

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

**Radisson Hotel Old Town  
Alexandria, Virginia  
May 8, 2007**

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## ATTENDANCE

### Board Members

David Pierce, MA, chair/proxy for Diodati, (AA)	Erling Berg, NJ (GA)
William Adler, MA (GA)	Dick Herb, NJ, proxy for Asm. Fisher, (LA)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Roy Miller, DE, proxy for Emory , (AC)
Mark Gibson, RI DFW (AA), Vice Chair	Bernie Pankowski, DE proxy for Sen. Venables, (LA)
Gil Pope, RI, proxy for Rep. Naughton (LA)	Howard King, MD DNR (AA)
Mark Alexander, CT DEP, proxy for E. Smith, (AA)	Bruno Vasta, MD (GA)
Sen. George Gunther, CT (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Dr. Lance Stewart, CT (GA)	Jack Travelstead, proxy for Bowman VA MRC (AA)
Gordon Colvin, NY DEC (AA)	Kelly Place, VA, proxy for Sen. Chichester (LA)
Pat Augustine, NY (GA)	Bob Ross, NMFS
Brian Culhane, NY, proxy for Sen. Johnson (LA)	David Perkins, USFWS
Peter Himchak, NJ DFW, proxy for Chanda (AA)	

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

### Ex-Officio Members

#### Staff

Vince O'Shea  
Robert Beal

Chris Vonderweidt

#### Guests

Jeff Tinsman, DE DFW

The meeting of the Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Room of the Radisson Hotel Old Towne, Alexandria, Virginia, on Tuesday, May 8, 2007, and was called to order at 8:00 o'clock, a.m., by the Chairman, Dr. David Pierce.

### CALL TO ORDER

CHAIRMAN DAVID E. PIERCE: All right, good morning, everyone. Please take your seats. I believe we have a quorum so I call the meeting to order. Before I get to the agenda and determine whether or not we have an agenda that suits the needs of the board here this morning, I refer you to the meeting overview document that has been prepared by staff. It's an excellent summary as to where we stand right now and the purpose of today's board meeting.

Specifically, I refer you to the background material that describes what we did with Addendum Number IV and the nature of the concerns that have been expressed about Addendum Number IV, notably some of the misunderstandings or confusion that apparently has arisen that has resulted in our having to meet here today to discuss that addendum and to determine if some different course of action is required.

Specifically, as indicated in that background section, we did determine, the board did determine that the measures, the restrictions needed for next year to reduce fishing mortality to our target would occur in the recreational fishery only.

A number of states, upon reflection, decided that with the recreational fishery being the only fishery that must be reduced in order to receive the necessary percent reductions the recreational fishery in some states would almost be done away with; hence, concern was expressed that the commercial fishery likely needs to be impacted as well, at least in some states, in order for the recreational fishery in those states to continue, to not be extinguished.

In addition, concern was expressed as to how much of a reduction in harvest, recreational harvest, never mind the commercial, actually would be required to get the necessary percent reduction in fishing mortality because, obviously, harvest reduction is different from mortality reduction, hence, some of the confusion that has arisen and why we are here today.

### APPROVAL OF AGENDA

All right, that's the background, the reason why we are here today. You have the agenda before you. I ask if there are any suggested changes to this agenda. If not, and I see no indication that there is a desire to modify the agenda, **this agenda will be adopted for our use today.**

### APPROVAL OF PROCEEDINGS

Proceedings from the January 30 through 2000 – January 30 board meeting, I assume everyone has had a chance to review those minutes. Any suggested revisions to those minutes? I see no indication that there is a desire for change. **Those minutes, therefore, will be approved.**

### PUBLIC COMMENT

Public comment. Now this is my first opportunity as chairman of a board to be guided by the new format that apparently we are using, the ASMFC is using, to deal with public comment. For those in the audience who are unaware of the new procedure, please grab the sheet from the side of the table, the side of the room on the table where we have the meeting overview.

And I'll just quickly note that at the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the board chair may determine that additional public comment will not provide additional information. In this circumstance the chair will not allow additional public comment on an issue.

For agenda items that the public has not had a chance to provide input on, the board chair may allow limited opportunity for comment. The board chair has the discretion to limit the number of speakers and/or the length of each comment. That is the guidance that we give to you as members of the public. With that said, anyone in the public care to make any comment regarding items related to tautog management that are not on the agenda? Yes.

MR. THOMAS FOTE: Tom Fote, Jersey Coast Anglers' Association. There has been a lot written in the press and some members of the management board and a few other people have been making comments that you know the problem with tautog is that the recreational community is selling fish.

You know Jersey Coast kind of takes at that statement as an illegal fishery is because if you're selling fish you're not a recreational angler. I mean they're poachers and let's call them what they are. And to basically say because a person catches in the hook and line or for a boat that doesn't have a commercial license makes that person a recreational fisherman is not true.

If he is selling his catch, I mean according to NMFS ethics a recreational fisherman is not supposed to be selling fish. So if he is selling fish he basically falls into a poacher, an illegal commercial fisherman. So I wish that the board would basically consider that when the discussion to basically call it as it is. It's a person that is illegally fishing, a person that is poaching on blackfish or tautog and basically selling. Thank you very much for that.

CHAIRMAN PIERCE: Yes, sir. Would you put the mic on, please. Just press the button in front of you.

MR. JOHN DAMON: Yes, my name is John Damon from New York and this isn't on the agenda. I'd like to make a suggestion to the board to review, maybe. On the recreation there seems to be a lot of confusion, like the man said, between guys going and selling recreation fish and making a profit off of it.

It seems to be a problem all over the place. There has been discussion about what to do with the live fish on vessels. A lot of recreation guys don't want to kill their fish. They want to keep their fish alive. That's fine. But maybe the board can recommend or even review the possibility of v-notching the tail of all recreation fish that are aboard the vessels.

It will give law enforcement identification when they come aboard a vessel. If it's a recreation vessel they have to have a v-notch in the tail. And if it's in the market and it's v-notched, the person could then get a fine or some kind of summons. But it's just a recommendation for review. Maybe you guys could really take consideration of it and it might help the problem. It might help law enforcement deal with the problem. Thank you.

CHAIRMAN PIERCE: Thank you. Anyone else in the audience? Back to the board. Board members, it would be appropriate for anyone at this time to express concerns regarding the addendum, Addendum Number IV to raise those concerns now.

I'm going to have some comments now regarding this addendum before we proceed with the rest of the agenda and consider, for example, the development

of another addendum, Addendum Number V, that would entail incorporating commercial restrictions as a means by which an individual state can achieve the necessary percent reduction in mortality. Any board member care to comment regarding that issue? Gordon.

MR. GORDON C. COLVIN: Thank you, Mr. Chairman. I think that there was some dialogue on this issue subsequent to the board meeting and there was some exchange of e-mails that some of the state directors shared. I don't know if all of the other board members are aware of that but I think the difficulty here is not, is that the way that the addendum is worded there isn't even a matter of choice open to a state.

And I think we need to get it kind of laid out here a little bit in some discussion what the chairman referred to in his opening remarks, that the way the addendum works currently that to achieve the required reduction in Addendum IV a state needs to take such action as is necessary to achieve an overall reduction in exploitation in all of its fisheries.

And if it happens that there is a substantial commercial fishery in a given state that means that the way this addendum is constructed the recreational fishery must be reduced substantially more than the target of 28.6. And it could be, depending on the proportion of commercial landings in a given state, could be substantially more.

