do that, but lack of action today maintains the language in Addendum IV. Pete Himchak.

MR. HIMCHAK: Yes, I just wanted to affirm the point Mark was making and the language is there from Addendum IV; because as we have pointed out already on the 2003-2005 MRFSS data that we had zeros for our landings in certain modes and then this did not get put into the – you still have us down as 150 percent over the 2008 target, which we know is wrong because of the discussion we had on the MRFSS data at the Charleston, South Carolina, meeting.

I want to make it understood that, yes, we support the 0.15 as the target, but we're certainly going to contend the current F estimate on our fishery based on the MRFSS landings. We would put forth a state conservation equivalency program.

DR. PIERCE: Clarification, Bob; because of the previous decision to go with the F target of 0.15, it seems to me, based upon the way it's worded in the decision tree you've distributed, that there isn't any necessity for us to pick either one or two. In other words, because of what we just did, we will be using harvest reductions based on the 2011 assessment update, right; and because the language is already exists about states being able to – well, the language is there in quotes, if a state can provide evidence, et cetera, et cetera, that already exists so that opportunity will still be there if indeed a state or states can provide that convincing argument consistent with that guideline.

My question then is what do we now need to do relative to 2011? We don't have any specific options to consider relative to how we reduce our catches in 2011 either at this late date, so that's my other question.

It's almost April. Whatever we do now relative to getting the necessary harvest reductions based on this update to get that F of 0.15; is it something that needs to be implemented this year; and if so, do we have the time necessary to come up specific state options to accomplish that reduction.

MR. BEAL: My interpretation of where we are – and this is kind of a combination between chairmanship and staff position or comments – would be lack of any other action today, the states would go home and figure out how to achieve a 56 percent reduction in their fishing mortality, and the individual states can bring forward evidence, if they have that, that they may not need to achieve the full 56 percent or they need to achieve some different number than 56 percent.

The timing of that is something that's up to the board. That's going to be kind of the last decision with this addendum is what is your implementation schedule. Is the states develop new management programs quickly; we get them through the technical committee; and develop some approval process prior to the August meeting; or is that something that occurs during the summer with final approval in August with some potential change to the fall fisheries.

That is a decision that folks around the table will have to make. Part of that depends on – it's two pieces – how long do the states need for the technical work to take place and then how long do the states need to implement those regulations once the board approves those. I guess on the issue of how do we achieve the reduction; is everyone comfortable with the notion that the states go home and figure out how they're going to achieve a 56 percent reduction unless the state can provide evidence that they can take some differing level of a reduction.

Is everyone comfortable with that approach? It looks like everyone is saying yes. I don't see any objections to that so that is what the states have to do. Now how quickly do the states want to do that I think is probably something that should be discussed. The first option is go with the scheduled meetings and have something ready for August and then implementation following that August meeting at some date.

The next is to try to accelerate that somehow through the summer with conference calls or fax polls or some other way to approve those proposals. I think a fax poll is probably difficult to talk through these proposals and approve them. I don't know if a conference call is appropriate. That's a decision by the board. Any discussion on the timing of moving forward. Mark Gibson.

MR. GIBSON: I wouldn't say I'm comfortable with that the 56 but I understand it, so I would suggest that we go back and reload our information for those states that can provide information that would suggest a lower percentage is needed – those that can't do it can't do it – and then develop proposals for – I would think we would want to look at some proposals at the – have them submitted for the summer meeting, but then they're going to need some technical committee review.

I'm thinking more in terms of at the annual meeting approval of those proposals for implementation in 2012. I really don't see how you're going to smash

this through this summer. I think a lot of us really don't like those fax polls. I'm open to suggestion as to what gets submitted or reviewed at the summer meeting, but I was looking for an annual meeting up in Massachusetts in tautog country to finalize the measures and set them in place for 2012.

