

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

**Webinar
August 3, 2021**

Approved October 18, 2021

TABLE OF CONTENTS

Call to Order, Chair William Hyatt.....	1
Approval of Agenda	1
Approval of Proceedings from September 2020	1
Public Comment.....	1
Update on the Risk and Uncertainty Decision Tool for Tautog	1
Progress Report on the 2021 Stock Assessment Update.....	5
Consider Fishery Management Plan Review and State Compliance for the 2020 Fishing Year	6
Review the Implementation of the Commercial Tagging Program	9
Technical Committee Report.....	9
Advisory Panel Report	14
Law Enforcement Report.....	16
Other Business/Adjournment	18

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings** from September 2020 by consent (Page 1).
3. **Move to accept the FMP Review for the 2020 fishing year, state compliance reports, and *de minimis* requests from Delaware and Maryland** (Page 9). Motion by Justin Davis; second by Roy Miller. Motion carried (Page 9).
4. **Move to adjourn** by consent (Page 19).

ATTENDANCE

Board Members

Dan McKiernan, MA (AA)	Tom Fote, NJ (GA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Jason McNamee, RI (AA)	Roy Miller, DE (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Justin Davis, CT (AA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Bill Hyatt, CT (GA)	Russell Dize, MD (GA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	David Sikorski, MD, proxy for Del. Stein (LA)
Emerson Hasbrouck, NY (GA)	Pat Geer, VA, proxy for S. Bowman (AA)
Joe Cimino, NJ (AA)	

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

Ex-Officio Members

Jason Snellbaker, Law Enforcement Representative

Staff

Robert Beal	Jeff Kipp
Toni Kerns	Savannah Lewis
Tina Berger	Kirby Rootes-Murdy
Laura Leach	Sarah Murray
Lisa Carty	Mike Rinaldi
Maya Drzewicki	Caitlin Starks
Emilie Franke	Deke Tompkins
Lisa Havel	Geoff White
Chris Jacobs	

Guests

Michael Addis, FL FWC	Taylor Deihl
Mike Armstrong, MA DMF	Steve Doctor, MD DNR
Pat Augustine, Coram, NY	G. Warren Elliott, PA (LA)
Richard Balouskus, RI DEM	Jennifer Farmer, VMRC
Chris Batsavage, NC DENR	Lynn Fegley, MD DNR
Katherine Becker, FL FWC	Dawn Franco, GA DNR
Dick Brame	Anthony Friedrich, SGA
Mike Celestino, NJ DEP	Alexa Galvan, VMRC
Margaret Conroy, DE DFW	Matt Gates, CT DEEP
Nicole Lengyel-Costa	Lewis Gillingham, VMRC
Jessica Daher, NJ DEP	Helen Takade-Heumacher

Guests (continued)

Carol Hoffman, NYS DEC
Harry Hornick, MD DNR
Jesse Hornstein, NYS DEC
Adam Kenyon, VMRC
Carl LoBue, TNC
Loren Lustig, PA (GA)
Chip Lynch, NOAA
Shanna Madsen, VMRC
Jerry Mannen, NC (GA)
Conor McManus, RI DEM
Nichola Meserve, MA DMF
Steve Meyers
Chris Moore, CBF
Allison Murphy, NOAA
Kennedy Neill
Gerry O'Neill, Cape Seafoods

Derek Orner, NOAA
Nick Popoff, FL FWS
Will Poston, SGA
Harry Rickabaugh, MD DNR
Scott Schaffer, MA DMF
Alexei Sharov, MD DNR
Olivia Siegal, VMRC
Somers Smott, VMRC
Renee St. Amand, CT DEP
David Stormer, DE DFW
Mike Waive, ASA
Craig Weedon, MD DNR
Angel Willey, MD DNR
Chris Wright, NOAA
Renee Zobel, NH F & G

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, August 3, 2021, and was called to order at 1:30 p.m. by Chair William Hyatt.

CALL TO ORDER

CHAIR WILLIAM HYATT: Good afternoon everyone. This meeting of the Tautog Management Board is called to order. My name is Bill Hyatt; I am the Governor's Appointee from Connecticut, and the current Chair of this Board.

APPROVAL OF AGENDA

CHAIR HYATT: First item to deal with is approval of the agenda.

There are a few changes, the first is that in Item Number 5, Review and Discuss Risk and Uncertainty Decision Tool for Tautog. That presentation will be given by Jay McNamee instead of Sara Murray. The second change, also with that same item, is it's listed as Review and Discuss. But we've talked about it, and it really should be an update.

The third change that we have to make is that due to some scheduling conflicts, we're going to have to make a little switch. Item Number 5, the Risk and Uncertainty Decision Tool, will be moved up ahead of Item Number 4, Progress Report on the 2021 stock assessment. Does anyone have any additional modifications? Toni, any hands?

MS. TONI KERNS: I see no hands.

CHAIR HYATT: Seeing none, the agenda as modified is accepted.

APPROVAL OF PROCEEDINGS

CHAIR HYATT: Next is Approval of the Proceedings from September, 2020. Does anyone have any edits? Any hands, Toni?

MS. KERNS: No hands.

CHAIR HYATT: Seeing none, the proceedings are approved.

PUBLIC COMMENT

CHAIR HYATT: Next is Public Comment period. Toni, do we have anyone signed up?

MS. KERNS: I'm not aware of anyone signed up, and I don't have any hands raised at this time to make any comments.

UPDATE ON THE RISK AND UNCERTAINTY DECISION TOOL FOR TAUTOG

CHAIR HYATT: Okay, so having none, we'll move right along into, and again the agenda has been adjusted so that what we're going to move right into is Review and Discuss the Risk and Uncertainty Decision Tool for Tautog. It's going to be Jason McNamee, and just a few real quick things regarding this agenda item. I think I've also already pointed out that it is not really Review and Discuss, I made a mistake in saying that. Again, it's an update. The discussion of the output and any management considerations, will happen at subsequent meetings, either the annual meeting, and probably carry over into the winter meeting. Thirdly, since this is very much a work in progress, and since we'll be revisiting this topic in future meetings. If the discussion does go on long, I might cut it short, just to make sure that we have time in the agenda for some of the later items. With that, Jay, why don't you take it away?

DR. JASON McNAMEE: I very much appreciate the accommodation. I have a quick update on the Risk and Uncertainty Policy that we are going to be applying to tautog, and thank you Maya, I think it's Maya back there, for running the slide show for me. Just a quick background. I'm going to try and go really quick through this stuff.

But just a little bit of background. Remember that the Risk and Uncertainty Policy that we've been working on for a couple years, now is to provide a

consistent, and flexible mechanism to account for risk and uncertainty in our (the Commission's) decision making processes. That includes protecting all of our Commission managed stocks from the risk of overfishing, and minimizing adverse social, economic, or ecosystem effects.

You have a working group that has been sort of working behind the scenes on this process. What we have developed so far is, well we had developed a couple things, but the main thing I'm going to talk about here is we've developed the decision tool. The tool incorporates different information related to the risk and uncertainty for a species.