And I think that the reality when one goes home to try to implement those sorts of things leads to stakeholder concerns that did not get expressed when Addendum IV was out to public hearings because this wasn't understood. So, you know, it seems to me that the state ought to have the choice.

The state ought to have the choice to achieve its 28 percent reduction with a mix of reductions on both commercial and recreational that all count, that some are not excluded from being included in the bottom line. That doesn't make any sense to me. It didn't make any sense to me when we adopted it. I know the staff spoke pretty strongly and I thought convincingly to the board about retaining state flexibility. They were right; we were wrong. We need to make a change.

CHAIRMAN PIERCE: Thank you, Gordon. That's a good assessment as to where we stand and a fair assessment of the fact that the board was wrong and the staff was right. A few meetings ago the staff did give some good guidance regarding the consequence

of our changing our direction, that is taking the commercial fishery out of the mix, so to speak.

The board decided to go just with the measures that would impact the recreational fishery alone. However, of course, with further reflection, further review of that decision has led at least some board members to conclude that that decision likely was not a wise one and that the staff did give us good guidance that we should have heeded.

Now, with that said you know we now must decide whether to implement Addendum Number IV as adopted at our last meeting and deal with the consequences of that decision or pursue a different option that will involve the development of a new addendum that, of course, would have to go out to public hearing

And, fortunately, we do have some time because we did decide at our last board meeting that this particular addendum, the provisions of it, would be implemented in 2008. Fortunately, we made that decision, otherwise we would be here trying to figure out how to implement something 2007, something of course that cannot be done.

The fishery in many states has already begun; in some cases it's over. All right, with that said, any board members care to address this issue regarding keeping the addendum as it stands right now or going in a different direction? Pete.

MR. PETER HIMCHAK: Mr. Chairman, and, again I'm falling back on my knowledge of Addendum III. And the motion that I made on Addendum IV which exempted the legal commercial fishery was not precedent making. I mean, it was the same strategy that the board adopted in Addendum III.

We did not subsequently experience the additional restrictions on the recreational fishery above and beyond the 28 percent that we've experienced and now that we realized in Addendum IV. So – and in all honest I guess my motion that was adopted by the board was not too happily received when I got home.

But personally I still believe in protecting New Jersey's 60 commercial, legal commercial fishermen. But that notwithstanding, yes, I think that just following what we did with Addendum III it's kind of like we're just committing the sins of the past with Addendum IV and it would probably be a – it seems to be the right thing to do to balance the ledger insofar as having reductions across the board.

CHAIRMAN PIERCE: Speaking on behalf of Massachusetts, I will highlight the fact that if indeed Massachusetts was to implement Addendum Number IV as adopted by the board at its last meeting then we would for all practical purposes have to stop the recreational fishing in our waters in 2008.

We, obviously, would like the option to include the commercial fishery in the mix, that is to achieve the necessary percent reduction using measures throughout both the commercial as well as the recreational fishery. And, again, that's a conclusion I have reached after further reflection on the addendum and after looking at some of the information provided by the technical committee to follow up on review of proposals submitted by each state to achieve their necessary percent reduction.

And of course that is on our agenda. We will be reviewing state proposals to achieve that fishing mortality rate of 0.20. However, when we get to that item on the agenda some states may not want their proposals aired because they may want to, if indeed the board decides to move forward with another addendum some states may want to re-trench, reconsider, and then offer up a new set of proposals that would incorporate restrictions affecting both fisheries.

Now when we get to that item on the agenda those states that care to move forward to have their proposals aired and accepted by the board, acting on a recommendation from the technical committee, will do that. But those states who do not care to, can hold back. All right, once again I turn to the board to see if there is any desire to have us move in a different direction. Bill.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. If you could, could somebody recap. When we developed this Addendum IV and we went with the recreational side, there must have been some reasoning – and I'm trying to remember what it – was that we said the recreational more so than the commercial needed to be reduced. And I can't remember why we came to that conclusion. What was the reason that we picked recreational? Was it because they were doing the, some big overages or something like that?

CHAIRMAN PIERCE: I stand to be corrected by staff, by the technical committee. My understanding is that coastwide landings, commercial landings are relatively small relative to the recreational landings; therefore, it made sense in the board's mind at the time that the recreational fishery should be the

fishery to bear the burden of the necessary percent reduction. That's my recollection. If I've missed something please someone chime in. Gordon.

MR. COLVIN: Thank you, Mr. Chairman. I appreciate Pete Himchak's comments and I think to build on that and your response to Mr. Adler I think what has happened is that the text of Addendum IV, while perhaps intended to track the text and the pattern of implementation of Addendum III doesn't.

Addendum III, you know, was kind of looking at things on a more of a coastwide perspective and has simply affected a reduction on the commercial fishery. It wasn't some compensating reduction that occurred to the recreational fishery because the commercial fishery was essentially forgiven or let off the hook in terms of the reductions imposed by the addendum.

Addendum IV was written differently. It is based on a new coastwide assessment and a, you know, a rebuilding plan incorporated in the addendum as a result of that assessment that requires us to achieve an overall reduction. There is no forgiving. It has to be done this way and so there is a difference between where we were with three and where we are now with four.

And I'm not arguing that there should be a compulsion that states reduce their commercial fisheries. If New Jersey chooses to achieve its reduction target by placing all of the reduction into the recreational fishery, that would be their choice. I think they should have that choice.

Similarly, if Massachusetts, on the other hand, wanted to choose to proportion the reductions equally across both the commercial and recreational fishery, given the larger size of the commercial landings proportionate to recreational in Massachusetts, I can understand why that state might choose to do that and ought to be given the opportunity to exercise that choice.

I think it should be left to the state to decide how to get to 28.6 and how to apportion the burden among its various fisheries. It seems that the only way we can get to that, as I understand the chairman's remarks this morning, is to initiate action on an Addendum V that has the affect of providing the states the opportunity to exercise choice in how they achieve a 28.6 percent reduction across all their fisheries.

And if that's correct, I would be prepared to offer a

motion to initiate such an addendum, Mr. Chairman. I'm a little reluctant to do it only, if only because of the timing issue. I would hope that the effect of such an addendum would not be to delay implementation of management measures beyond the dates that we have already selected for implementation in Addendum IV.

And so before I offer a motion I kind of wanted to ask the staff if they believe that there is sufficient time for us to conclude action on an Addendum V as I outlined and still be able to stick with our implementation schedule.

CHAIRMAN PIERCE: Thank you, Gordon. Bob, would you provide us with a response.

MR. ROBERT E. BEAL: It's kind of a two part answer. One is that for Addendum V we could fast track – if it's simply the issue that Gordon mentioned which is states have the flexibility of achieving a 28.6 percent reduction either on recreation, commercial or a combination of both, and if that's really the issue that's included in the document, we can, you know we can actually draft that, probably send it around for a fax poll, have public comment and a final approval at the August meeting.

And I think that would probably keep everyone on track for next year. If other things are added and it gets more complicated as we discuss other issues today, then you know we will have to make sure the board is still comfortable with a fax poll type approval of that document.

The other thing that probably is worthwhile is that you know the states, there is a lot of movement forward, essentially, in Addendum IV in achieving 28.6 percent. So if Addendum IV stays in place and the states are able to start implementing provisions under that or start the legislative process, you know, I think that can also keep us on line for a January 1, 2008 deadline or implementation date.

The other issue, one other issue that is out there that I think is very simple is – and it actually probably should have been included with Addendum IV was North Carolina about a year and a half to two years ago asked to get out of this fishery management plan, essentially.