DR. PIERCE: That actually is on the menu at our Boston meeting. (Laughter) Obviously, I would love to have this in place for this year. I would love some sort of a fast tracking. However, the amount of cut is very significant and there likely will be some states that will find themselves in the position where it will be impossible to achieve that necessary cut.

In looking at the commercial regulations and the seasons that each state has, Table 7 specifically in the addendum for the commercial fishery – never mind the recreational – it would seem to me that Connecticut might have a problem. New York likely would have a problem. Massachusetts, we've got our own self-imposed quota broken up into pieces with one beginning April 15, and then we begin again after – well, we close in May, mid-May – and then we open up on September 1st for a few months; so whatever we did would have to be done for later on in the fall, and there is no way to judge where we would be by then in light of the fact that we'll have our limited spring fishery already.

But once again the other states might have an even more difficult problem since their seasons are longer. I suspect the best approach, the only approach would be to determine what needs to be done, have each state determine what needs to be done and then be in a position to offer up those strategies for board approval at our fall meeting for implementation in 2012.

MR. BEAL: Other comments on the timing of this?
Bob Ross.

MR. ROSS: Not as much on the timing, but Dr. Pierce raises a point. When you look at the tables, what I heard from Paul Caruso was that the tautog bunch up in the spring and fall and closures during the summer don't appear to do much. In addition I heard that consistency among state regulations would, one, help avoid confusion, law enforcement and industry confusion; and also potentially help address this problem with the live fish trade.

I'm just wondering if – I believe we have done this in other fisheries where we have time outs during these key landing periods such as spring and fall. In looking at these tables they're broken into biweekly

periods. I'm wondering if the board would consider time outs, two-week, four-week increments, during these prime spring/fall periods to – or at least have technical committee evaluation of those types of options.

MR. BEAL: I'll ask Paul to comment on that in a minute. Under Addendum V it was the states' choice how they wanted to take the reduction relative to their commercial and recreational fishery. If the state chose to put all the burden on one sector and not the other, that was really up to the state. I think unless there is any guidance from this group we'll leave it to the states to deal with allocation between their two sectors if they do have a commercial fishery. Jack.

MR. TRAVELSTEAD: Not necessarily specific to that issue, but I think we're going to need some guidance from the technical committee on how we calculate our reductions. What is the base year or base years; you know, much like we get guidance on our summer flounder calculations and things of that nature.

MR. BEAL: Paul, can you comment on the ability of the technical committee to come up with some structure to help the states out?

MR. CARUSO: I guess just a question first; are talking relative to Bob's comments or Jack's or both? I can deal with both of them.

MR. BEAL: You might as well deal with both. If you could deal with Jack's relative to baseline years and tables and those sorts of things, it might be helpful first.

MR. CARUSO: Yes, I agree a hundred percent that the technical committee really needs to sit down and kind of figure out how do we go there as a group; what are the ground rules. We always do that so that's not a big deal. Relative to Bob's comments, I think the question about an interim closure, so to speak, for this fall, the problem becomes I think it differs by state.

The wave data we get is a two-month increment so it's really hard – you certainly couldn't come up with a coastwide like a two- or three-week closure that would gain you ground in one state and not penalize another. The data doesn't have that kind of resolution. We could do it kind of ad hoc and every state would say, well, this is my spawning peak but then, well, do you really believe that person? I think we would but would you believe it? I think it's a difficult to do when you think about pinning down a

two-week period of closure and who is going to be the winner and who is going to be the loser and what exactly two weeks you pick.

MR. BEAL: Some of this obviously gets back to the timing, but if we ask the technical committee to help out with some structure as far as base years and tables to help with the reductions, do you think a couple of months is enough time for the technical committee to pull that together, Paul, and then the states can work on – through the remainder of the summer the states can take that structure and go home and do the calculations and figure out what that means to their state.