These are like the technical inputs that will be flooding into, and recall that the decision tool, it's basically like a decision tree, so you kind of work through a series of questions. We've got these technical inputs, and then it combines these inputs with the relative importance of each of the pieces of information, and what we'll call that is the weighting of these various aspects.

In the end, we arrive at a single value, and that value represents the recommended probability of achieving, for instance the reference points, or whatever it is that you're running through the decision tool. This recommended probability will then be used with the projection, to develop the management options for the species.

This gets at that discussion we often have of, well, what's the probability, it should be 50 percent, it should be 60 percent. Let's look at 50, 60, and 70 percent. This will jump all of that largely arbitrary discussion, and do it in a more thorough, transparent and defensible way. Just kind of a look at the process, a visual of the process.

Generally, the Board provides the inputs on the weighting, so we're looking for the Board to give us the importance of each of the different

questions that exist in the tool. Then the Technical Committee, and the Committee for Economic and Social Science will provide all the responses to their decision tool questions, so that there was technical input.

This is going to be an iterative process though, so once we go through it, the Board can make adjustments to the inputs, if appropriate, through their iterative process. The Board can provide feedback on weightings and the decision tool answers. But the nice thing about it is, it happens all very transparently and above board, not to say we were doing it below board before, but it's all very overt, and it happened in a way that can be captured, so that it can be really transparent, and people will understand why we made the decisions we made. Just a quick slide, these are the various inputs in the decision tool. I won't go through all of them, but you can see there is a bunch of questions on stock status, then there are questions about additional uncertainties, some additional risks, and then a series of socio and economic questions. They are kind of broken up into short term and long-term considerations.

For most of the components, if there is a concern, for instance there is high management uncertainty, some element that we don't have perfect information on. It makes the probability more precautionary. Looking at the slide in front of you, you can see the continuum at the top there with the arrows.

You've got your default, that's your starting point. Then you can see that series of blue arrows, the stock status and model uncertainty and the management uncertainty. The vast majority of the things that we look at make us act in a more precautionary manner, they move to the left. The socioeconomic components, however, allow us to move in both directions.

You can be more precautionary with those, if that is how those questions get answered. But it can also go in the other direction, and so this is unique to our process, where you can actually ratchet your precaution in the other direction, if those

socioeconomic conditions warrant it. What we're going to go through here is a couple of animations that represent examples.

This first one is just to kind of show you how the system works, and then on the next slide, I'll talk a little bit more about the weighting aspect of it. I'm going to actually talk to her first, and then Maya, I'll ask you to click a couple of times. What this example is going to show, is how the different components of the decision tool, they can interact.

In this case, we're going to look at the overfished and overfishing status, as well as we're going to pretend that we have high model uncertainty in this case as well. I'm going to show how it increases the recommended level of precaution. Go ahead and click, I think twice on two, so you can see we start at our default.

Then where overfished and overfishing is occurring, so we're going to get more precautionary here, and we move to the left. Then we also have high model uncertainty, so we shift even more to the left, which is going to make us more precautionary, potentially lowering our TAC. But now let's think about the socioeconomic effects.

Here you can see we've got high negative socioeconomic effects in our example. What this does is, it pushes us back in the other direction towards the default. You can see the two blue arrows shifted us to the left, and then because there was going to be a high negative socioeconomic effect, shifted us back to the right.

Now moving on to another example to show you the weighting. The first example is going to show you the default weighting, so this is going to be if all of the components have an equal weight to them. You can see here, we've got high management uncertainty and high model uncertainty, and the arrows have an equal length to them, because they are weighted equally. They each shift us an equal amount to

the left. Here we have our high management uncertainty at that same weighting again. Now our model uncertainty, we're giving it two times the weight in the decision tool. You can see that shifts it quite a way more to the left. Now this is again, just to illustrate the effects of what the answering the questions is doing versus what the weighting is doing.

We continue to develop this. We have the Striped Bass Technical Committee, and the SES, we looked at a striped bass version of this. But it was actually through that pilot that we actually pretty significantly changed the way the process worked, which I talked about, I don't know if it was last time or two times ago.

That striped bass version was a pilot run. We learned from it, and we've modified it. After I talked to you last time, we decided we were going to give it a more rigorous implementation for tautog, which that assessment was underway, and so we thought it would be a good next phase of the Risk and Uncertainty Policy.

We're going to implement it fully for tautog, but it's still in a testing phase, so we'll still allow some flexibility, and an ability to make changes as the Board deems fit. This is the last slide, Mr. Chair. The Tautog Technical Committee, Advisory Panel and the SES, they are all providing input on the technical components.

Your first step, or the Board, we will provide input into the weighting. In other words, the relative importance of the different components of the decision tool, so we're going to make those arrows bigger or smaller with our decisions. What we're going to do is we're going to send out a survey to gather the Board input on this.

There is going to be a webinar held between this month and next month, so keep an eye out for that, to kind of give information to talk about the survey, answer any questions that people have. Then we're going to take those survey responses, and average them to produce the weightings, which we're then going to use in the decision tool for tautog.

Then once we get the whole thing created and operationalized, a draft risk and uncertainty report for each region, remember there are multiple regions for tautog. Those will be presented to the Board for review, after the assessment is complete. We're targeting the annual meeting for that. The report will include everything you need to know about the risk and uncertainty process for tautog.

That is it, Mr. Chair. I'm happy to take any questions if you want to allow a few. But again, we just wanted to reorient people as to what was going on for tautog, so that you are prepared for both the survey when you get it, and for our discussion at the annual meeting, so thanks, Mr. Chair.

CHAIR HYATT: Thank you, Jay, and yes, we do have time for questions if anybody has them. We remind people again, as you have just done, that the tool itself is expected to be fleshed out and presented at the annual meeting. I think it's safe to say that any application of that tool would be something that would be considered, probably at the winter meeting at the earliest, correct?

DR. McNAMEE: I'll look to Commission staff for help on that one. I'm not sure of the plan there, maybe Kirby can answer.

MR. KIRBY ROOTES-MURDY: Yes, thanks, Jay. I'll say it's a bit of a moving target right now. I mean in terms of what you laid out in the presentation for the survey, that holds up. But trying to wrap up the assessment updates, and then get that to the Board, as well as this other component, the decision tool report. You know there is a chance that that might be taken up by the Board again at the winter meeting. The timeline is a little fluid on when that report will be done for the Board's consideration of it.

CHAIR HYATT: Very good, so does anybody have any questions for Jay?

MS. KERNS: I have John Clark.

CHAIR HYATT: Go ahead, John.

MR. JOHN CLARK: Thank you for the presentation, Jay. Just kind of curious about the weightings, based on a survey. Are you looking for kind of the wisdom of the crowd's type of response there, where you know you're going to get, I assume you're going to send it to the entire Board to weigh in on this, and therefore there is going to be, I assume you'll get a mean value for each response? How many options will there be for the questions, and then how do you work that into a single point estimate for a weight?