Their landings are non-existent more or less and they just, they don't have a tautog fishery and they asked to be removed from the management, the states that have a declared interest in tautog management so that can be done through a simple addendum. And again,

it's a simple issue. It can be included in this fast-track approach.

But some of the other issues that I think the technical committee are going to bring up are should something happen with the recreational fish. You know, one gentleman from the audience mentioned marking recreationally-caught fish to keep them separate from commercially-caught fish if they're live.

The notion is out there about, you know, not allowing recreational vessels to have live tautog onboard. I think the technical committee also has some comments on state-specific stock assessments. Should those be allowed to continue? So there is a couple other issues out there that could complicate the matters but if we keep the addendum simple and just to this one issue of flexibility and maybe the North Carolina issue then I think we can easily fast track it and move forward.

CHAIRMAN PIERCE: All right, thank you, Bob. My, I anticipate that we will be able to keep this simple because we all know that we need to get the measures in place for next year. We have assessment information that clearly indicates the need for us to get these measures in place ASAP and that ASAP means next year.

#### **ADDENDUM IV IMPLEMENTATION**

Now, before I turn back to Gordon, I want to highlight one particular point that was just made by staff. And, frankly, the chair admits to his own confusion regarding the addendum and the meaning of 28.6 reduction. In going over Addendum Number IV itself before it went to public hearing, I readily admit that the way the tables were worded the text itself led me to conclude that we were all looking to reduce landings by 28.6 percent but actually that's not the case.

Staff has made it very clear that we all should have known, myself included, that it's a 28.6 percent reduction in fishing mortality and that translates into a greater reduction in harvest – forty-some-odd percent. I'll turn to the technical committee for some elaboration. But that has been, I believe, one of the sources of confusion that has been unfortunate.

It's a 28.6 percent reduction in fishing mortality which translates into a far greater reduction in actual harvest. So with that said, Gordon, did you care to make – did you get a satisfactory explanation and are you now prepared to make a motion?

MR. COLVIN: Yes, Mr. Chairman, I would **move that the board initiate development of Addendum V that would include two provisions, the first to provide states with flexibility on apportionment of the 28.6 percent mortality reduction between their commercial and recreational fisheries and, secondly, to exclude the waters of North Carolina from the management unit.**

CHAIRMAN PIERCE: We have a motion clearly stated by Gordon. Is there a second to the motion? The motion has been seconded by Mark Gibson. Any discussion on the motion? Mark.

DR. MARK GIBSON: Yes, I appreciate the motion. I think it was needed. It was obvious to me that action was needed in the beginning but my views didn't prevail. The other provision I'm concerned about that may need to be addressed is – and maybe you haven't heard the technical committee comments on the state-specific assessments but there is a comment from the technical committee that were state-specific assessments to be adopted that those states not availing themselves of that option would essentially have to realize a double jeopardy. They'd have to compensate more than their 28.6 percent.

It seems to me it might be wise to include in this addendum a provision that prevents that from happening to those states. I just, I understand the technical rationale for that. But I just don't see that that's going to, that's not going to help us out in terms of the spirit of tautog management.

CHAIRMAN PIERCE: If I may, Mark, perhaps the best approach would be for us to vote on this motion and then when the technical committee gives its report you can then make a motion to your point.

DR. GIBSON: Okay.

CHAIRMAN PIERCE: Gordon.

MR. COLVIN: Thank you. Yes, the provision in the technical committee report that Mark referred to woke me up more than my coffee this morning, although it didn't come as a big surprise. And of course I had to wonder whether the technical committee made the assumption that a state-specific assessment would always result in a lower rate of mortality reduction than 28.6 percent. Why wouldn't it necessarily in some instances result in a higher one I wondered.

But then of course maybe the state wouldn't bring it forward which suggests to me that there is an even

more appropriate preemptive action than that which has been suggested which is to simply take action this morning by the board to say as a matter of policy we're not going to approve any under Addendum IV as it stands. But we'll get to that later. I do agree, however, with the chair's suggestion that we not address this issue in the motion at this time. Maybe another outcome will come up later.

CHAIRMAN PIERCE: Thank you, Gordon. Any comment on the motion? Yes, Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. We've taken from the staff perspective a bit of license to smooth out the motion. We would just ask, Mr. Chairman, that you look at it carefully to make sure we've captured the intent of the maker. Thank you.

CHAIRMAN PIERCE: Yes, Gordon, before you leave the room would you please – okay, thumb's up from Gordon. I'll read the motion since it has been refined by the staff and approved by the maker of the motion.

And it reads: move that the board initiate development of Addendum V including two issues, providing state flexibility in implementing the 28.6 percent reduction in fishing mortality between recreational and commercial fisheries and excluding North Carolina waters from the tautog management unit. Motion by Mr. Colvin; second by Mr. Gibson. I assume, Mark, as the seconder you also agree with that.

DR. GIBSON: Yes.

CHAIRMAN PIERCE: All right, any further discussion on the motion? All right, the motion – I see – Peter.

MR. HIMCHAK: Mr. Chairman, I just have question. Maybe Jason can answer this for me. The 28.6 percent reduction, I mean is that not experienced in both fisheries or does this motion still allow the flexibility of a disproportionate reduction recreational/commercial to equal the total reduction? I know they're not additive, like you can't reduce the recreational fishery by 20 percent and the commercial by 8.6 to get your affect so could you clarify how the interplay works for me, please?

CHAIRMAN PIERCE: Before we go to the chair of the technical committee, Pete, my understanding is from the, that the motion will allow a state to use that flexibility to have the recreational fishery bear the

entire burden or a portion of the burden. It will be entirely up to the state. It just gives the state the ability to get into the commercial end if it chooses to do so. Does that answer your question or?

MR. HIMCHAK: Yes, thank you, Mr. Chairman. That does answer my question.

CHAIRMAN PIERCE: Okay, thank you. Any further discussion by the board? All right, all those in favor of the motion please raise your hand.

UNIDENTIFIED: Caucus.

CHAIRMAN PIERCE: I'm sorry. I apologize. That's right. There is a need for a caucus. All right, everyone, you've had an opportunity to – I guess the caucus is still ongoing. I'll give you just another minute or so to caucus. When I asked for the caucus I didn't see any hands up in the audience but I've been told by staff that there was a hand up so it would be appropriate for me to go to the audience for just a few comments on the motion – the gentleman in the front.

MR. ARNOLD LEO: Thanks. I'm Arnold Leo. I represent the commercial fisheries, the Town of East Hampton on Long Island. And first I have a question. You know when you sent out your news release on Addendum IV of the Tautog Management Plan it clearly stated that states will be required to reduce fishing mortality in their recreational sectors by 28.6 percent.

Now, there is no ambiguity whatsoever about that statement. And I admit that's just a news release but, again, if you go to Addendum IV itself on Page 12 it says the states are required to implement recreational management programs that achieve a 28.6 percent reduction in fishing mortality relative to the 2005 estimates.

Now, since we're talking here in this section about the recreation fisheries, the 2005 estimates we assumed would be recreational landings, right? So the question is, has anyone asked the technical committee what they meant? Are you going to achieve the desired F by reducing recreational by 28.6 percent? That's the question. I haven't heard that answered yet.

CHAIRMAN PIERCE: Well, the –

MR. LEO: It doesn't say here that you have to reduce total mortality, total landings by 28.6. It says recreational. And from what I can make out that

would achieve the desired F, the .2. So I think one needs to, before voting on this, find out from your technical committee indeed what did they mean. You know.