The states should try to bring what they can forward in enough time for the technical committee to review that prior to the August meeting. We will have the initial review in August. It may take some additional tweaking by the states to go back and modify some of their proposals and final approval at the November meeting is what I'm hearing from folks and then we'll implement that early – as soon after the November meeting as possible.

I think the other thing to keep in mind is if a state wants to be more conservative and has the ability to implement some closures during those important fall seasons, they can obviously be more conservative and do that ahead of the commission's approval. With that, I think there is nodding around the table. Vince.

EXECUTIVE DIRECTOR O'SHEA: Just one clarification so everybody understands; you just described a process. We have four months until the August meeting. I'm not exactly sure I understand why over that four-month period the board wouldn't be in a position to make a final decision on this in August. What do we expect is going to happen between August and the meeting in Boston? What work needs to get done then?

MR. GIBSON: Well, the states of Massachusetts and Rhode Island need to go home and crunch our information to see where we think we are relative to the coast-wide estimate and this 56 percent reduction. That's the first piece of work. I am assuming other states have to do that as well, if they have some information to do that.

We'd be working on that and then we need to get the guidance from the technical committee as to what are the base years to work from; you know, put the frames on it. Then we probably need to engage some industry to see how they'd like to slice the pie if in

fact it needs to be sliced further. I think there is a fair amount that needs to be done and you're only going to have interim products at the summer board and essentially make progress reports. That was my thought process earlier, but that's just my perspective.

MR. HIMCHAK: I had the same concern that Jack voiced and Mark has expounded on is the charge from the technical committee. They're taking the mean of the F estimates for the years 2007-2009; we're taking that value and going to 0.15 and that's where the 56 percent reduction comes from, so I'm looking for guidance from the technical committee as to what the starting point is and what the state has to demonstrate, either a terminal year or the mean of the last three years of what? It's going to be very difficult.

MR. BEAL: Under Addendum IV and V they used the mean of 2003, 2004 and 2005, I believe, but, Paul, can you comment on a reasonable baseline, maybe?

MR. CARUSO: Yes, I think we would as a committee – and we have in the past expressed a desire to use the last three years, use an average, because, one, the terminal year estimate is subject to the retrospective issue; and because the F is noisy, it tends to smooth that out a little. It's a reasonable way to approach it, I think. Terminal year F is always kind of not looked at as something you want to use.

EXECUTIVE DIRECTOR O'SHEA: So following up on Mark Gibson's answer to my question; does the board need – it would be helpful if the board sort of had an understanding about when they would get guidance from the technical committee to start their process.

MR. BEAL: Paul indicated a couple of months probably to pull that structure together; so if folks get that from the technical committee by the end of May, is that acceptable? It looks like it and then they June and July and part of August to pull their proposals together for the board to take a first look at them at the August meeting.

MR. FOTE: Paul, I got a little confused when we went through the presentation that you explained to us I think that you said that tautog don't have a retrospective like other species, and you just said it did and that's why we're not using the terminal year. I'm trying to figure this out in my head.

MR. CARUSO: It's certainly not a huge retrospective pattern. It's not a real issue, per se, but the track record is it's going to come down a little bit, so that's why the average is a little more appropriate to use.

MR. BEAL: And, Paul, if you're able to get those done quicker than two months, we can obviously shop those around to the states pretty quickly.

MR. CARUSO: One thing I could offer is I think the committee may be able to give you a framework for the structure that you might have a couple of options. Maybe you could have a conference call and if we have decision like that where we recommend one or two ways to do it, then you could possibly discuss it by a conference call and give us some ground rules from your perspective.

MR. TRAVELSTEAD: On the issue of the advice that the technical committee is going to be providing to us, I would ask that they also provide a little bit more description to us by what is meant in this decision tree statement that says "at the same level of precision as most recent assessment". I would like to know a little more about what that means and what a state that is going in with one of those proposals is expected to be able to produce.

MR. BEAL: Paul, can you provide that when you provide the structure to the states for their decision?

