

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

**February 25, 2003  
DoubleTree Crystal City  
Arlington, Virginia**

## **ATTENDENCE**

### **Board Members**

|   |   |
|---|---|
| David Pierce, Massachusetts DMF               | Tom Fote, New Jersey Gov. Appointee               |
| Vito Calomo, proxy for Rep. Verga (MA)        | Jeff Tinsman, Delaware DFW                        |
| Bill Adler, Massachusetts Gov. Appointee      | Eric Schwaab, Maryland DNR                        |
| David Borden, Rhode Island DEM                | Russell ????, proxy for Senator Colburn (MD)      |
| Jerry Carvalho, proxy for Rep. Naughton (RI)  | Bruna Vasta, proxy for Bill Goldsborough (MD)     |
| Gil Pope, Rhode Island Gov. Appointee         | Rob O'Reilly, Virginia MRC                        |
| Ernie Beckwith, Connecticut Marine Fisheries  | Chris Ludford, proxy for Catherine Davenport (VA) |
| Fred Frillici, proxy for Senator Gunther (CT) | Jaime Geiger, USFWS                               |
| Gordon Colvin, New York DEC                   | Harold Mears, NMFS                                |
| Brian Culhane, proxy for Senator Johnson (NY) | Bob Ross, NMFS                                    |
| Pat Augustine, New York Gov. Appointee        |   |

### **Ex-Officio Members**

### **ASMFC Staff**

Lydia Munger  
Brad Spear  
Bob Beal  
Vince O'Shea

### **Guests**

*There may have been others in attendance who did not sign the attendance sheet.*

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## MOTIONS

- 1. Motion to elect David Borden Vice Chair of the Tautog Management Board.**  
Motion by Mr. Augustine, second by Mr. Frillici; Motion passes with no objection.
- 2. Motion to approve options 1-6 of New York's proposal and the New Jersey proposal.**  
Motion by Mr. Adler, second by Mr. Geiger; Motion carries.
- 3. Motion to accept Option 2 (Commission Stock Assessment Review Panel) for the tautog stock assessment peer review.**  
Motion by Dr. Pierce, second by Mr. Augustine; Motion tabled.
- 4. Motion to postpone action on choosing a tautog stock assessment option until the next Board meeting.**  
Motion by Mr. Colvin, second by Mr. Frillici; Motion carries with no objection.
- 5. Motion to approve both nominees to the Advisory Panel.**  
Motion by Mr. Beckwith, second by Mr. Augustine; Motion carries with no objection.

ATLANTIC STATES MARINE FISHERIES  
COMMISSION

TAUTOG MANAGEMENT BOARD

DoubleTree Hotel Crystal City  
Arlington, Virginia

February 25, 2003

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The meeting of the Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Room of the DoubleTree Hotel Crystal City, Arlington, Virginia, Tuesday, February 25, 2003, and was called to order at 4:00 o'clock p.m. by Chairman Bruce Freeman.

**WELCOME & INTRODUCTIONS**

CHAIRMAN BRUCE FREEMAN: All right, I'd like to call the Tautog Board meeting to order. There is a revised agenda that staff will be handing out. There are some additions to the existing agenda. According to our schedule, we should be ending this meeting in about a minute.

**BOARD CONSENT**

We have a number of items we need to cover and has everyone received a copy of the revised agenda? I think we can move through this fairly rapidly. Staff is prepared to update us on these items for action. We do have a quorum, for the record.

**PUBLIC COMMENT**

Okay, is there anyone from the public that would like to make a statement at this time concerning tautog? Seeing none, we will move forward with the agenda.

MR. AUGUSTINE: Do you need a motion to accept the agenda?

CHAIRMAN FREEMAN: No, we need a motion to elect a vice-chair.

**ELECTION OF VICE-CHAIR**

MR. AUGUSTINE: Moved that Dave Borden be nominated as vice-chair and in the same motion move that nominations be closed and that the chair cast one vote.