DR. McNAMEE: Great question, John. I mean you've got it exactly right. That is the idea is, the survey, well it will be all of the elements that get plugged into the decision tool, and it will be judging the way the Board deems each of the elements in their scale of importance. I'm looking for the right term. I'll stick with that one.

That is exactly right, John, we'll take the responses and average them, and then we'll talk about them. We'll kind of give people an opportunity to better explain why they picked the weightings that they did, and then kind of go from there. I think you've got the process pretty well nailed, as far as what we're envisioning.

MS. KERNS: You have Dan McKiernan, and Bill, if you wouldn't mind muting while the other folks are talking, it will let us have potentially less echo.

CHAIR HYATT: Very good, will do. Go ahead, Dan.

MR. DANIEL MCKIERNAN: My question has to do with, I guess do Board members need coaching on some of the details of the management, and the different management areas? For example, in New York you have a separate management unit in Long Island Sound that is shared with Connecticut, separate from the one to the south that may be shared with New Jersey.

The reliability of those data, and the attribution of those landings to the proper stock unit. I don't know if I have enough information to give you a

score, as to the management uncertainty or the reliability of some of those landing's figures. I'm wondering, because these are such localized fisheries now, and I'm not sure I could even comment on what's going on for the south, in terms of each jurisdiction's ability to track some of these data, and the reliability of the data. What are your thoughts on that?

DR. McNAMEE: Thanks, Dan, it's a good question, and you've got me thinking a little bit. I think the webinar that I mentioned is partially set up to accomplish what you're getting at. I'll offer that in the end what we're trying to judge is the importance of that. For instance, you don't necessarily need to be an expert on that New Jersey/New York area, but hopefully you have a feeling about the importance of knowing landings.

If you can get a sense that, during the webinar we say, well we've got pretty high uncertainty in that area. You can make a judgment to say, I think landings are important, and if they are uncertain in that area then you can weight that element of the decision tool. It's kind of at a higher level that we're looking for. You don't necessarily need to know the nitty gritty details, but some details probably are important to making judgments. Hopefully we can capture enough of those during that webinar to help.

MR. McKIERNAN: Thank you.

CHAIR HYATT: Jay, I'll have a quick follow up to that. It sounds like the webinar itself is critically important for getting the Board members to be looking at things consistently, kind of being on the same page. I imagine that there has either been talk or consideration that really, for providing input, the webinars would be mandatory and flexible enough to allow for accommodating people's schedules?

DR. McNAMEE: Yes. I do think it is very important. I also know how kind of fluid people's schedules are. I'm an example of that today. Yes, I'll look to maybe Kirby or Sara to

have thought through the logistics of that webinar a little bit. Maybe we'll record it, and then we can be available.

You know if somebody is not able to attend live, then we'll record it and they can watch the recording, and then follow up with one of us or all of us, to kind of answer their question directly. But hopefully folks, we can set it at a time that most folks can make it. But Sara or Kirby, if you wanted to weigh in on that and bail me out here.

MS. MURRAY: No, that is exactly what we were thinking, is to have a recording. Obviously, ideally, if everyone can get on there at the same time that is great, because then if you have a question, the whole group will benefit from hearing the answer to it. But so that everyone will get the same answers, we'll record it if someone is unable to make the webinar.

CHAIR HYATT: Toni, does anybody else have their hand raised?

MS. KERNS: I have no additional hands at this time.

CHAIR HYATT: Excellent, well thank you, Jay.

DR. McNAMEE: Thank you, Mr. Chair, just a quick shout out to Kirby and Sara, for that excellent presentation. They put that together. I just wanted to make sure they get credit.

CHAIR HYATT: Very good! Excellent, thank you.

PROGRESS REPORT ON THE 2021 STOCK ASSESSMENT UPDATE

CHAIR HYATT: Now we'll move on to agenda item on Progress Report on the 2021 Stock Assessment Update, and Katie Drew, take it away.

DR. KATIE DREW: The stock assessment is proceeding well. We were able to pull together all of the 2020 data that was available. We are missing a few data points, for example, some surveys did not occur, some of the sample size in terms of ages and lengths is not where it would be during a

normal year, due to the effects of COVID and the various lockdowns.

However, we do have enough information to proceed with 2020 as the terminal year. We are in the process of finalizing model runs, and finalizing the assessment report for the SAS Review, before it goes to the TC, before it goes to the Board. We are on schedule to have the assessment update completed and presented to the Board at the October meeting. I am happy to take any questions people have about progress or data limitations.

MS. KERNS: I don't see any hands at this time.

CHAIR HYATT: No hands, okay. Very good, well very quick update, Katie. Thank you very much, and we look forward to hearing what comes out of this at the annual meeting. Thank you.

**CONSIDER FISHERY MANAGEMENT PLAN
REVIEW AND STATE COMPLIANCE FOR THE
2020 FISHING YEAR**

CHAIR HYATT: Next on the agenda is Considering the Fishery Management Plan Review and State Compliance for the 2020 Fishing Year. Kirby.

MR. ROOTES-MURDY: I've got a presentation that Maya is going to click through for me. I just want to say good afternoon to the Board, and I'll be presenting on this Tautog FMP Review. On the screen is an overview of the sections of the report I'll be reviewing briefly, status of the FMP, status of the stock, status of the fishery, compliance requirements for 2020, tagging program implementation, and then I'll take any questions.

Tautog has been managed under Amendment 1 since its approval in October, 2017. Under the Amendment each region implemented measures to achieve the regional fishing mortality target, with at least a 50 percent probability. There were no changes to the

commercial or recreational size limit or possession limit from 2019 to 2020.

In terms of notable changes though, from 2019 to 2020, was the implementation of the commercial harvest tagging program, and Massachusetts and Rhode Island exceeded their commercial quotas by 1 percent and 2.5 percent respectively. In terms of status of the stock, there hasn't been a change since the previous year.

Just as a reminder, as Jason mentioned in his presentation. We are managing tautog under four regions, so there is the Massachusetts/Rhode Island Region, you've heard of that as MARI, there is the Long Island Sound Region, there is the New Jersey/New York Bight Region, and then Delaware, Maryland and Virginia as DelMarVa Region. As Katie noted, we are in the middle of the stock assessment update, and hope to have that completed later this year and presented to the Board. Between 1981 and 2020, total commercial coastwide tautog harvest, so that is recreational and commercial combined, peaked at about 22.5 million pounds in 1986. Since then, harvest has significantly declined, starting before state restrictions were implemented. Since the tautog fishery management plan was approved in 1996, landings have averaged approximately 7.5 million pounds per year.

In 2020, commercial landings and recreational harvest both decreased compared to 2019. Commercial landings account for approximately 5 percent of total coastwide harvest in 2020. On a state level, commercial landings comprise no more than 10 percent of the state's total landings. New York had the most commercial landings of tautog in 2020, it makes up about 58 percent of the coastwide total, with Massachusetts landing the second greatest amount.