MR. CARUSO: We'll try; it's a tough one. This is basically the board's language and we always struggle with what it means, but kind of the history is if you've got a pretty good model that works and it looks like it's comparable to the VPA output, then we can live with it. If it's a catch curve, it's probably not going to pass that muster.

MR. TRAVELSTEAD: Well, my point was I don't think this should be an easy process for the states to sort of squeak by with something. I think it should be a pretty detailed assessment.

MR. SIMPSON: I agree with that sentiment, but at the same time I think that flexibility is appropriate to have. Given the localized movements of these species, I think what Rhode Island and Massachusetts do affects their stock much more than anyone else, and I think what New York and Connecticut do makes a lot more sense and doesn't really affect Virginia and so forth. I think that makes sense.

Looking forward to how we're going to implement this, we heard a number of comments that a 16-inch minimum size would make sense for a couple of

reasons; you know, consistency and as a way to address the live fish market.

Historically we've not given so-called credit to those adjustments, but I would ask the latitude here for this addendum to do that if a state were to move beyond 14 or 16, to incorporate that into the calculation of percent reduction. It's something I would want to talk with New York about in more detail because I think it's important for our shared waters to be consistent, but I'd look for that latitude here.

MR. BEAL: Okay, it sounds good. Dr. Pierce.

DR. PIERCE: I just wanted to highlight a point that you made that was very important, and that is once we get within a few months, maybe even less than that, some idea of the sorts of measures that might be required, the sorts of reductions that might be needed in Massachusetts and Rhode Island, then Massachusetts and Rhode Island could even act independent of this board to become more restrictive this fall.

That's something that we'll definitely consider and rely very heavily on the work done by the technical committee and, of course, by members of our own staffs. I certainly don't want to wait much longer on tautog. That's obvious from the motion that I had made earlier about the F target of 0.1. We'll be looking at this very closely and see what we can do for this fall.

MR. BEAL: Does anyone object to this timeline; the technical committee gets some structure to the states by May 15th. The states have two months to work with that and get the proposals back to the technical committee by July 15th; and then review of those proposals at the August meeting; does that work for everybody? David.

MR. SIMPSON: Yes, I think if we just at the very simple level agree that we're shooting for January 1, 2012, implementation. At this point we will probably entertain the possibility of an assessment similar to what Massachusetts and Rhode Island did with New York. I'm speaking to them for the first time about this, but I think it does make sense to look at that. Given that, it may take us a little longer but certainly our eye would be on implementation on January 1, 2012.

MR. BEAL: Does that sound good to everybody? Pat Augustine.

MR. AUGUSTINE: I think it has been vetted quite well and it sounds like the timeframe is in agreement. I saw a lot of nodding of heads around the table; so whenever you're ready for a motion on Decision 2.

MR. BEAL: I think the board by consensus has agreed to the course of action and the timeline will be May 15th; technical committee work; July 15th; state proposals; August, first review; January 1 – implementation at the latest would be January 1, 2012. Paul has a comment.

MR. CARUSO: I just wanted to add if there is any state who wants to use the VPA data, et cetera, the framework to do a local assessment, certainly work with the committee. The data is there. That's what Massachusetts and Rhode Island have done. We basically deconstruct the coast-wide VPA and we just leave all the Massachusetts and Rhode Island data, and there is no reason we can't do it for New York and Connecticut or any group of states.

We have the expertise. If you guys have the desire, the model is there. It's put together. It's a pretty simple matter to deconstruct it. That is kind of the only assessment we have approved in the past as a regional assessment because it's basically the same model, the same data, similar precision. It certainly can help you as states to get to where you want to go. I would kind of volunteer for the technical committee that we can work together on this. We're not trying to drag anybody down. We want to drag everybody up.

MR. BEAL: Thanks for the offer, Paul. I think we're done with Issue 2 unless there is anymore concern. Jack Travelstead.