CHAIRMAN FREEMAN: We'll take the first part of that.

MR. FRED FRICILLI: Second.

CHAIRMAN FREEMAN: Okay, we have a motion and a second for Dave Borden as chair. Anybody who would like to submit their name please raise your hand. No objection, then we'll have Dave Borden as vice-chair. The next item, Number 5, is review state recreational reduction proposals and I'd ask Lydia to go through that.

**REVIEW STATE RECREATIONAL  
REDUCTION PROPOSALS**

MS. LYDIA MUNGER: Thank you. You will remember from the November board meeting that the board reviewed the state recreational reduction proposals that were to achieve either a 29 percent reduction in fishing mortality or a 25 percent reduction in exploitation rate in the recreational fishery.

The result of the November board meeting was that states were allowed to submit revised proposals based on the discussion at the November meeting, and that proposals had to be submitted for consideration at this board meeting to ensure that all states are able to meet the April 1, 2003, implementation deadline.

Two states, New Jersey and New York, submitted revised proposals. Paul Caruso, the technical committee chair, was unable to join us today, so I will present both the revised proposals and the technical committee evaluation of these proposals.

New Jersey submitted one additional option in addition to the options presented by New Jersey

and approved by the board in November. This additional option extends the amount of time for which the one-fish possession limit is in place and reduces the possession limit at the end of the year from ten fish to eight fish. These changes yield a 24.81 percent reduction in exploitation rate.

New York submitted six revised options, all based on the 25 percent reduction in exploitation rate. Each option attempts to meet the reductions through a combination of closed seasons and possession limits.

I'll call your attention to Option 6 as submitted by New York. It's somewhat different than the other five options in that this option extends the closed season and allows a ten-fish possession limit throughout the entire open season. I'll discuss the implications of this in the next slide.

The technical committee report on these proposals is in the handout that you received at the beginning of the meeting. I'll call your attention first, for the state of New Jersey the technical committee recommends approval of New Jersey's proposal and all the options outlined therein.

The board will want to take action on both proposals. I don't know if you want to do that separately.

CHAIRMAN FREEMAN: Let's go through both of them. We may be able to do them together.

MS. MUNGER: For the state of New York, the technical committee recommends Option 1 through 5 as submitted by New York. And for Option 6 as submitted by New York, the technical committee has the following concerns.

This is take directly from the technical committee report, and I will read it: Option 6 in New York's proposal increases the bag limit from one fish to ten fish from October 1<sup>st</sup> through October 6<sup>th</sup>.

While the effects of this six-day increased bag limit on the exploitation rate in the recreational

fishery are expected to be minimal, there is no way to technically evaluate Option 6.

That concludes the technical committee's recommendations for the two revised proposals.

CHAIRMAN FREEMAN: Any comments? Gordon.

MR. COLVIN: If I could ask the board members to, for a moment, look at the summary table that includes the six New York options, and recognizing the difficulty that the technical committee had, this is one of those cases where I think we're suggesting that perhaps some judgment can be applied to the situation and where a strict quantitative assessment can't be done.

If you could compare for a moment -- just disregard Options 2, 3, 4, and 5 and look only at Option 1 and 6. Option 1 would have a ten-fish limit from January 1<sup>st</sup> to May 31<sup>st</sup>. There would be a complete season closure from June 1 until September 24; and then a brief period from the 25<sup>th</sup> of September to the 6<sup>th</sup> of October with a one-fish limit, and then returning to ten fish for the balance of the calendar year.

That was able to be quantified based on comparing those changes to our current regs and was acceptable. The alternative to that that was suggested was Option 6, which has a ten-fish limit from January 1 to May 31<sup>st</sup>, the same as Option 1.

It then has a complete season closure beginning on June 1<sup>st</sup>, the same as Option 1, but extends that complete season closure to the end of September, to September 30<sup>th</sup>, another five days, and then switches back to a ten-fish limit on October 1<sup>st</sup> rather than October 7<sup>th</sup>.