As many of you are aware, tautog is predominantly taken by the recreational fishery, about 95 percent on average by weight. Coastwide anglers harvested historic highs of over 20 million pounds of tautog both in 1986 and 1992. Since then, harvest has

declined, fluctuating between about 3.4 million pounds in 2018, and 11.8 million pounds in 2014.

Harvest in 2020 is estimated about 6.2 million pounds. Note that to address reduced intercept sampling caused by the COVID-19 pandemic, the 2020 harvest estimates used imputed data from previous fishing years, and may be subject to change. On a coastwide level the contribution of imputed data to the total harvest of tautog in pounds was 10 percent, and ranged from 0 to 39 percent at the state level.

What we have on the screen. This figure shows, as we've seen in previous years, most of the recreational harvest occurs in the months of September and December, so something to keep in mind when looking at this data this year, when thinking about recreational harvest going into the 2021 fishing season.

For the commercial tagging program, all states with the exception of Connecticut and New York implemented the program in 2020. In terms of participants in the fishery, you know the commercial fishery on a whole coastwide is much smaller proportion, relative to recreational harvest, as mentioned.

But even between the states that implemented the tagging program last year, Massachusetts and Rhode Island have a significantly higher number of participants in their commercial fishery, compared to New Jersey through Virginia. I'm going to get into more of the feedback that was provided regarding the tagging program from the Technical Committee, and industry members who are on the AP.

There will also be a presentation by Jason Snellbaker, the Law Enforcement Committee representative, following the FMP Review. Moving on to one of the key parts of compliance requirements for this plan. There is a biological sampling requirement, where states are to collect 200 age and length samples.

Connecticut, New Jersey, Delaware and Virginia were unable to meet that 200-age sample requirement in 2020. Most of those states reported that the issue preventing them from getting to that number was the COVID-19 pandemic, both in terms of trying to get out and sample, as well as some of the restrictions that were in place. The PRT recommended that the Board consider that nearly all of these states work to try to achieve that sampling target, and in turn were endeavoring to meet the FMP requirement in that way, in spite of the pandemic. In terms of de minimis, the criteria for it are that state landings in the most recent year of data does not exceed 10,000 pounds or 1 percent of the regional commercial landings.

Both Maryland and Delaware request de minimis status as in previous years, and meet those criteria. Today for the Board's consideration would be to accept the 2020 Tautog Fishery Management Plan Review and state compliance reports, and approve de minimis status for Delaware and Maryland. With that I'll take any questions. Thank you.

CHAIR HYATT: Thank you, Kirby. We'll open the floor to questions for Kirby in a moment, and as you see we do have a motion ready to go. I think Justin Davis was going to make that motion. But there is one item from this report I would just like to bring up before we open the floor to questions.

On Page 10, under prioritized research needs, 8.4, Management, Law Enforcement and Socioeconomic Priorities. It lists collecting data to assess illegal harvest, and the efficiency of the tagging program. It lists it as a moderate priority. I think this is fine for the 2020 fishing year report.

However, going forward, particularly given the time and effort invested by various states in the tagging program. I believe going forward, this needs to be a high priority. Furthermore, I believe the Technical Committee should be tasked with exploring options to do this research in the coming year, or to look at options for doing this research in the coming year.

It kind of reminds me of some of the work I've been involved in, in years back, in the invasive species

arena, where University researchers, extension officers, places like Sea Grant, were engaged to collect that on compliance and the pet trade and nursery industry. The idea being, to collect data before valuable law enforcement time is deployed. In essence so that the Law Enforcement can be more effective, efficient and targeted, and to determine whether or not it's even in fact needed.

I don't believe we need a motion here. I think just a reflection in the proceedings, that we would like the Technical Committee to make this a high priority, and to add this to their list of tasks for the next year. I think just including it in the proceedings would be sufficient. At this point, I'll open up the floor to any questions people might have for Kirby, and if anybody has any objections to the suggestion that I just made. Toni, do we see any hands?

MS. KERNS: Not yet, Bill.

MR. ROOTES-MURDY: Hey Bill, this is Kirby. Maybe just to the point you raised. You know the Technical Committee definitely could devote some time to considering this. What you talked about was the role that maybe other state agencies could play in trying to collect some of this information, in particular Sea Grant, you know as this could be possibly pursued as a study of some type. You know from a staff standpoint, I think there might be benefit in the Board considering whether they could ask or pursue that on a state-by-state basis, as they may be best suited to look into their fresh and live markets, regarding the illegal harvest, as opposed to a coastwide approach.

CHAIR HYATT: Absolutely, Kirby, and I think my intent is just to get it out of the moderate priority to the high priority, and put it on the agenda, or on the list of things for people to start considering. But your point about it being more not coastwide, but maybe targeted to those specific areas where needed is well taken. Toni, any hands?

MS. KERNS: You have Dan McKiernan.

CHAIR HYATT: Go ahead, Dan.

MR. McKIERNAN: I guess if you could elaborate a little bit. I'm trying to understand your vision of data collection. It seems to me that in order to inspect seafood or inspect a facility, you need some authority to do that in the seafood end, especially something like live tautog. You may have to get access to like the back rooms of where fish are being stored.

I understand sort of the volunteer compliance checks on some of the issues on invasive species, but I just am a little unclear as to how this would work, you know because in Massachusetts DMF can do an administrative inspection, but it's almost exclusively done by the environmental police. Can you elaborate on what your vision is about that data collection, and how it could be done by folks other than environmental police?

CHAIR HYATT: Sure, Dan. My vision was to get this to the point where some people are considering how to go about collecting some information on compliance, particularly within the marketplace, in advance of putting all of the pressure on law enforcement to go out and do it from the start.

The example I gave had to do with rules and regulations being passed relative to the nursery trade, and organizations, not NGOs and in some groups like Sea Grant being contracted, to go out and be able to collect, go into the businesses and collecting information on the level of compliance that they encountered, collect data, compile that data, and put it into a report. Similar things I'm aware of and have been involved in that were done in the pet trade.

Now whether or not those examples can be applied to the seafood industry, I don't know. I don't know what some of the constraints might be, and I don't know what some of the opportunities to get around those constraints might also be. My intent, again, was simply to get this idea, this concept, this need elevated and into the hands of people who might

be better able than I to figure out ways in which it could be done. Does that answer your question at least somewhat?

MR. McKIERNAN: It does, and I'm wondering if we should ask the Law Enforcement Committee to maybe brainstorm on that, and maybe it's like the Agency biologists that could be keeping an eye on that in some of the live tanks or something. But anyway, yes, I think this is a good topic for the enforcement folks to weigh in on as to how to get, maybe this is not just specific to tautog. How to get better observations of compliance, other than just adding to the workload of the enforcement officers. We can move on.

CHAIR HYATT: Very good, Dan, anybody else have a hand up, Toni?

MS. KERNS: No.

CHAIR HYATT: Justin Davis, you were going to make this motion?