MR. TRAVELSTEAD: Just one more minor issue on advice from the technical committee. David mentioned states might want to increase their size limits, so it seems to me the technical committee is probably going to have to put together some size limit and, bag limit reduction tables for us. I just wanted to make sure that was on the list.

MR. BEAL: Paul is shaking his head yes, so we've got it. Roy Miller.

MR. ROY MILLER: I just wanted to follow up on a remark that Paul Caruso just made. Does that mean that it would be conceivable for a regional proposal like the states south of New Jersey or something like that to submit for consideration?

MR. CARUSO: Sure, I don't see an issue with that. The issue will become will the model run support it. That's generally what happens. When you kind of cut out certain amounts of data, the model falls apart. What the model says, that's where the issues might come up. Generally we've done a southern region run in the past and the VPA blows up in our face, so it's only because of the lack of data for the model to run on.

MR. BEAL: Anything else on Decision Point Number 2. Seeing none, moving on to Number 3, Decision Number 3 deals with how to address the illegal live market. Pat Augustine.

MR. AUGUSTINE: Decision 3, measures to address the illegal live market, I recommend prohibition of – Issue 1, prohibition of live tautog by non-commercial fishermen, Option B, prohibition of retention of live tautog by recreational.

MR. BEAL: Is there a second to Mr. Augustine's motion, which is Option B for Issue 1 under how to deal with the illegal live market? Seeing no second; any other – Mr. Simpson.

MR. SIMPSON: Yes, that failed a second; **I move status quo on Decision 3.**

MR. BEAL: Mr. Fote seconded that among other folks. Any comments or discussion on dealing with illegal live market? Dr. Pierce.

DR. PIERCE: It would be helpful if we had a little bit of explanation as to why status quo is being preferred. Is it because of the Law Enforcement Committee's Report relative to the enforceability of these measures or is there some other rationale for it? In light of the fact that we've had so much discussion about the illegal live market, its consequences, potential to undo what we're attempting to do, but any explanation would be good for the record.

MR. SIMPSON: Yes, I think unfortunately the direct measures of marking or tagging fish in the market place were deemed not to be viable and put off to be potential future measures. It got some discussion at public hearing and that's what I had asked for because the original motion didn't include them.

I can't see burdening the other 80 or 90 some percent of the fishery with some action to prevent behavior by another group. The idea of killing tautog or bleeding them or marking them I just think is unnecessary for thousands of people to deal with the behavior of a small group.

MR. FOTE: I agree with Dave and why I basically seconded the motion. The other problem here is the commercial fishermen and the recreational fishermen at our hearings basically supported tags. They said we should have them, we should have landing records and we should have the same way we have with the summer flounder, there needs to be the paper trail.

That's the only way you're going to stop it. When you go into a restaurant you're can find out where he got the 12-inch fish. What we can do with all this is penalize recreational anglers and make them do things that could be dangerous on a boat, and I'm not willing to do that when there are other methods to doing that. And that's what we heard loud and clear at our public hearings.

MR. ADLER: Just basically the other idea that was mentioned I think at the law enforcement was the fact that people have live wells for other reasons, and I don't think you ought to penalize them enforcement wise. They have permits to be commercial, they have no permits to be recreational.

Is there some way of improving enforcement on this issue by looking at the permits? Obviously, if they're recreational they've got a three or four fish – I don't know that is a big market that they're trying to get to if they're trying to sneak some in. But maybe the enforcement could be improved in that department rather than going through clipping tails and killing fish, bleeding them and stuff like that. I think status quo, I would support that.

MR. GIBSON: I agree with all the comments today and I would just add that for me, I always try to look – in these kind of cases look for some evidence of an unknown mortality or an unaccounted for mortality agent. In the case of both striped bass and tautog I can see no evidence in the stock assessments of unaccounted for mortality.