Very subtle differences. The problem is that it's difficult to compare to our current regulations, and that's why the technical committee couldn't come up with a quantitative assessment.

In our judgment, it's equivalent and that's why we offered it, but it is a question of judgment and in putting it forward we are recognizing that

we're asking for the board's acceptance of that judgment call based on the similarity of Options 1 and 6. That said, Mr. Chairman, I would welcome some discussion of that before any motions are made.

CHAIRMAN FREEMAN: Okay, discussion, comments? Dave Pierce.

**DR. DAVID PIERCE: I would move that we approve Options 1 through 6 of the state of New York's proposal.**

MR. COLVIN: Second.

CHAIRMAN FREEMAN: That was a short discussion. There is a motion to approve all the options for New York. Discussion?

Okay, do you want to include in that both states? New Jersey had the one option which was approved by the technical committee or do you want to do that as a separate motion?

**DR. PIERCE: I have no objection to including the New Jersey option as well so the motion would be to approve the options put forward by the state of New Jersey and New York.**

CHAIRMAN FREEMAN: That's fine. Gordon, is that agreeable?

MR. COLVIN: Yes, it is.

CHAIRMAN FREEMAN: Any discussion? They were, as Lydia indicated, dealt with by the technical committee, as Gordon explained the few exceptions. Gerry.

MR. GERALD CARVALHO: Yes, I have one question for Gordon. Gordon, was there any discussion, because New York borders Rhode Island, about going to 16 inches instead of 14?

MR. COLVIN: I can assure you that our recreational fishing industry is vehemently opposed to going above 14 inches because we have a neighbor on the other end. And we're constantly trying to fit in competing interests

and the west end of New York is adamantly opposed to going above 14 inches.

I would think this is one of those border situations like we were talking about with porgies earlier. It's very tough. Different views from east to west.

CHAIRMAN FREEMAN: Any other discussion? Seeing no further discussion, I'll call the question. All those in favor, signify by saying aye; opposed, same sign. The motion carries. Any abstentions or null votes? The motion carries.

### **REVIEW DRAFT TECHNICAL ADDENDUM #1 TO ADDENDUM III**

MS. MUNGER: This time I'd like to call your attention to Draft Technical Addendum Number 1 that was submitted to the board with your original CD of meeting materials. The technical addendum was discussed at the November board meeting to correct an error in Addendum III.

The correction is displayed on the slide in front of you. The original statement reads as follows, on page 14 of Addendum III to the fishery management plan for tautog the statement reads:

"Based on the coast-wide average fishing mortality rate of F equals 0.41, a 48 percent reduction in fishing mortality is needed to reach the target established in this addendum".

And the corrected statement should read, "Based on the coast-wide average fishing mortality rate of F equals 0.41, a 29 percent reduction in fishing mortality is needed to reach the target established in this addendum". That's the correction put forth in the technical addendum.

CHAIRMAN FREEMAN: Comments on that change? This is simply to correct what needs to be corrected. Bill Adler.

MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. May I make a motion to accept this; is that in order?

CHAIRMAN FREEMAN: Yes.

MR. ADLER: I will so move.

CHAIRMAN FREEMAN: Seconded by Jaime Geiger. Any discussion? Seeing no discussion, I'll call the question. All those in favor, signify by saying aye; opposed, no; abstentions; null votes. The motion carries.

### **DISCUSS PEER REVIEW PROCESS FOR UPCOMING STOCK ASSESSMENT**

MS. MUNGER: The next item on the agenda is the selection of the peer review process for the upcoming stock assessment. Tautog will reach the five-year trigger for a stock assessment external peer review in 2004.

There are a few options available for this external peer review, and these options are outlined on the slide you see before you. The three options you see before you are the SAW/SARC review process, then a commission stock assessment review panel composed of three to five stock assessment scientists, and the third option is a formal review using the structure of existing organizations such as American Fisheries Society, National Academy of Sciences, et cetera.