But just to jump to the other question which was raised, why in both, you know, Amendment III or rather Addendum III and Addendum IV was the burden of reduction put on the recreational fisheries, it was clearly stated that it was because the commercial fisheries had already been so reduced and that the overages were definitely coming from the recreational sector.

And the most recent reiteration of that came in your stock assessment report in January of 2006 where it said that the “implementation of the FMP appears to have reduced or capped fishing mortality rates from the coastwide high levels noted previously. However, increases in recreational harvest in the states of Rhode Island, Connecticut, New York and Virginia over the last few years imply that regulations in those states may not be totally effective at capping recreational landings over the long term.”

In other words, you know, a lot of consideration was given to the problem and it was determined that what needed to be done was to, you know, further reduce the recreational. And I don't think there is any question about that except it seems that some later data came from your state, Mr. Chairman, Massachusetts, in which it appears that the commercial is higher than the more or less 10 percent or less in the other states of total landings.

I mean, in New York it's about 10 percent of total landings. But if that's the case, then I think what needs to be done is to make an exception of Massachusetts. I mean I note in this new proposal, the motion on the, before you, North Carolina is made an exception of. Why not just make an exception of Massachusetts and say in that state you can take it out of both where it has been already determined that it's fair, equitable, good management to take it out of the recreational sector in the other states. Thank you.

CHAIRMAN PIERCE: Okay, thank you, sir, for your commentary. Again, back to the board. I assume we're ready to vote. All those in favor of the motion please raise your hand; all right, thank you; all those in opposition; any abstentions; any – okay, we have two abstentions; any null votes; I see no null votes. The motion passes.

All right, now it's appropriate for us to go to the

technical committee recommendations. Those recommendations have already been referred to by a couple of members of the board and I think that there will likely be a response to those recommendations and potentially even a motion so with that said I'll turn to Jason and ask for those recommendations that involve in part at least some commentary on what has proceeded to date regarding Addendum Number IV.

Okay, before we go to Jason – I got ahead of myself a little bit – Chris has a presentation that's relevant to the addendum and to those committee recommendations; therefore, it will be appropriate for us to hear his presentation first followed by Jason. If you will, Chris.

MR. CHRISTOPHER VONDERWEIDT: Thank you, Mr. Chairman. So I apologize for this. The meeting shook out a little bit differently than I had anticipated but one thing that the board should be made aware of are new regulations that are proposed in Pennsylvania to deal with illegal tautog making their way through Philadelphia.

So there is a, there was a motion made on April 19<sup>th</sup> of 2007 to make it illegal to have 14-inch tautog in their state. I'll let you guys know if it passes or not so just moving on, not to shift people's attentions or whatever. So, just to address Mr. Leo's question about how did we get to where we are. And I'll go fairly quickly.

This is our meeting October 25<sup>th</sup>, 2006, the annual meeting. There was a move to change the language in Section 4.1.2 to be consistent with the way it appeared in Addendum III. The motion passed. The language reads, “it will require reductions in the recreational fishery only to achieve the target.”

At the next meeting, a motion to adopt Issue 2, Option 2, motion carried. This is a table that's taken directly from the addendum. This was put on the screen at that meeting. If you notice, the title is “Selection of a Fishing Mortality Reference Point.” This is an overall fishing mortality rate.

This is the graph that we looked at. What the projections of how quickly will we get to where we wanted to go and now the technical committee actually recommended the triangles, the F of .15. We went with F of 2. And we were basing this on a coast or an overall fishing mortality rate. We were not basing this on a recreational-only fishing mortality rate. That would have given us a lower projection.

So, and as you can see it was adopt Issue 2, Option 2.

So what exactly is Issue 2? It's the selection of a fishing mortality reference point based on a graph showing how the various fishing mortality rates are projected to rebuild SSB. It was developed by the technical committee based both recreationally and commercially.

It was initially recommended .15 and it did not include any projections based on recreational only reductions. So in summary Addendum IV stipulates an F of .20 based on voting for Option 2 of Issue 2. They can only get credit through reductions in the recreational fishery so this requires more than a 28.6 percent reduction.

If you take the average of 10 percent, it requires a 31.46 percent reduction. And as Jason will get to in his state proposal presentation, there are states like Massachusetts – it's not 10 percent across the board. It varies by state. That's just what the facts are after we revisited it as a technical committee.

And I brought this before the technical committee and, you know, you can ask Jason but they agreed with this interpretation of the addendum. So hopefully that satisfies your question, Mr. Leo and the board can understand how we got to where we are right now.

CHAIRMAN PIERCE: All right, thank you, Chris. Let's move on to Jason and hear his presentation on behalf of the technical committee.

### **TECHNICAL COMMITTEE RECOMMENDATION**

MR. JASON McNAMEE: Thank you, Mr. Chairman. The technical committee met on April 24<sup>th</sup> in Providence, Rhode Island. And I'll briefly go through this slide show. You guys have actually tackled the majority of the things in it but there is a couple of extra comments the technical committee wanted to make.

So our agenda items for that meeting were to go over methodology for state reductions, to go over the state-specific stock assessments. And we went over our timeline for the reduction implementation and we also elected a vice chair. So the first topic, methodology for state reductions, the states had all brought forward a number of different proposals for reductions.

But due to some concerns, namely – it was talked about earlier – this discrepancy between the reduction tables being calculated and exploitation, we set up a

new set of guidelines for the states to follow and then we plan on reintroducing specific state reduction plans with this new methodology.

So, again, the reductions will be calculated from exploitation rather than F because the reduction tables were calculated in exploitation and that just drops the percent of exploitation a little bit. Due to variability in the MRFSS data, also, in the output year of the coastwide VPA terminal estimate which lags one year we decided to go with a three-year landings average rather than 2005 landings only.

And the technical committee will consider new state reduction strategies based on the above methodology. And to take this a little further we discussed the addendum language regarding how reductions can be taken. And, you know, this has already been discussed at length but we talked about how the VPA calculates its F as a total F, including both commercial and recreational landings.

And then just to reiterate here, we put the Massachusetts – which is the most egregious example of, you know, the detrimental effect to a particular state based on its actual proportion of commercial and recreational landings. So, in the case of Massachusetts they would actually need to reduce 53 percent in their recreational fishery to achieve the .2 F target.

We went into state-specific assessments. We had three assessments that came forward. Now tautog is unique in that they are sort of localized populations. And in the past I believe Rhode Island and Virginia had brought forward state-specific assessments which were actually passed the last time around.

So, this time we wanted to run everything through the technical committee so it had good viewing by the technical committee and we could present it in detail to the board. So we had three assessments which came forward, one from Massachusetts, one from Rhode Island and one from New Jersey.

The Massachusetts proposal was actually an aggregate of Massachusetts and Rhode Island data. It was run through a VPA, same software used for the coastwide assessment. The technical committee deemed this to be comparable to the coastwide VPA; however, the technical committee asked to update the Massachusetts because it was an aggregate with the Rhode Island data. They wanted the Rhode Island Age Zero indices, which I'll talk about in a minute, to be added into the Massachusetts VPA.

The next assessment was from Rhode Island. This is a Rhode Island-specific VPA so it was Rhode Island only data for the indexes and landings. The technical committee deemed this to be less precise than the coastwide VPA due to an unstable retrospective pattern and higher MSR calculation.

The technical committee asked if Rhode Island would agree to move forward with the aggregate VPA since Massachusetts had come forward already with an aggregate proposal and it was pretty well as precise as the coastwide. They wanted, you know, Rhode Island to join in with that VPA and come forward as I guess a regional VPA rather than a state-specific. But the technical committee went on to state that Rhode Island should try to figure out what was causing the kind of crazy retrospective pattern they were seeing.