There are no tag mortality rates, which are independent of catch accounting that show us high mortality rates. There isn't a retrospective pattern of underestimating fishing mortality in the terminal year relative to reference years once you move past that that would suggest missing catch or unaccounted for mortality. I would prefer to leave this in the hands of the law enforcement community to go after the law breakers and not try to hang prohibitions on top of the remainder of the fishing public. Thank you.

MR. BEAL: We've heard four or five comments in favor of status quo. Is there anyone opposed to status quo? Pat Augustine.

MR. AUGUSTINE: I am opposed to status quo. All of our New York people that came to our meeting said it's one way to control – the live market is well and alive in New York, and I think it's one of the major places where this is going on. Our fishermen believe this is one of the ways to curtail that or at least get a measure of it.

I hate to see the word "recreational" in there. What we really are referring to are non-commercial fishermen, people who do not have fish food licenses. To say we're putting a hit on the recreational anglers, I think that's a misrepresentation by words. Again, I'm not sure any of you know how to fix this problem. We've soundly rejected the fact of tags because they're too expensive.

We've soundly rejected the fact that we can't get more money for our enforcement people up and down the coast. We're soundly rejected the fact that there is no other option other than just letting them do what they're doing. I really would like to find out what is the real way to solve or address this problem. I do not support status quo. Let's take aggressive action and support this.

EXECUTIVE DIRECTOR O'SHEA: Well, Mr. Chairman, one answer to that is that the concerned fishermen that are aware of this going on, that they work closer to pass that information on to enforcement, and that would not require any action by this board; simply a commitment by the fishermen to do that.

MR. JAMES GILMORE: This is actually a question for Dottie. I think most of the discussion that was centered on this was going between – if you'll look at the prohibition of live tautog, my perception of this and from our hearings was simply that it was going to give you some options. I can understand live well prohibition; I don't agree with any of that; but if you essentially got on a vessel and you've got some guy that has got lots of blackfish in a live well, you kind of – you know, from a judgment call from law enforcement, I think that gives you some ability to actually fine some of these guys.

CAPTAIN THUMM: It's the way it's written. It basically is unenforceable from the point of view that a lot of boats have the live well in it, and you can't on there and start ticketing people just because they have a live well that's capable of keeping the tautog. Yes,

the discretion is there to write the guy is he has got 30 or 40 fish sitting on the boat, but it does make it a lot easier to do some of the other things. Law enforcement in general felt that this particular thing they were going with, the status quo, and they'd rather have the tags.

I mean, they realize that the tagging is an expense; it's a manpower issue and everything else, but that wasn't what we were thinking about. We were thinking about what makes it easier for us for the enforcement, and the easiest thing is to have a tag and be able to walk into your live markets and see the fish with the tags on them.

MR. RICK BELLAVANCE: Mr. Chairman, I guess I'm reflecting a little bit towards yesterday's discussion on striped bass and the illegal gill netting fishery that we learned about or at least I learned about. I thought that was a great way to quantify an illegal activity and maybe some more investigation or better enforcement would do a better job of actually discovering the extent of this fishery because it's still kind of unclear the effect that it has on the stock and how many fish are being removed through this illegal activity. I thought the gill netting example was a great example of how enforcement can work to help us learn more about that.

MR. BEAL: It sounds like a lot of folks want to do something about the illegal live market, but were not sure they have the tools in front of them today. Based on the motion that's on the board, is additional discussion going to help anybody out on deciding how to vote with this? All right, seeing none, those in favor of the motion for status please your right hand; those opposed like sign; abstentions, one abstention; any null votes. **The motion carries.**

That brings us to the last issue on the decision tree, which are recommendations to the Secretary of Commerce. I think from my perspective, which is not knowing exactly what the states are going to end up with in their final management programs for this, since everyone has to go home and do some math and some discussion with their industry, it may be a little bit premature to send letters off to the federal government asking them to do something since we're not really sure where we are going to end up.

I think there is the ability for the commission to send letters. Once all the state regulations have been implemented, I think it's fair game for this board to come back and discuss those regulations and see if there is action in federal waters that would help the states with the enforcement of the tautog regulations.