The technical committee has expressed concerns with one of these, which is the SAW/SARC process. I'll outline these concerns for you. The first concern is that the data required for an assessment to be accepted by the SARC, for example age length keys, are not available and are not expected to be available for this next assessment.

Another concern is that the technical committee hopes to have the data to perform a set of regional stock assessments if the data are available, and the SARC process is not necessarily set up to evaluate this type of assessment.

A third concern is that logistically an assessment done by the technical committee is more

difficult to fit into the SAW/SARC process because it's during the SARC they'll make changes or updates during the week of meetings, and this is more difficult to do for an assessment that's performed by a committee without the entire committee present.

The possibility does exist to have the SARC panel perform what's called a "modified review of a stock assessment." This modified review allows the SARC panel to provide feedback on the assessment without the panel's traditional process of simply accepting or rejecting an assessment so they'll review the assessment for its scientific merits without saying we accept or reject it.

The technical committee did agree that a modified review at the SARC is more favorable than a traditional SARC review and this would be acceptable and okay with them. So, it comes now to the board to decide on the peer review process for this stock assessment.

CHAIRMAN FREEMAN: And, again, the technical committee's recommendation was to --

MS. MUNGER: The technical committee recommended the modified SARC review would be acceptable to them.

CHAIRMAN FREEMAN: Comments? Dave.

DR. PIERCE: The modified review process would be number two, the second option?

MS. MUNGER: It would be a modified version of the first option, so going to SARC but asking for a modified review process.

DR. PIERCE: I'm sorry, I've missed the difference between the modified review process and the full-blown review process. How would that work?

MS. MUNGER: As it was explained to me, the SARC is set up to either accept or reject a stock assessment. And based on the type of

data available for a tautog stock assessment, the technical committee is uncertain that the SARC would accept the assessment just because it's a different type of process or it's a different type of assessment than is normally brought to the SARC.

But I'm told it has been done for other species, that they can do a modified review where, instead of saying we accept or we reject this assessment, they'll just review it for what was done.

DR. PIERCE: How opposed was the technical committee to the second option? Did they think that the second option definitely was unworkable and that we should steer away from that? Obviously, we need to be guided by the them because they're the ones with the technical expertise regarding tautog assessments.

MS. MUNGER: That's correct. The technical committee was not opposed to the second option.

**DR. PIERCE: If that's the case, then I would make a motion, Mr. Chairman, that we select Option 2 for the tautog stock assessment peer review.**

CHAIRMAN FREEMAN: Seconded by Pat. Gordon has a comment.

MR. COLVIN: Maybe it's a question, I'm not sure. Ordinarily I think one of the reasons that we utilize the Northeast SARC process is that it is one that, frankly, is less expensive than convening an Option 2-type proposal.

Do we have indication through the steering committee or other sources that the Northeast SAW/SARC is a viable option in terms of its priorities and scheduling for next year? In which case, we might want to think about the cost ramifications.

MR. ROBERT E. BEAL: That's not what I was coming up here to answer. If my memory serves me right, there is a placeholder for the tautog assessment on the December 2004

SAW/SARC schedule.

MR. COLVIN: You know, that being the case, I just wonder if we want to think a little harder about perhaps using that opportunity because it will cost us money that we will have to find to empanel our own separate assessment panel.

We'll have to pay at least travel costs and possibly compensation for independent scientists if we go the other route. I'll throw that out there and see what folks think.

CHAIRMAN FREEMAN: Bob.

MR. BEAL: Gordon's making a good point about costs. You know, part of the reason that we're – obviously, this assessment is 18 months away or the peer review of this assessment is 18 months away.

The idea is to get the assessments and the peer reviews kind of in a queue so we know, as we're planning our budget for '04, should we set aside money a commission external peer review or are we going to be using the SAW/SARC process. That's the reason we're going so early in this process. I think budget is definitely a concern for all of us.