The New Jersey proposal was a correlation analysis, really, a really neat analysis done by New Jersey. The technical committee, however, deemed it not comparable to the coastwide VPA just because it was very different from the VPA analysis. It was, there was no metric, for instance, and MSR to compare between the New Jersey and the coastwide VPA.

And there is also a discussion about the New Jersey correlation was correlating the coastwide F with their trawl survey. And a large proportion of that trawl survey is fish that are under 14 inches and therefore not subject to F. So there is some, you know, problems comparing a population that doesn't have F on it to an F estimate.

The TC asked if New Jersey could produce a VPA. They seemed to have a similar data set to Rhode Island and Rhode Island was able to produce a VPA, albeit not comparable to the coastwide but they asked New Jersey if they could produce a VPA with their existing dataset.

We wanted to make two general statements to the board regarding the state-specific assessments and Mr. Colvin sort of brought up one of these topics earlier and that was a good point about assuming that a state bring forward a state-specific assessment it would always be below the target and that's not necessarily the case. But, here is the two comments from the technical committee.

By allowing state-specific assessments states not performing one should have to reduce more than 28.6 percent to compensate for states who aren't reducing to that level. If this compensation is not undertaken, achieving the reduction in F will not happen. In other

words, the assumption being that states bring forward specific assessments have a lower reduction needed than the 28.6 percent.

States not bringing forward state-specific assessments have to compensate for that because of the estimate, the reduction estimate being based on the total coastwide F. And then the sort of flip side of this, if the state-specific assessments are accepted those using them should be required to abide by their assessment for a number of years.

And this gets back to this idea of, well, we'll put it forward when we don't have as much to reduce but when we have more to reduce we're all of a sudden not going to have a state-specific assessment. So there needs to be some protection against that. And we had talked about a timeline a little bit and you all have discussed this a little bit, how we're going to implement all this before January 1, 2008 or at least before fishing in 2008.

States will resubmit specific reduction scenarios based on the methodology I had alluded to earlier in the presentation. The technical committee will review this before the August ASMFC meeting, probably through a conference call, the technical committee recommendations of reduction plans submitted to the board in August for approval.

And then the next step will be reductions to be implemented in the states prior to the start of the 2008 fishing season. And we also elected a vice chair, Michael Luisi of Maryland. I think he's out there. Hi, Mike. He was elected vice chair. He will take over the chairmanship in April 2009. That's it.

CHAIRMAN PIERCE: Questions for Jason. Bill.

MR. ADLER: Thank you, Mr. Chairman. One of the first slides you had there had a number, 28.6, and then it had another number, 25.6. Could you explain, what was the difference there?

MR. McNAMEE: Yes. The 28.6 is based on fishing mortality and it's basically a math equation. You just translate F into exploitation which is U. And it just, I guess, scales it to effort. And that's where the difference comes from. It's a straight equation so they're both related by math.

MR. ADLER: All right, so the 25 percent – which is the reduction, the 28 or the 25?

MR. McNAMEE: Yes, it's, the reason we changed this or at least clarified it was the reduction tables

that are in the addendum are actually reductions in U not F. So that's why we've just wanted to clarify that and bring that up. So, the reduction tables are U reductions so we needed to look at what our U is in order to correlate it with the reduction tables. So the reduction based on the tables will be that 25.6.

CHAIRMAN PIERCE: I'll – just to continue on that, before I go to Jack, to make sure we understand what you just said, specifically to make sure I understand what you just said, are you indicating then that the data in the tables that referred to percent reductions will now be percent reductions in harvest, in catch and not fishing mortality rate?

MR. McNAMEE: It will all – yes, but it will translate into a reduction in fishing mortality rate.

CHAIRMAN PIERCE: Will the numbers in those tables be modified as a consequence of the technical committee discussions and conclusions?

MR. McNAMEE: Yes, sorry about that. Yes, they will be changed. Now, if you look at the third bullet down on this slide, they will change because we're going to look now at this range of years, this average of years. So, yes, those will change, also.

CHAIRMAN PIERCE: All right, thank you. Jack Travelstead.

MR. JACK TRAVELSTEAD: Just further clarification. The 25.6 percent reduction in U is the same thing as a 25.6 percent reduction in harvest, correct?

MR. McNAMEE: Yes, based on the reduction tables, yes.

MR. TRAVELSTEAD: Okay, so, I mean the number states need to focus on is how much they're going to reduce their harvest and that number is 25.6. And just since we're doing a new addendum I think it ought to be very explicitly stated in the new document to make sure everyone understands what we're trying to do.

I think the – and now we're going to use 2003 to 2005. That should also be very explicitly stated in the new addendum so everyone understands – although I notice in your Massachusetts example you had up there it looked like you were using 2004 to 2006. So it doesn't matter to me what years they are, just as long as everybody is using the same standards.

My last point hasn't been raised but it's something

I'm interested in and that is the use of size limit increases to achieve reductions in harvest. The current addendum doesn't speak to size limit increases. It appears to require reductions through changes in possession limits and closed seasons. And yet in all the other management plans that we deal with increases in minimum size limits are typically used by states to achieve reductions in harvest and I'm just curious what the technical reason is why that's not allowed in this management plan.

There is some interest in Virginia in doing that, in increasing size limits. And I think most of the southern states are at 14 inches and a lot of the other states are at 16 and this would be an opportunity to get us all a little bit closer together, perhaps, if it were allowed. So I'm interested in, you know, what's the technical deficiency that prevents us from using increases in size limits.

CHAIRMAN PIERCE: Okay, Jack, that's a question for Jason?

MR. TRAVELSTEAD: Yes.

CHAIRMAN PIERCE: Okay, Jason, if you would.

MR. McNAMEE: Yes, the technical committee actually discussed that and I believe it was brought up by the Virginia representative to do that. And I guess the concerns that came up from the technical committee were that they sort of correlated it with winter flounder and you increase your minimum size, basically what you're doing is just delaying F or you're delaying the mortality a little bit for a year or two. And that was the concern that was brought up.

But that being said, the technical committee did say it would look at any state – I don't believe it's specifically, I don't think it says anywhere in the addendum that you can't do that. So we did say we would entertain any minimum size increases with an explanation of why it won't just delay F, it will actually, you know, you will get some spawning stock benefit from that. And, you know, it would have to have that along with it but we would have – entertain that, but nobody brought any minimum size increases forward.

CHAIRMAN PIERCE: Okay, Gordon.

MR. COLVIN: Thanks for bringing that up, Jack. I was actually pretty delighted that this addendum was written the way it was and that there wasn't any explicit trade-off for size limit increases. And I think I've communicated with some of the board members

on this subject subsequent to the last meeting. And I think the relevant quote is that we learned nothing from summer flounder because that is exactly what has happened with summer flounder.

In some cases the delayed benefit doesn't even get you through a fishing season. And that might well be the case in my view with tautog because of their small increment in benefit I think you get from the kind of size limit increases that anybody would be thinking of. I just don't think it will get us anywhere.

And I think we should probably, as a board, agree at least across this table, that this is not the way to go, just as we did with winter flounder. I think that's a very good example. If we're going to rebuild this stock we have to reduce exploitation, not delay it. We have to bite the bullet and get it done and I think size limit increases are not going to get it done.

CHAIRMAN PIERCE: All right, to the technical committee recommendations. Jason, in light of what you have just said and on behalf of the technical committee will you be presenting here today any recommendations from the technical committee regarding whether or not any particular state proposal should be approved or disapproved? Did the technical committee get to that particular review? My understanding from what you said is that you have not. Am I correct?