DR. JUSTIN DAVIS: Sure, Mr. Chairman. I would be happy to do that. **I move to accept the Fishery Management Plan Review for the 2020 fishing year, State Compliance Reports and de minimis requests from Delaware and Maryland.**

MS. KERNS: You've got a second by Roy Miller.

CHAIR HYATT: Excellent, so it's moved and seconded to accept the Fishery Management Plan Review for the 2020 fishing year, state compliance reports, de minimis requests from Delaware and Maryland. Is there any opposition to this motion? If so, please raise your hand.

MS. KERNS: I have no hands raised.

CHAIR HYATT: **Excellent, so motion passes unanimously, and we can move on to the last item on the agenda.**

REVIEW THE IMPLEMENTATION OF THE COMMERCIAL TAGGING PROGRAM

CHAIR HYATT: This is to Review the Implementation of the Commercial Tagging Program. We've got three reports, a Technical Committee Report, an Advisory Panel report by Kirby, and a Law Enforcement Committee report by Jason. With that, Kirby, why don't you take it away?

MR. ROOTES-MURDY: Thank you, Chair Hyatt, let me just give Maya a second to get this up on the screen. I'll note for folks, I'll be presenting on both the Technical Committee report and Industry feedback. Our TC Chair was unavailable to be on today's meeting. I'll pause in between both reports, to make sure if people have questions that they can ask them, and we can answer them as needed.

TECHNICAL COMMITTEE REPORT

MR. ROOTES-MURDY: The first is this Technical Committee report. Just in terms of background, the Technical Committee met in early July to provide feedback on the tagging program and its implementation. That report was included in briefing materials, so hopefully all the Board members have had the opportunity to review it.

The TC members were provided questions ahead of that meeting, and during the meeting they answered them, and we pretty much had that organized on a state-by-state breakdown of how implementation has gone. The TC also developed a set of recommendations for the Board's consideration today.

What I'm going to do is next go through those state summaries briefly. Starting from south and moving north we have Virginia. Overall implementation of the tagging program has gone well. It was noted that there were some initial challenges in distributing tags, due to the COVID-19 pandemic. One of the key things that came out was that they had encountered some issues with tag accounting errors by fishermen in federal fishing reports in SAFIS, most notably that the SAFIS report wasn't allowing for tag numbers to be inputted with

landings information. That was a challenge that VMRC staff raised on our call, and it was something that will be touched on later in the recommendations.

But when it comes to harvest that is coming out of Virginia, this is primarily to sell to fresh markets and not live markets. There were no reported issues with mortality, per say. I will say that we did get an anecdotal report that one harvester was trying to tag the fish in the tail, due to issues with trying to tag it in the operculum.

Moving north to Maryland and Delaware, both states reported no issues with the implementation of the tagging program. Both states have a very small commercial fishery. In Maryland there was one participant, and in Delaware they found that given their small fishery, that they are in fact going to reduce the number of tags that they ordered for this year.

Similar to Virginia, because they are primarily providing fish to the fresh market and not live, they didn't report any issues with mortality. Moving on to New Jersey. They also reported that there were not significant issues encountered. New Jersey has a limited entry permit program, which will remain at about 62 permits, even as the number of active fishermen may change year to year.

New Jersey Division of Fish and Wildlife staff indicated that they had more than enough tags, and are looking to order a small amount for 2022. Many New Jersey fishermen requested tags, in fear of losing their permit, but did not use them. They didn't report any issues with applying tags to the fish.

From what the TC member relayed, the live markets were impacted by the COVID-19 restriction, which is definitely one of the market places fish in the state go to. Whereas, the fresh market didn't report any issues. Next moving up to New York. During this call we heard from two New York DEC staff members

regarding a number of challenges that they have encountered with implementation of the tagging program this year in 2021.

Most notably they have preliminary 2021 data that shows the number of harvesters has doubled, and they expect to have an increase demand for tags for their fall season. Just so the Board is aware, there was an initial 170,000 tags purchased for the 2020 season. Those are being used this year, and so far, DEC staff has been notified that 20 percent of harvesters are requesting additional tags for this year.

They have received, DEC staff that is, over 100 participants reaching out with regards to the tagging program, and expressing concerns. Many of these are full time commercial harvesters, and they catch their limit, and that is primarily with the live market. Much of the concerns focused on the applicators and issues that they were having with trying to get the tags to adhere.

For example, fishermen were getting cuts on their hands, and one report was of a fisherman having to go to the hospital, due to the severity of the cut. Harvesters were also notably reporting that they were observing mortality on tagged fish upwards of 50 percent of those fish tagged. Some of the reasons that may be contributing to this higher mortality involved the challenges of trying to tag the fish while out on the water, as well as some observed increases in water temperature in the summer. Those things in combination may be contributing to this higher level of mortality.

There were also anecdotal reports that a few harvesters like, as noted in Virginia, that had come up with tagging the fish in other parts of the body, either the caudal fin, though we are not aware of that report being substantiated. As many of you are aware, New York has a substantial live market, and given the challenges indicated with the tagging mortality, there is a lot of frustration that was expressed.

Based on their experience, many of those harvesters are advocating for a different style of tag

that could cause less damage to the fish, and DEC staff indicated that they would like that to be pursued, and potentially a Floy tag may be the best alternative, in their opinion, to the current tag right now.

That was the report from New York. Moving on to Connecticut. Similar to New York, their implementation was this year. They only had a few issues. Relative to neighboring states of Rhode Island and New York, they have a much smaller fishery. When it comes to the distribution of the tags, they for 2021 had ordered 6,000 tags. They've handed out 3,000 of them, and they are planning to order another thousand for the fall.

Outside of that they reported very low mortality associated with the tagging. Moving up to Rhode Island. As noted, there is a significant increase in participation in a few of these states, Rhode Island being one of them. They saw an increase from about 250 participants annually, up to 295. Much of this seemed to center around the concern of those not participating in the fishery this year being excluded in the future.

In turn, this is presenting some challenges for the state, in terms of developing their biological metric, which as a reminder for the Board, the biological metric takes into account recent landings information to come up with an average landings amount, as well as your participants, and trying to come up with an average fish size that helps inform what the number of tags that a state needs to request, to meet their commercial fishery needs.

In terms of mortality though, associated with tagging, they didn't indicate that there was any issues or significant issues that emerged. Last, in terms of the state updates. Massachusetts has indicated that their tagging program implementation has gone well. Massachusetts moved from an open access fishery to a limited entry one. Previously there had been in the

ballpark of 2,000 participants, and now it's down to about 218 license holders.

There were some noted challenges, in terms of tag application, which in that there was a learning curve for a number of harvesters, and a number of them that were experiencing issues, were not using the manufacturer applicator that goes along with the tags, purchased from National Band and Tag Company. There were also a few complaints regarding mortality associated with tagging. It's important to note that much of the landings are sold to the live market that come out of Massachusetts. We'll move on to the Technical Committee recommendations. As noted, between New York and Virginia, there was a need to address the SAFIS reporting challenge. The request from the TC is that a new field be added that allows for the tag information to be included in that. I know that ACCSP staff has been notified of this, and I'm also aware that both of those states put in requests to have that field be added as well.