CHAIRMAN FREEMAN: David.

DR. PIERCE: One reason why I made the motion that I did was I'm still not clear as to what a modified SARC/SAW process entails, how much expense that would entail for us for the commission. If it was better defined, I might be more inclined to go in that direction. If details exist, I'd like to have them.

MR. BEAL: Yes, the expense, as far as modified SARC versus a traditional SARC, is essentially the same for the commission. Our technical committee and stock assessment subcommittee will need to meet to develop the assessment which is the expense for us if we have a SARC review.

The difference is that when the terms of reference are developed for the assessment and

the subsequent peer review, they ask questions. The questions or the things that are requested of the peer review are more seeking technical guidance from the SARC, reviewing the methodology that is used rather than saying is this or is this assessment not appropriate for the tautog stock.

So the difference is really in how the terms of reference are framed for the SARC review more than the process that gets you to the SARC review.

CHAIRMAN FREEMAN: Further comments? Rob.

MR. ROB O'REILLY: I'm just wondering how some of the outstanding issues about the stock assessment bear on this whole process and this peer review.

And, specifically, there continues to be some questions about the dataset strengths and weaknesses, whether it truly is a coast-wide approach or regional approach.

I know in Virginia there is some work that is being undertaken in terms of tagging to provide another index. I know the catch curves to some extent came forward. So there are a lot of outstanding issues about the appropriate stock assessment.

To me, it would seem better if the commission and the technical committee, going up to the board, could iron out some of these questions, analytical questions first, before the SARC, even in a modified form, were to take place.

CHAIRMAN FREEMAN: David.

DR. PIERCE: Is it really important that we make this decision today? If not, then I suppose we can vote and then the technical committee sees what we decided; and if they freak, then they can come back and object and maybe we can consider some other strategy.

But they didn't really give us much guidance this time around except to say, yes, two is okay. At least that's my interpretation. There are no

strong preferences for one particular option.

Without that strong preference stated by the technical committee, I'm really not that sure which way to go. I would say let's go with Number 2; and if the technical committee finds that to be, after more thought about it, they find it to be objectionable, then maybe we can go in a different direction.

CHAIRMAN FREEMAN: Do we need to do that today?

MR. BEAL: I think to respond to David's question, the board doesn't necessarily have to make this decision today. It was mostly a scheduling convenience issue. The board just took action to approve New Jersey's and New York's proposal, which are the last set of proposals that we have to implement Addendum III.

It's a little bit unsure when the Tautog Board was going to meet again is really the motivation for trying to do this today. But if this board would like more input from the technical committee or if they would like to propose this option that the motion includes Option Number 2, we can propose that to the tech committee and get their feedback and meet again in August or whenever we get more advice.

CHAIRMAN FREEMAN: Gordon.

MR. COLVIN: All things being equal, my preference would be Option 2, but they're not all necessarily equal, and I think the board needs a little more advice here from staff on the issue of expense and sequencing and what's doable and perhaps from the technical committee on what will best fulfill the likely terms of reference where will we get the best work product.

So I think perhaps it makes sense to table this motion until we get a little bit more advice along that line. I would move to table the motion until our next board meeting, pending the advice I'm suggesting.

**I move to postpone action on the motion until**

**our next board meeting.**

CHAIRMAN FREEMAN: Gordon made a motion. I'm just trying to find out how best to deal with it. So, Gordon made the motion to postpone to the next board meeting; seconded by Fred.

Again, while they're getting the motion up on the board, the next time the commission meets, normally everybody here on the Tautog Board is at other meetings, particularly if we deal with lobster or anything else.

So it should not be an inconvenience to have a brief board meeting at the next time we meet. And from Bob, this is not a time critical thing at this point. All right, discussion? Harry.