MR. McNAMEE: We did, actually. We went over, you know, the report that you all looked at. It has the various options presented by the states and we did look at that. But, upon further review when we looked at the tables and some, I think two states actually calculated an exploitation but a number of us did not.

So what we said was let's all go back and refigure these. And we are also curious as to what was going to happen, you know, with grumblings about a possible new addendum. And so we decided to develop the methodology and then go back and meet fairly quickly to, you know, resubmit these proposals and accept or at least comment on them.

CHAIRMAN PIERCE: All right, it seems to me, then, that what the board needs to do now is respond to the technical committee's decisions as to how, as to what criteria will be used to review the state proposals that will be submitted eventually as a consequence of our decisions to go forward with the next addendum, Addendum Number V. Am I correct? You're using specific criteria that are described in the summary of your meeting. And my

assumption is that the board will want to say yes or no to the use of those specific criteria. Am I correct?

MR. McNAMEE: Yes, that would be a good guidance for the technical committee.

CHAIRMAN PIERCE: All right, and those criteria are the four bullets shown on the front of that summary of your committee meeting. All right, board members, you've heard the report of the technical committee. You've heard the specific criteria that the technical committee members have agreed to use as a basis for evaluating state proposals. Do you have any comments regarding those specific criteria? Any further guidance to the technical committee regarding their use? All right, Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. It seems like it was clearly stated as to what the direction is that we have to go. And the technical committee obviously spent considerable time reviewing the dilemma they were faced with or that we put them in.

And unless there are any severe objections to following their format, recommended format of those four items I would suggest if a motion is in order I would so move; otherwise, if the board just agrees to use that as the new format, whichever you prefer, Mr. Chairman. If you would prefer a motion, I would make a motion.

CHAIRMAN PIERCE: No, no motion is required.

MR. AUGUSTINE: Okay.

CHAIRMAN PIERCE: If there is consensus that indeed these are the criteria that will be used by the technical committee, then we'll move forward with that understanding. And I see no objections therefore our advice to the technical committee is that indeed they use the criteria that they have described in their summary of their meeting.

All right, with that said, any further comments regarding the technical committee recommendations? I have to turn to either Gordon or to Mark. It seems like there is a bit of unfinished business regarding the technical committee recommendations and I'd like to give you an opportunity, either one of you, to address those points you made earlier if you care to do so. Gordon.

MR. COLVIN: Yes, I'm not sure what action the board should take. But I, you know, I note the first finding on the issue of the state-specific assessments.

And I think it's fair to say that any state who has not brought forward such an assessment would find it extremely objectionable to be subjected to a reduction above that which is specified in Addendum IV as a result of states coming forward who had done so.

Moreover, even if they are forgiven and held only to 28.6, as Mark suggested early on today, that still means that the collective implementation of everything is likely to fall short of an overall reduction of 28.6 percent coastwide. And our assessment and our management program is based on the coastwide stock assessment.

Again, my own opinion, my own view of this is that we erred in providing an opportunity for state-specific assessments right on top of having decided, based on technical advice, that the best option at the time was to go with coastwide assessments. That was a mistake. And I don't know, you know, when or how that mistake, in my view, can be addressed. It won't happen on my watch.

But I would suggest that the board consider some action that moves away from this state-specific assessment or at, you know, one other thing, just at a dead minimum, if we are going to consider these things, if we are going to hear them, subject them to at least, at state expense, the same level of peer review that our coastwide assessment got.

I appreciate the review of our technical committee but that's not an independent peer review. Our coastwide assessment got an independent peer review. Any state wants to come forward with one ought to foot the bill to do the same, seems to me. I'll leave it at that for now, Mr. Chairman. I just think this is a horrible mistake and certainly at a minimum you have to do something about this overcompensation issue that states might experience. That's just outrageous.

CHAIRMAN PIERCE: All right, Mark Gibson and then Pete.

DR. GIBSON: Thank you, Mr. Chairman. You know this opportunity for states you know came about as a result of a motion that I made and I still believe in that, the problems we have notwithstanding. You need to put carrots out there for states in appropriate situations to invest in data collection and invest in tagging and reading of age structures and particularly for stocks that are so localized as our tautog.

We know that a coastwide tautog assessment simply isn't appropriate. It's the only vehicle we have because of the nature of the data. But some states are stepping forward, conducting surveys and doing tagging programs and so forth. There needs to be a carrot placed out there for states to invest in that sort of thing.

And at the same time there needs to be some consideration given to states that can't do that kind of investment so they don't get the sort of double penalty that they're faced. So I would be comfortable, you know – first let me say for the record we're happy to work with the state of, the Commonwealth of Massachusetts for a two state VPA if that's where the technical committee believes we're better served to invest our efforts and I think we can do a pretty good job of that following their recommendations.

But I would be comfortable having, retaining that opportunity to look at a bi-state assessment for other states to come forward with their information but not to have this double penalty or this greater than 28 or 25 percent reduction in exploitation rates. I think we should simply allow the states that aren't coming forward with a unique assessment or a local assessment to rise to that level of reduction spelled forth in coastwide assessment.

CHAIRMAN PIERCE: If I may, Gordon, does that satisfy your concerns? It seems to me that Mark, Rhode Island, specifically, is the only state that has offered up a specific state-specific assessment for consideration. And it sounds like Mark is backing away from that now and wants to be consistent with the technical committee recommendation regarding some states getting together to provide their own specific assessment. Is that a fair assessment of –

DR. GIBSON: We're happy to do that given that that's the technical committee's recommendation at this point. I mean I still feel that state-specific or local assessments are most appropriate given the known reproductive biology and homing behavior of the tautog. But, if that's where our interests are best served in terms of a more precise assessment that can work into the management process, we're happy to do that. I just don't want to lose the ability to have some level of aggregation below that of a coastwide process.

CHAIRMAN PIERCE: Pete.

MR. HIMCHAK: Mr. Chairman, I tend to agree with Gordon on this issue and in the same theme of not

committing the sins of the past I saw that, I mean with Addendum III some states had no reduction requirements of them on any fisheries and we saw a tremendous increase in harvest.

We saw a reversal of fortunes, as it were, in a number of states, those that had to implement reductions and those that did not. So, I tend to agree with Gordon. Whether we like it or not, based on the habits of this fish we're sort of locked into this peer review of a coastwide VPA and I think that's the standard we have to follow.

CHAIRMAN PIERCE: Jeff.

MR. JEFF TINSMAN: I think Mr. Gibson addressed the issue I was going to raise about the technical committee's recommendation that if in fact state plans for reduction are approved, individual plans, then the rest of the group would have to reduce by a greater extent. So we, I'm not sure how that would work.

We'd be here in August in a situation where we'd all have our reduction plans in place but if we approved, say, a Rhode Island-Massachusetts reduction plan then we'd all have to go back to the drawing board and redo some additional 3 or 5 percent or who knows how much. I really don't think that's a workable situation. And it kind of speaks against the whole idea of an individual state approach.

CHAIRMAN PIERCE: Board members, how do you wish to proceed? As it stands right now we have technical committee advice that I assume the technical committee will continue to follow as it, when it reviews specific state proposals that are brought forward. And unless anyone cares to provide some different guidance to the committee I think that's where we stand. And we'll just respond in kind to whatever the technical committee brings forward in the future relative to these proposals. Gordon.