Another recommendation for the Board's consideration is potentially consider additional research and trials of tag types. The TC noted that if pursued, an evaluation of tags in a variety of settings on the fish, and whether they can be tampered with once applied should be prioritized. I will note, after I get through these recommendations, just a reminder of what the previous tag selection process was, what tags were considered, for the Board as a refresher.

Then our last few Technical Committee recommendations. There was a request to consult with the Law Enforcement Committee on the enforceability of tag placement, given these anecdotal reports about tags being applied to the tail. The TC indicated that the LEC should confirm whether they've encountered any issues with tags being applied to the fish outside of the operculum, which is what the intended location is for the tags that were selected.

TC members also noted that in terms of participants for reporting out at the end of the year and state compliance reports. Only those participants that

have been issued tags should be noted. There was a distinction, at least for a couple of states in their state compliance reports, as including additionally active participants, so not just those that were issued tags, but those that had landings.

While that information is helpful, in terms of how it's evaluated across states. It's important to define it as participants that were issued tags. Then in terms of 2020 fishing year information, it was noted by the TC that this year may present challenges for trying to develop biological metrics off of it, given the complications from the COVID-19 pandemic, in terms of participation and market dynamics. This may present some challenges for states, in trying to get an effective number of tags that they need for their fishery for the 2022 fishing season.

As mentioned, I thought it would be helpful, given some of the feedback from the TC on how the tags that are being used currently were selected. The timeline, going back and looking at previous files, was in October of 2015, Law Enforcement Committee Subcommittee convened to respond to public comment that was raised during, I believe it was scoping for Amendment 1 regarding illegal harvest.

In January of 2016, that subcommittee outlined objectives for what could be a commercial harvest tagging program, as well as potential tag vendors in tagging trials. Between those meetings that subcommittee outlined some key objectives that would need to be part of this tagging program, to address the potential illegal harvest that is occurring.

By May of 2016, that subcommittee had selected three tag types to test. First was a button tag, second is a strap tag, which is the current tag that the states are using, and the third was a Rototag. I'll note that Floy tags were considered, but not selected for testing. My understanding in looking at previous materials, was concerns raised about it

effecting the meat, as well as that the tag type may be easily tampered with. The other important note is that both New York and Massachusetts conducted tag trials. My understanding is we have a report that I've reviewed of the New York tag trial, where they used a strap tag and recommended it. In terms of visual aids, which I think can sometimes be helpful, these were the tags that were kind of recommended for consideration by the Law Enforcement Committee.

You had the button tag here, the letter associated with this picture was from an LEC report from a number of years ago that was included in briefing materials when the Board was updated on that in 2016. The second tag is the strap tag, which is what we are currently using. The Subcommittee felt that this was the best option, as far as size and Law Enforcement attempted to adjust for tamper with the tag once it was applied, and they were not successful.

I think that inability to tamper with the tag was one of the key attributes for it being selected. Then the third kind of top choice the Subcommittee had looked at, was the Rototag. In terms of that timeline, continuing on, in summer of 2016 New York conducted that tagging trial. It was conducted in conjunction with Stonybrook University and New York DEC staff.

As I said, three tags were identified to be tested. The Research Team indicated that a National Band and Tag strap tag, which is what is currently in place, was the most appropriate. The report was completed in December, and I know it was presented to the Board in February of 2017. As noted, Massachusetts DMF staff also conducted a similar tagging trial, based off of the results from New York. With that information I'll take any questions.

CHAIR HYATT: Kirby, I'm just thinking we might want to, well questions now, but before any discussion we'll want to go through all three of these reports. Are there any questions for Kirby?

MS. KERNS: You have Adam Nowalsky, Dan McKiernan, and John Clark.

CHAIR HYATT: Hey Adam, go ahead.

MR. ADAM NOWALSKY: Assuming that certainly with COVID it limited the ability for states to do in-person work. But moving forward, did the Technical Committee talk about maybe doing some workshops or something in the states that exhibited difficulty, to help the anglers overcome the tagging problems?

We've got studies that we've done that indicated that the tag that was selected was the most appropriate. We've got the majority of the states that suggested that they had a pretty high success ratio. It would seem that perhaps if one or more states is having some specific problems, maybe rather than investing Board resources and trying to go through a new selection process, maybe there is just some work that can be done to help the fishing community directly.

MR. ROOTES-MURDY: Yes, thanks Adam for the question. You know during the TC call, they didn't go into much detail on workshops, per say. I will note that there have been educational materials, including videos that a number of states have made available to their commercial harvesters. Dan can correct me if I'm wrong on this, but I believe Massachusetts DMF did put together a video to kind of outline some best practices on applying tags.

MR. MCKIERNAN: Yes, that is right Kirby, and we can share that.

MR. ROOTES-MURDY: Great, thanks.

CHAIR HYATT: Dan, I think you were up next.

MR. MCKIERNAN: I have a few questions. Kirby, you had mentioned the New York experience was challenging, because fish were being tagged while on the water. In Massachusetts we allow the commercial fishermen to tag at

the pier. I mean on the vessel, but before the fish is unloaded.

I don't know if New York has a different standard, or maybe they are out on a small boat that is rocking and rolling, and making the affixing of the tag kind of a dangerous process to one's hand, because it is a little tricky if you're not used to it. Are there some clarifications of what New York's requirements are for when the fish need to be tagged?

CHAIR HYATT: If there is somebody from New York, Maureen, or somebody else who might want to try to answer that.

MS. MAUREEN DAVIDSON: Hi, thanks, Bill. From what I understand, a lot of it does have to do with trying to tag the fish in rough water. I think for some of the fishermen, they would prefer to tag the fish as they come up, as opposed to putting them in the live well, and then having to tag them when they get back to dock, take them out of the live well and tag them at that time. I think they are trying to reduce handling on the fish. A lot of them are trying to tag at sea.

MR. MCKIERNAN: Okay, as far as the SAFIS field for tag numbers. I know that any time that I've worked with my staff in our statistics program, who work with the ACCSP team. If I'm asking for anything novel in SAFIS, it's a really tough sell, in terms of adding new fields. I'm just curious if that is actually going to be embraced.

Because it seemed like a lot of data collection. In Massachusetts we have a 40 fish limit, so we would have to have 40 tags transcribed. I don't know, I hadn't anticipated that kind of administrative burden for the fishermen, or for the ACCSP to maintain. Is any thought being given to that?

CHAIR HYATT: Kirby, can you take a stab at that? I had kind of, given my level of knowledge, had assumed that the SAFIS tag field thing was well on its way to being done.