MR. HARRY MEARS: I would favor this motion on the assumption that we would not lose the placeholder on the 2004 SARC. Right now these type of decisions are decided upon by the Northeast Coordinating Council, upon which Vince sits.

I wonder if Vince might have some remarks in terms of whether he thinks we would be safe until the August board meeting until we make this decision.

CHAIRMAN FREEMAN: Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. Yes, we will certainly express to that Coordinating Council that our intent would be to have it done once we pick on the methodology. So, yes, I think we can keep this on track. Thank you.

CHAIRMAN FREEMAN: Any further comment? We'll vote on the motion to postpone. All those in favor, signify by saying aye; opposed, no; abstentions; null votes. The motion carries. Okay, we're down to advisory panel nomination.

**ADVISORY PANEL NOMINATIONS**

MS. MUNGER: Thank you. A packet

just came around regarding two new nominations to the Tautog Advisory Panel. The individuals listed in this packet are Lauren Griffith, a party boat captain from Connecticut, and John David Conway, Jr., a recreational fisherman from Connecticut. Those were submitted to the board for consideration.

CHAIRMAN FREEMAN: Okay, you received a packet from Connecticut with these two individuals. Ernie.

MR. ERNEST E. BECKWITH, JR.: Yes, I move approval of both nominees.

MR. AUGUSTINE: Second it.

CHAIRMAN FREEMAN: Okay, the motion has been made and seconded by Pat Augustine to approve both nominees. Any discussion? All right, seeing none we'll take a vote on this. All those in favor of the motion, signify by saying aye; opposed, no; abstentions; null votes. The motion carries. Okay, we're up to technical committee report, Number 9.

**TECHNICAL COMMITTEE REPORT  
ON DISCUSSION OF CATCH CURVE  
ANALYSES**

MS. MUNGER: Thank you. The technical committee was given a directive by the board at the November 2002 meeting to discuss the issue of catch curve analyses and to develop a set of guidelines for the use of catch curve analyses by individual states.

The technical committee convened via a conference call last week to continue this discussion of guidelines for the use of catch curve analyses. The technical committee has yet to develop a final report and plans to continue discussion on this issue. The technical committee asks the board for a deadline, a time when their final report on this issue should be completed.

CHAIRMAN FREEMAN: Comments? No comments. Okay, the only comment is I think we need to set a timeline for the technical

committee. I believe we should place that at June to make sure there is action, if there's no comments to the contrary. Rob.

MR. O'REILLY: Not to the contrary, but I think it would be a good opportunity to have a stock assessment committee look at these catch curve analyses in a peer review fashion within the commission.

I find that this issue from just one experience at a technical committee meeting is one where there was great vacillation in terms of the understanding of the approaches of the catch curve and how they should or should not be used, so I think it would be good to get the stock assessment group involved.

CHAIRMAN FREEMAN: Okay. Then not hearing any comments to the contrary, we'll ask the technical committee to complete this by June. Gordon.

MR. COLVIN: Thank you. I want to reinforce and second Rob O'Reilly's suggestion that the newly formed commission overall stock assessment committee be asked by the board to review and provide its advice on the technical committee's recommendation on this catch curve question.

This is a sticky wicket and this is a good example of how we can best make use of this new overarching stock assessment committee. I think it's a great suggestion and I hope the board will follow through on it.

## **OTHER BUSINESS**

CHAIRMAN FREEMAN: Okay, we're down to other business. No business. Before we adjourn I just want to bring to the attention the fact that Dave Borden left this meeting as we began, and we, in the interim, nominated him as vice-chair. He has returned. We'd like to congratulate you, David. (Applause) You will learn never to leave a meeting while it's in progress.

MR. DAVID V. D. BORDEN: Yes,

Bruce, you've got me twice now.

CHAIRMAN FREEMAN: All right, meeting is adjourned.

(Whereupon, the meeting adjourned at 4:30 o'clock p.m., February 25, 2003.)

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