Is everyone comfortable with that approach? Bill Adler.

MR. ADLER: Yes, but I think the logical thing is if you land in a particular state, even if you're out in federal waters, you go by that state's rules, whatever they are; end of story.

MR. TRAVELSTEAD: I had the same point, and it seems to me Option B does that, require the state restrictions to be possession limits. **I would move Option B.**

MR. BEAL: All right, we have got a motion for Option B by Mr. Travelstead; second by Mr. Augustine. Go ahead, Pat.

MR. AUGUSTINE: And along with that, Mr. Chairman, I would suggest a language change as opposed to using Option C at 14 and Option D at 10; consider something that says the following: "Language should reflect that vessels fishing in the EEZ are required to abide by the state regulations the vessel is launched from and lands."

MR. BEAL: What if they launched from and land –

MR. AUGUSTINE: Basically what Mr. Adler said.

MR. BEAL: Those are two different things. Issue B does not direct the federal government to do – it actually does not require a letter to the federal government. Back to Issue B, which is requiring state possession restrictions, which is the motion that is on the board; Tom Fote.

MR. FOTE: I really strongly feel we should add C to the motion to go to a 14-inch size limit in federal waters. We know that the live fish market is a 12-inch fish. They don't even want the 14-inch fish. Even if we change our state regulations up and down the coast to 16, unless the federal government can feel that it can do this in a timely fashion.

If we basically ask this at the October meeting to put a size limit of 16 inches, if all states go to there or 14 inches, but we know that at 14 inches we're still eliminating a lot of the live market. Pat, if you could accept this as a – Jack, if you could accept this as a friendly amendment. All we're really basically doing is – most of all have – I think every one of us have 14 inches.

MR. BEAL: Well, there is some trepidation on the faces of folks that made and seconded this motion about what to do with that. Maybe we'll dispose of

this motion and if we want to tackle a second part to this, the board has the ability to do that, and then we can ask Bob Ross to comment on the length of time it would take for the federal government to implement some tautog regulations in federal waters. Is everybody comfortable with that?

Additional comments on Option under this decision point? Seeing none, is there any opposition to approving the motion that's on the board? **Seeing no opposition, the motion carries.** Bob, if the states were interested in requesting the Secretary of Commerce to take action for federal waters, what might be an anticipated timeline for that to be implemented?

MR. ROSS: First I'd like to say that NMFS is on the record at this point opposing complementary federal regulations for the tautog fishery for several reasons. We have worked extensively with the commission staff and the law enforcement committee, as well as our own northeast regional office, and the information up until this recent law enforcement committee meeting was that – and we have an extensive paper trail – that basically the rules and regulations are enforceable for tautog and enforcement has been aggressive.

What we've seen and heard today is that this is primarily a dockside land-based issue. We're hearing that the fish are in the restaurants, the enforcement is ongoing there. Landings of live fish are occurring dockside. Our concern and what I heard at the last LEC meeting was that in fact these poachers are sophisticated. They have very technical equipment.

They're tying these live tautog in bags off the side of the boat. As soon as the coast guard arrives, these bags are discarded. Again, our concern here is we've got a myriad of regulations. We hear that more potential conservation equivalent regulations are coming at the state level. At this point we do not support complementary federal regulations.

To get to your other issue, under the Atlantic Coastal Act relative to timing, if we were to move forward with regulations, the Atlantic Coastal Act does not have anything in the way of emergency actions. We would go through a full regulatory rule-making process. As you know, that at the federal end can take some period of time.

MR. BEAL: Any additional discussion on what, if any, comments the board would like to send to the National Marine Fisheries Service? Tom Fote.

MR. FOTE: I know NMFS doesn't want to put complementary regulations in place. It's like a lot of us don't want to put regulations in place, but 14 inches would eliminate – if you caught a boat in the EEZ that wasn't sophisticated and had a bunch of fish on board with 12 inches right now, you could do nothing, and that's not good.