MR. ROOTES-MURDY: This was, as I mentioned, brought up during the TC call, and both states had reached out to SAFIS regarding making this change. I've had some preliminary, just conversations with ACCSP staff on it. I think to your point, Dan, I guess more consideration of this data collection will be needed, in terms of administrative challenges with it. Something I think we could look into, try to provide a little bit more clarity on, if this is to be included in future commercial fishing seasons, you know what it would look like, and what that input field would require staff to do.

MR. McKIERNAN: It is kind of intriguing, given the striped bass tagging that goes on among the states, to follow those fish. I'm not opposed to it.

CHAIR HYATT: The one thing I will add, at least reading from the TC recommendations, is the Technical Committee wants the SAFIS tag field available, but not mandatory. I don't know, Dan, if that makes a difference to you.

MR. McKIERNAN: Yes, that would. Then my last comment has to do with, I will remind the Board that the tag that we ultimately adopted was a slightly larger version of the tag that I think that was tested in the initial trials by the state of New York. We came up with the slightly larger tag, because we needed to inscribe more information onto the tag, to identify the state of origin, the year, and the sequential number. I don't know if that size tag is causing the issue or not, so I'll just raise that and I'll end my questions. Thank you.

CHAIR HYATT: Thank you, Dan. John Clark, I believe you are next.

MR. CLARK: I was just curious, Kirby, we didn't provide applicators to our fishermen, since our limit is only 4 tautog a day. We told them how to get the applicators, but I've seen in the presentation, and also in the report that there are fishermen that decided not to buy the applicator, and tried to apply the tag, which I

thought it was almost impossible to do this tag without the applicator. But I was just curious whether you knew whether this was a problem in other states, of people using these tags without the applicator.

MR. ROOTES-MURDY: As I've said, I've got some anecdotal reports from both TC members and industry members, who I reached out to, that I'll go over in my next presentation that they have tried. That they at least attempted to do that, with pliers for example. I think a number of them, when they found that less successful, went ahead and purchased the manufacturer's applicator.

MS. KERNS: Bill, you have Pat Geer.

CHAIR HYATT: Pat, go ahead.

MR. PAT GEER: Kirby, I just want to clarify your slide that you had on Virginia. We did have at least one live harvester that claims he had mortality when he was trying to tag in the operculum, and that is why he was putting the tags in the tail. But we did have at least one live harvester.

MR. ROOTES-MURDY: Gotcha, thanks for that clarification of that.

ADVISORY PANEL REPORT

CHAIR HYATT: Very good, Kirby, are you ready to go into the AP Report?

MR. ROOTES-MURDY: Yes, we'll move on. I'll get into it a little bit more detail, but we have labeled this as an industry report, Maya can you go to the next slide, I'll explain why. Staff reached out to the Advisory Panel via e-mail, and they were polled to schedule a call in June. We had, not at a great response rate, about four or five AP members who responded to that doodle poll, and so off of that we scheduled a call. We only had one participant on that call, and they ended up providing no comment. Given that, staff reached out to the Advisory Panel again via e-mail, with just a set of questions for the AP members to answer. Written responses would be great. We got pretty poor response rate from

that effort, so after that I reached out by phone to pretty much all of the AP members. I called them all up to try to get additional feedback.

What the report that was included in supplemental materials has, is feedback from four AP members, but it is important to note that their views are not representative of the group as a whole. Given that the challenge we ran into trying to get feedback from the AP, states should consider whether to change their current Advisory Panel membership in light of that.

Next are the questions that I posed to AP members, and some of the feedback from the four. First was, how has the commercial harvest tagging program gone so far? We would say this was mixed reviews. One AP member expressed frustration with when the commercial fishing season occurs in Virginia.

Of the four, a number of them raised concerns about the learning curve in trying to apply the tag, as well as some mortality that they encountered, and that mortality when tagging the fish, effected their ability to sell it to the live market. Next question was, any change in the number of commercial harvesters due to implementation?

Some industry members noted that states had seen an increase in their participation in the fishery, due to their concerns of being excluded. As noted, Massachusetts has moved to a limited entry fishery, reducing their participants. In terms of whether there were enough tags in Advisory Panel member's state. Generally, most indicated that there was. Some states either ordered more tags or distributed more later in the season, to address the rising demand.

One AP member from New Jersey indicated that the number of tags was for them a limiting factor in their landings. They indicated that they could go through many more than they were allocated, and if they were given more,

they could land more fish. In terms of challenges with applying the tags, three out of the four AP members indicated there were, mostly in terms of trying to apply the tags at sea. They noted that doing so is time consuming, and that it could require additional deck hands or staff onboard to help.

Then as noted, again, there were anecdotal reports of people applying tags either in different parts of the fish, or in one instance of commercial harvester having the tag applied at a fish house after leaving the vessel. In terms of any changes in the market price compared to previous years, a number of the AP members noted that the COVID-19 pandemic definitely presented challenges to selling to the live markets. It was not a normal year in any way, with restaurants closing in many parts of the country.

In that way it is a little tough to compare this new tagging program, the impact of the tags on either price to previous years, given that confounding element. One AP member noted that dealers offered lower prices, possibly in part to many of those restaurants being closed, as mentioned, and one AP member noted competition for other live invasive species, which may have also been contributing to a lower price per pound. Then I just have two more slides. In terms of whether the tagging program has reduced or will reduce illegal harvest. Generally, the AP members indicated that illegal harvest has continued and will do so in the future, so long as there is enough of an incentive, when it comes to illegal harvest and selling to markets, so long as those markets and restaurants are willing to receive this fish. Then those individuals will continue to work outside of the legal permitted system.

They also indicated the need for more law enforcement to be on the water and in market places. In terms of any recommendations or considerations for managers, the AP member from Virginia indicated that VMRC staff should continue to engage with commercial harvesters. The AP member from Delaware was supportive of moving to an individual quota for commercial harvesters.

The AP member from Massachusetts questioned whether managers thought the program was worth the additional work. They also pointed out that mortality from tagging has affected the harvester's revenue, and that that has presented some challenges. With that I'll take any questions based off of the feedback we received from industry members.

CHAIR HYATT: Any questions for Kirby on this AP/Industry Report? Toni, any hands?

MS. KERNS: No hands.

LAW ENFORCEMENT REPORT

CHAIR HYATT: Okay, then we're going to move right on to Jason's Law Enforcement Report. Go ahead, Jason.

MR. JASON SNELLBAKER: Good afternoon to the Board and Mr. Chairman. Do we have my slides up there?

MR. ROOTES-MURDY: I'll just give Maya a minute to get them up. There you go.

MR. SNELLBAKER: Just going to provide a quick background. I'm probably going to have some duplicity here from what you've already heard. Then we'll go through the questions posed, and feedback from the Law Enforcement Committee members. October '18 saw the implementation of the tagging program was postponed until January 1st of 2020.

In the fall of 2019, all of our states received orders. By December of 2019 implementation was expected for many states starting January of 2020. Of course, as you know the COVID-19 pandemic occurred. Maryland, Rhode Island, New Jersey, Virginia all implemented the tagging program. New York and Connecticut decided to postpone implementation until 2021.