MR. COLVIN: Yes, thank you, Mr. Chairman. I'm reluctant to formalize board action on this. I think you know this discussion has been helpful. I think it's useful that states that have been contemplating a state-specific, you know, VPA or other model have had a chance to hear what some of the other states' thoughts are on it and that perhaps the most prudent course of action is for us all to agree to maintain this dialogue and understanding the concerns that we share.

The – I'm hopeful that at the end of the day each of

the states will come forward with an equivalent approach based on the tables in the addendum and that while they may continue to develop state-wide or more likely or more appropriately, I think, smaller regional population models because, after all, the center of Long Island Sound is not a barrier, for example, to the movement of tautog, you know that in the long run we might develop refined models of two, three or more unit stocks of tautog that we manage collectively and that might be a better approach than what we have now with a coastwide assessment.

But I think the idea of individual state assessments is one that I hope that at the end of the day each of the states will voluntarily abandon without the need for some formal or you know a motion based directive today. Thank you.

CHAIRMAN PIERCE: All right, Gordon has offered up a prospective on this. If anyone cares to offer up a different perspective, please do so; otherwise, I would suggest that the board be guided by that attitude. Yes.

MR. MARK ALEXANDER: I just have a question. In my reading of the addendum it's not clear to me that should some states offer up state-specific approval of state-specific assessments that would indicate that they would implement a reduction in exploitation that's less than the 25 percent that that reduction would result in a shift of the reduction to the states that don't offer up a state-specific proposal.

It would seem to me that in reading that states implement, you know, the 26 percent reduction in F and there is nothing there that would indicate that they would have to do more. So, I think what would happen, at least the way I read it, is that the plan would just fail to achieve its goals and not result in a shift to other states.

CHAIRMAN PIERCE: So that's a question you're asking of staff and the chair of the?

MR. ALEXANDER: A clarification on that.

CHAIRMAN PIERCE: I suspect that what you said is correct and that this board is going to have to react at its next meeting to whatever situation develops that might mean we're not going to achieve our overall reduction in fishing mortality rate.

But, again, if we as a board adopt the perspective that Gordon has offered up for us to consider I would suggest that it's unlikely that we'll have that situation

arise because states when submitting their proposals collectively or individually will, you know, will understand that by doing so they will be preventing the board from achieving its necessary percent reduction in fishing mortality region-wide and the technical committee will certainly advise us as to whether or not that indeed is going to happen.

And if we aren't going to achieve the target then I suspect this board will be hesitant if not unwilling to adopt any of those state proposals that will cause us to come up short. Any further comments? All right, let's make sure that we offer up – well, let's see. The next item on the agenda is to review the state proposals to achieve that fishing mortality rate target of 0.20.

I don't believe we're in a position at this time to review any of those proposals in light of what the technical committee has recommended. I stand to be corrected, however, if there are any states that have submitted proposals that the technical committee has actually reviewed and they have said those, they can be approved. So, I'll turn to you, Bob, for some advice.

MR. BEAL: Well, I had a question back on the Addendum V. I just wanted to make sure everybody was on the same page with the timeline and content and kind of expectations for that addendum. But probably should wrap up this discussion on whether states around the table want any comment or feedback from the board on their state proposals at this time.

CHAIRMAN PIERCE: Unless any state indicates that they care to do so, that is to offer up those proposals, I'm going to assume that all states will take the opportunity to reflect on the decisions made here at this board meeting today and to just resubmit those proposals in their same form or a modified form, consistent with the Addendum V. Gordon.

MR. COLVIN: That I think is appropriate, Mr. Chairman. I wanted – and I don't know if this anticipates what Bob wanted to bring up or not but I'm not sure what the timetable will be for the next round of technical committee reviews after the tables are modified to incorporate the different years.

But it seems to me that states, if there is going to be some technical committee review of state proposals before Addendum V is, receives final action, that states might want to contemplate the prospect that it is adopted and develop alternative proposals that are kind of with and without Addendum V at their

discretion.

And you know that might, I don't know how the timing is going to work out and I know Bob is going to speak to this but if it needs, if there needs to be a review before Addendum V is done in order for the time to work out, states might want to do that. And then on the other hand if it can wait until Addendum V is done, then they wouldn't have to. But that's, I think that's probably what New York would likely to do is have, you know, Addendum V and Addendum IV only options for review.

CHAIRMAN PIERCE: Bob, would you provide us with your views as to what sort of time table you know we need to follow.

MR. BEAL: Sure. Excuse me. I think the states can have the flexibility to set up a date at this meeting to submit the next round of proposals and those can be, as Gordon said, Addendum IV and Addendum V proposals from each of the states.

And if the states are able to do that, at the August meeting the board can do two things. One is make a determination whether they want to move forward with Addendum V or not and final approval of that document. And the second can be actually approving the scenarios that the states bring forward for implementation of Addendum V.

So, sort of in anticipation of Addendum V passing the states can develop proposals that achieve the necessary reduction in, you know, the way that they see fit commercial/recreational or a combination of both. And they can also put together proposals based on the new methodology and with the reduction just from the recreational fishery which will, you know – in other words, there will be proposals in front of the board that comply with either Addendum IV or Addendum V, whichever is in place at the August meeting.

So I would, you know, I would suggest setting up a timeline for late July or something along those lines to give a lot of the states a couple of months to work on proposals and the technical committee will have a month or so to review those and get them in front of the, get their feedback in front of the board at their next meeting.

CHAIRMAN PIERCE: Thank you, Bob. When is the August meeting, ASMF?

MR. BEAL: I believe it's the second week of August.

CHAIRMAN PIERCE: All right, the second week of August. Bob has offered up a suggestion regarding a time table that we can follow. And he has indicated that by the end of July all proposals should be in for review by the technical committee and that should provide the committee with enough opportunity to review those proposals to see if, indeed, they do, they will meet approval.

Does anyone have any objection to that strategy outlined by Bob? All right, with no objection that indeed will be the timeline that we follow. And I turn to Jason and I ask you, Jason, when you think the technical committee will be in a position to provide the states with the information they need in order for them to craft their proposals that would be in keeping with the Addendum V.

MR. McNAMEE: Yes, we basically have the infrastructure set up so it's not going to take us too long. We'll have to redevelop the tables and then we should be pretty well set. So we can certainly react to the timeline you all have just talked about.

CHAIRMAN PIERCE: All right, very good. All right, so that seems to – yes, Bob.

MR. BEAL: Thank you, Mr. Chairman. Just one quick kind of clarification to make sure everybody is on the same page. Staff will go back, develop a draft addendum in the next week or ten days or so and we'll circulate that addendum to the board for a fax poll vote. And then if that's approved via fax poll we'll have a public comment period and we'll summarize that comment and come back to the August meeting with the draft addendum, obviously, and the summary of the public comment for final board consideration.

The issues that will be included in the draft addendum will be the flexibility for the states to achieve the necessary reductions, North Carolina will be taken out of the management unit. The addendum will also recognize the technical committee's new methodologies, including the '03-'05 years for the tables I guess 8, 9 and 10 that are included in the original document and the other provisions that the technical committee has recommended in their methodologies.

There was some exchange between or comments by Jack Travelstead and Gordon Colvin regarding size limits. I don't know – at this point there is no additional guidance to include or modify the size limit language which, as Jason mentioned, the Addendum IV is essentially silent on that issue right

now. So that's kind of where my interpretation of what the staff needs to do moving forward. If there is other comments or feedback, please let me know now.

CHAIRMAN PIERCE: All right, very good summary as to what the staff will now do to follow up on our decisions here today. Bob, did indicate some uncertainty regarding the size limit issue. I'll turn to Jack or to Gordon, specifically, or anyone else, for that matter, to ask you if you have any guidance or any action here for the board to take. Jack.