What we're basically looking at is if every state has at least a 14-inch size limit and we know the 14-inch size limit is not what they want for the live market, then at least it would correct the problems in case we did run over a stupid fisherman that was basically illegally fishing and we can make an example of that.

You don't have to make special enforcement trips out there to do that, but if you just check with something else and you found it; but right now if you found somebody breaking the law, you just have to say that a boy and walk away from them. That I find very disturbing. I still would make the motion – and I don't know if I'll get a second – that we basically put in for Option C.

MR. BEAL: All right, Mr. Fote has made a motion to add Option C under Issue Number 4. Is there a second to that motion? **Seeing no second, the motion fails for lack of a second.** I think the only other thing to come before this board is a **final motion to approve Addendum VI as modified today. Mr. Augustine; is there a second to that motion, Mr. Gibson.** Any need for discussion on the motion to approve the addendum? Adam Nowalsky.

MR. NOWALSKY: Mr. Chairman, I would just request any members of the public be given the opportunity to comment at this time. Thank you.

MR. BEAL: That sounds great; thank you, Mr. Nowalsky. Any members of the public wish to speak at this time?

MR. BRENDAN HENNESSEY: My name is Brendan Hennessey. I'm here on behalf of Congressman Frank Pallone. He just wanted me to be here to represent the congressman's position on the Natural Resources Committee in the House of Representatives as well as the – they just changed the name; let me see if I can remember it – the Fisheries Oceans Wildlife and Insular Affairs Subcommittee, which has jurisdiction over federal fisheries.

Basically he just asked me to pass on the message that he has heard from the New Jersey fishermen on a lot of concerns, particularly with the live fish that

you're discussing today. I understand that with the options that were presented before you, that the status quo is what was agreed upon, but we're committed to working with the commission and hope that they'll move forward, particularly considering that this addendum was originally considered to deal with that issue.

Obviously, you're dealing with some other issues like mortality that are important, and we're glad to see that, but we hope that we can continue to work with you on this issue of illegal fishing. I just wanted to also let you know that I'm available for any questions today. We're always happy to work with any member of the commission. Thanks so much.

MR. BEAL: Thank you for the comment. I don't know if I can speak for the board but I think the fact that the board selected status quo doesn't mean that they don't feel there is a problem with the live market and wants to keep working with enforcement and states and try to crack that nut and figure out how to deal with it.

With that, is there any need to discuss the motion for approval of the addendum? Seeing none, caucus? No. Those in favor of approving the addendum please raise your right hand; those in opposition like sign; abstentions; null votes. **Not seeing any, the motion carries unanimously.**

OTHER BUSINESS

MR. BEAL: Is there any other business to come before the Tautog Management Board today? Adam Nowalsky.

MR. NOWALSKY: Thank you again, Mr. Chairman. I'd again just like to request – I'll ask for direction here – whether a motion is required to officially request a full peer-reviewed benchmark assessment be given priority scheduling.

MR. BEAL: Any other thoughts on that? I think as the commission moves into its action planning process for 2012, the priorities of all the stock assessments are taken into consideration at that time. Is there any other feedback from board members on this issue? Tom.

MR. FOTE: From the questions we've heard, I really would like to see that so we can just basically get it off the table. Putting it out five years is a long time.

MR. BEAL: The five-year trigger that is in the commission process; just because there was a turn of

the crank this year does not mean that we necessarily push back the benchmark another five years. We usually try to schedule five years between benchmark assessments, so we'll be coming up on that five-year trigger relatively soon for tautog and I think that will be taken into consideration.

ADJOURNMENT

MR. BEAL: Any other business to come before the Tautog Management Board? Seeing none, the board is adjourned.

(Whereupon, the meeting was adjourned at 12:22 o'clock p.m., March 24, 2011.)