As of 2021, all states have implemented the tagging program. To the questions, how has the commercial harvest tagging program gone so

far? Law Enforcement Committee replied generally successful. Some initial issues with the distribution of tags due to COVID-19 pandemic, but those issues have been addressed.

Some issues with the application of the tags, fish getting damaged in storage, and a higher mortality rate due to warmer water during some state's respective open seasons. Does your state have regulations in place? A majority of the states put regulations in place in 2020. It's also noted New Jersey did not have official regulations in place, which has presented challenges for the enforcement of the tagging program. Any change in the number of commercial tautog commercial harvesters following the implementation of the tagging program?

Yes, for a few states. Massachusetts went to a limited entry fishery from over 2,000 down to approximately 200. Also noted that 2021 is the first year for New York, and there is the chance that the number of active harvesters may increase during the fall fishery. Were there enough tags in your state in 2020? Yes, for most states.

A few states, Massachusetts, Rhode Island had to order additional tags. Challenges with applying the tags. Most indicated there wasn't significant issues with applying the tags. Some LEC members did note that there were challenges initially. Feedback as to why there were challenges included not using the recommended applicator.

Do you think the tagging program has reduced or will eventually reduce the illegal harvest sold into commercial markets? Generally, the LEC members indicated that the tagging program should reduce illegal harvest. The tagging program is in an early stage, it may take time to assess whether the illegal harvest has been reduced, and if so by how much.

What was the level of enforcement for monitoring of commercial harvesters and live fish markets for those states that have them? Generally, the Law Enforcement Committee indicated that there has not been additional patrols and monitoring with the implementation of the tagging program. One LEC

member noted the issue that due to the COVID-19 pandemic, that staff capacity to monitor some of these markets was reduced.

Any recommendations or considerations for managers in continuing the tagging program? One LEC member indicated some state regulatory language leaves too much ambiguity on when fish need to be tagged, either prior to offloading from the vessel, or at the time of harvest. One Law Enforcement Committee member indicated that a different style of tag or tagging location may be helpful for fishermen. That is all I have, are there any questions?

CHAIR HYATT: Any questions for Jason?

MS. KERNS: I see no hands.

CHAIR HYATT: Okay, very good, then we're going to go into a little bit of discussion on this, but cognizant of the time, it's 2:47, we're supposed to be done at three o'clock. Maureen, you had sent me an e-mail during the course of the meeting saying that you were looking to make a motion relative to the recommendations having to do with the tagging program.

I'm going to ask you to hold that, and I'm going to suggest what at least I see as sort of a logical course of action from here, given what was provided in the pre meeting materials, and given what we've had for discussion so far. New York and Massachusetts are the two states that I'm aware of, with significant live fish markets. Based upon their experiences that they've had to date with the tagging program, they are quite divergent. New York has a disadvantage of this being their first year in the program. In the course of our discussion there were some potentially clear differences between how the Mass regulations and the practices in the Mass program versus the New York program have evolved. I'm thinking particularly about Dan's comment that Massachusetts allows for the fishermen to tag

the fish at the pier, they don't have to do it at the time of capture out in rough conditions.

I'm also remembering comments made about certain aspects of training that were provided to attempt to avoid some of the mortality issues that might otherwise come up. I think that was provided by Mass. What I would ask here is that looking at the Technical Committee recommendations, relative to tagging.

One of them was to review the analysis that led up to the tagging program that is currently in place. I think Kirby did an excellent job of outlining all of that work that took place before I was ever engaged with the Commission. Then secondly, they suggested reviewing the challenges that have been reported by some portions of the fishery, specifically New York, and the potential need to evaluate alternative tags.

What I'm suggesting is, given what has come forth in the discussion today, New York and Massachusetts might collaborate a little bit, and look at this program, look at some of the experiences in Mass, and how they might be able to inform things in New York, and do that between now and the annual meeting.

Then reconsider this question, and maybe reconsider the potential need to look at a different tag types at that time, but to take no further action at this time, other than to recognize in the proceedings that New York and Massachusetts will be communicating on this issue. How does that sit with folks?

MS. KERNS: You have Dan McKiernan.

CHAIR HYATT: Dan.

MR. MCKIERNAN: Yes, I would invite Rhode Island into that discussion as well, because they have a comparable quota to ours. I would also like to put on the record that Massachusetts did not make a video last year, because Rhode Island's was so good that we sent our fishermen to their website. I would definitely be interested in having that

conversation, but I hope my Rhode Island counterparts would participate, because I think they also have a lot of experience with this program as well, and could be helpful.

CHAIR HYATT: Very good, Dan. I'll put you on the spot, Maureen. Are you comfortable with proceeding in that manner between now and the annual meeting?

MS. DAVIDSON: Okay, yes. We can proceed on that matter. Probably at that time we'll be in the thick of our fall/winter tautog season, and probably be able to collect more information from our commercial fishermen. But we really want to make sure that we ensure the cooperation of our fishermen, by trying to address their questions, and the needs and the issues that they are bringing us concerning tagging their tautog, especially those for the live market. At the December meeting, I hope that if we need to, we would be able to bring this again before the Board.

CHAIR HYATT: Very good, thank you, Maureen. Is there any further discussion on this topic that anybody feels needs to be had?

MR. ROOTES-MURDY: Bill, just to clarify what Maureen was saying. From a planning standpoint, as we noted earlier in this Board meeting, we'll likely have a Tautog Management Board meeting at the annual meeting in October. We don't have any meeting scheduled for December, so just want to make sure that was clear. Maybe I misheard something.

CHAIR HYATT: Yes, and I don't know whether I misspoke or elsewhere, but I wasn't implying that these conversations should take place between now and the annual meeting. Thank you, Kirby. Any further discussion on this topic? Toni, any hands?

MS. KERNS: You have Dan.

CHAIR HYATT: Dan, go ahead.

MR. McKIERNAN: Yes, to Maureen, and maybe Kirby you're going to organize this. It would be helpful to get a collection of the actual regulations that have been codified by the various jurisdictions, especially those in the conversation, so that we can take a look at that. Also, to get a better understanding of the seasonality of the fishery.

Maureen just mentioned that there is a strong fall fishery, and that is exactly when our fishery takes place. Our fishery goes September 1st until the quota is filled, which typically takes two months. It would be useful to understand the seasonality of New York's fishery as well.

MR. ROOTES-MURDY: We can pull that information together.

CHAIR HYATT: Very good. Anything else on this issue?

MS. KERNS: No additional hands.

OTHER BUSINESS/ADJOURNMENT

CHAIR HYATT: Excellent, so seeing none we'll move to the last item on the agenda, and that is other business. Is there any other business to bring before the Board? Toni, any hands?

MS. KERNS: No hands.

CHAIR HYATT: Seeing none, we are adjourned. Thank you everybody.

(Whereupon the meeting adjourned on
Tuesday August 3, 2021 at 3:00 p.m.)