MR. TRAVELSTEAD: Well, the plan is, the addendum is silent. I am of a mind that, you know if a state wants to submit something like that that deals with size limits then they're subject to the review of the technical committee and you know if it doesn't make it through the technical committee then that's it. I don't think you'll see anything from Virginia and I didn't hear any other state raise any concern about size limits so I don't think we need to make too much of that issue at this point.

CHAIRMAN PIERCE: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. A member of the audience mentioned the possibility of the v-notching the tail of tautog. And I'm kind of, I like the idea rather than gutting and some other things but I'm just wondering, what would it take from a technical committee point of view to even consider looking at what it would take to do that?

It's a v-notch. And we've already established a v-notch for lobster tail. So what would you think? Is it out of the order to consider it now? Or should it be maybe a state issue as opposed to becoming an FMP issue? Your thoughts, Mr. Chairman.

CHAIRMAN PIERCE: I have no thoughts on that issue, Pat. Yes, Vince.

EXECUTIVE DIRECTOR O'SHEA: Yes, Mr. Chairman, we have a Law Enforcement Committee. That's in my mind where it ought to go, get their read first.

CHAIRMAN PIERCE: Okay, a suggestion made by Vince that indeed the issue be referred to the Law Enforcement Committee. Does that sound reasonable to you, Pat?

MR. AUGUSTINE: No, I haven't read the law enforcement report here. They had thoughts on

enforcement of tautog and I didn't, I didn't read it in full detail to see if in fact they may have included something like that. So, let's leave it with the law enforcement. Thank you.

CHAIRMAN PIERCE: Okay, very good. Gordon.

MR. COLVIN: You know one of the things that, just to remind everybody, is that Addendum IV does have at Section 4.4 a provision that identifies concerns about fishery regulation enforcement and I think it sets the stage for any voluntary action a state wants to take as, you know, on its own as part of its Addendum IV implementation strategy or otherwise to address enforcement issues.

Now, I heard John's idea this morning for the first time. I thought it made some sense on first thought. And it deserves to be I think kicked around among enforcement personnel and certainly it's going to be discussed in New York, as, you know, one of several ideas that have come forward about how to try to impede fish moving from the recreational fishery into the illegal commercial live market. And there may be other good ideas that are out there as well.

I, you know, our Addendum IV implementation strategy in New York is expected to include in our regulations and as a part of what we adopt as a decision document an affirmative compliance improvement strategy. And you know these issues are being discussed you know back home and they're going to continue to be. And I would encourage the other states to do so as well.

I do think it's a good idea to ask law enforcement to look at it and get the benefit of their thinking and whether they have other, similar ideas. I know that Captain Thumb has indicated that some form of tagging of tautog might be helpful and this is a kind of a variation on that. So there is a connection there. I think all of these ideas ought to be given full consideration in each of the states, you know, in consultation with your enforcement folks.

CHAIRMAN PIERCE: Pete.

MR. HIMCHAK: Mr. Chairman, two points for the – I think this is a pretty important issue that we, the board needs to take advantage of the advisory panel on tautog. We've had a history of their participation in these addenda, you know, conference calls, a few people participating.

I think there should be a serious meeting of the advisory panel both to deal with the Addenda V and

the reduction issue and also to get their ideas on – and this is a lead-in to the next agenda item – the live fish magnitude that is impacting both the recreational and commercial fishery.

So I think, I mean I hear a lot of ideas. A lot of these fishermen should know and may have better insights on how we can better control a fishery that's causing complications with legal fisheries that we're reducing again. Thank you.

CHAIRMAN PIERCE: Okay, Pete, you made mention of something quite important and that's the live fish issue that came up at the last meeting. And it's an issue that was addressed by staff. And if there is no objection I'd like Chris to quickly review one of the documents that's on the disk. And I believe it's on the table. It's specific to your issue. Let's do that in order for us to make sure that we do cover that very important point. So, if you will, Chris, update us as to where we stand on that issue and that analysis done by staff.

MR. VONDERWEIDT: Thank you, Mr. Chairman. This is actually on the, would have been on the disk for the meeting prior to this one and as a part of Addendum IV we need to go out for public comment and have the Law Enforcement Committee and the advisory panel comment.

The advisory panel recommended not allowing live wells on recreational boats in response to concerns or reports that a lot of the recreational guys will take and put kind of swimming pools in the back of their pickup trucks and drive them to New York to just pay for their gas money. Tautog is a very hearty species.

And there were also reports – and we heard a lot of this from the public comment – that people will come down to the recreational docks and they will, you know, you can sell ten live tautog at between \$5 and \$10 a pound. You can pay for your gas money that way.

So, this might be a substantial – in response to that the AP felt that it was a substantial part of the illegal market and they recommended as a consensus statement disallowing live markets for recreational tautog. So, you know, you have a live well with a tautog on it, that's illegal. And that is considered enforceable by the Law Enforcement Committee as a regulation.

The one question might be how hearty are the tautog so could you put them on ice and then once you get back to land actually put them back in a live well and

would they survive. But, I mean, you know, there are loopholes around everything but that's the advisory panel's recommendations.

CHAIRMAN PIERCE: All right, so we already have aired this particular issue with the advisory panel and they have given us some, they have given us their views. Yes.

UNIDENTIFIED: Just an observation, Mr. Chairman, as I recall our original strategies in management of tautog a lot of the impetus was to control the most intensive periods of fishing, essentially closed season requirements that prevent targeting tautog when they're spawning in the spring and again when the over wintering concentrations occur.

And as I look at all the laws between commercial and recreational there is a great disparity between the states in their closed seasons. Not only would this help in the marketplace for disallowing, you know, multiple marketing of tautog but just on the recommendation that we look closely, again, at firm closed season definitions at the time when we're going to achieve the most effect at managing.

As it is, several states overlap. They have different strategies in the closed seasons. But just as a reminder, those were the original intents of the board to try to help the reproductive and recruitment process of this species. That's spawning and intense over wintering, when fishing is the most, you know, the most intense.

CHAIRMAN PIERCE: All right, I believe we've moved into other business. We concluded our discussions on Addendum V and we've gotten the necessary guidance from the staff and the technical committee regarding timelines and what we can expect of them and, of course, what we now have to do as individual states. So with that said, I'd ask board members if there is indeed any other business that requires board action. Yes, Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. This came up earlier in the meeting and this is the issue of Pennsylvania changing their, contemplating changing their regulations on the possession of 14 inches. There is at least one state that has expressed concern about this.

And my recommendation would be that we coordinate with Leroy Young from Pennsylvania and at the appropriate time that we send a letter to Pennsylvania expressing the intent of this board to be

supportive of their change of the, to go to 14 inches for the minimum size.

And I'd be happy to write that letter and send it and I'd like to be able to say it was with the concurrence of this board. And if you don't, if you have another way you'd like to go, Mr. Chairman, I'd be happy to follow that direction, as well.

CHAIRMAN PIERCE: All right, Vince has made a suggestion regarding how this board should proceed relative to Pennsylvania's contemplated action. Does anyone object to that course of action as suggested by Vince? I see no objection; therefore, Vince, if you will, follow through with your suggested course of action.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman.

### **OTHER BUSINESS**

CHAIRMAN PIERCE: Any additional other business that requires board action? I see none, therefore I'll consider this board meeting to be adjourned. Thank you.

(Whereupon, the Tautog Management Board meeting adjourned on Tuesday, May 8, 2007, at 9:27 o'clock, a.m.)

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