

PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
TAUTOG MANAGEMENT BOARD

**Webinar
September 1, 2020**

Approved August 3, 2021

Proceedings of the Tautog Management Board
September 2020

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings** from May 2020 by consent (Page 1).
3. **Move to approve New York's request to use 2020 tags for the 2021 fishing season as part of the Commercial Harvest Tagging Program. Only commercial tags with the indicated year of '2020' will be allowed in New York; all other states will use commercial tags with the year '2021'** (Page 6). Motion by Maureen Davidson; second by Dan McKiernan. Motion carried (Page 13).
4. **Move to nominate Mike Luisi from Maryland to be the new Vice-Chair of the Tautog Management Board** (Page 15). Motion by Justin Davis; second by Dan McKiernan. Motion carried (Page 16).
5. **Move to adjourn** by consent (Page 16).

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ATTENDANCE

Board Members

| | |
|---|--|
| Dan McKiernan, MA (AA) | Joe Cimino, NJ (AA) |
| Raymond Kane, MA (GA) | Tom Fote, NJ (GA) |
| Jason McNamee, RI (AA) | Adam Nowalsky, NJ, Legislative proxy |
| Eric Reid, RI, proxy for Sen. Sosnowski (LA) | John Clark, DE, proxy for D. Saveikis (AA) |
| Justin Davis, CT (AA) | Mike Luisi, MD, proxy for B. Anderson (AA) |
| Bill Hyatt, CT (GA) | Pat Geer, VA, proxy for S. Bowman (AA) |
| Maureen Davidson, NY, proxy for J. Gilmore (AA) | Sen. Monty Mason, VA (LA) |
| John McMurray, NY, proxy for Sen. Kaminsky (LA) | Allison Ferrara, proxy for P. Burns, NMFS |

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

Ex-Officio Members

Coly Ares, Technical Committee Chair

Jason Snellbaker, Law Enforcement Representative

Staff

| | |
|-------------|--------------------|
| Robert Beal | Kirby Rootes-Murdy |
| Toni Kerns | Katie Drew |
| Tina Berger | |

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The Atlantic Menhaden Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Tuesday, September 1, 2020, and was called to order at 1:30 p.m. by Chair William Hyatt.

CALL TO ORDER

CHAIR WILLIAM HYATT: I don't think it should take a full two hours, so I might have just jinxed myself, but I think we can get this done, hopefully well before 3:30.

APPROVAL OF PROCEEDINGS

CHAIR HYATT: Next is approval of the proceedings from the May 2020 meeting. Does anyone have any changes or edits? If so, please raise your hand.

MS. TONI KERNNS: I don't see any hands. No hands.

CHAIR HYATT: Seeing none, the proceedings from May 2020 are accepted. Toni, is there anyone signed up for public comment?

MS. KERNNS: I would just ask if there is anybody from the members of the public that want to speak under public comment. Please raise your hand. No one asked ahead of time, but just in case. To raise your hand for the members of the public, you just click on that hand button. I don't see any hands raised, Bill.

COMMERCIAL TAGGING PROGRAM UPDATE

CHAIR HYATT: Excellent, so we can move right along into the Commercial Tagging Program Update from Kirby, so take it away, Kirby.

MR. KIRBY ROOTES-MURDY: Moving into the next slide we have an outline that I'm going to walk through, provide you all a little background, provide a brief update on the state implementation, followed by considerations for planning the 2021 fishing season. Then consider potential management action by this Board.

UPDATE ON 2020 PROGRESS

MR. ROOTES-MURDY: Going through the background. As the Board is aware, in October of 2018 the Board moved to delay implementation of the tagging program until January 1, 2020. Last fall, in preparation of this year's tagging program, the staff followed up with states to have an estimate of how many tags were needed. The terminology we used in the plan is we call it the biological metrics.

That is how each state comes up with the estimate of tags, based on either a combination of the number of commercial harvesters, and poundage that each state has landed in a certain period of years. Essentially what that biological metric gives us, the number of tags that each state needs initially, to carry out the tagging program in a year. We put that out to all the states last fall. It provided that information, and we put the orders in for those tags and applicators by early October, and in turn all states received their orders or tags and applicators by December last year. The plan had been moving into the beginning of this year to implement starting in January. In terms of an update, states do not need to reimburse the Commission for that initial order of 2020 tags, and as indicated before, states will be covering the costs of tags and applicators for the 2021 fishing season.

Starting in March, due to the challenges that the COVID-19 pandemic created, it delayed implementation for a number of states in putting in place the tagging program. There is obviously a memo that provided state-by-state details, and so I won't try to go through each state. But to just provide a summary highlighting some of the states and regions.

Rhode Island has seen an increase in a need for tags from their initial order last fall, and in turn have already gone forward with placing additional tag orders this year. New Jersey has seen a lower market demand and activity in the

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spring, but will be planning to reopen their commercial fishery later this month.

The Delmarva states denied counter issues in distributing the tags, and beginning tagging this spring into the summer with Virginia planning to reopen the commercial fishery in November. One important note on the state-by-state update is that New York and Connecticut did not implement the tagging program due to challenges posed by the pandemic, but are planning to implement the tagging program next year in 2021.

Key considerations for 2021, the main thing to highlight is that while the Commission coordinated ordering the tags last year, much of that work will fall to the states this year, and in turn states should plan to designate a state contact for coordinating with national band and tag company to get orders in and tags delivered in time.

Along this line, states should work to have a plan in place for distributing tags ahead of the commercial fishing season. While many things are uncertain about the future, specifically around the impacts of the COVID-19 pandemic, and whether it persists well into next year. Having a plan to deal with either social distancing or other restrictions will be important.

Similar to last year, we will need every state to put together a biological metric, and have their tag requests ready soon. To aid the National Band and Tag Company in ensuring that enough materials are available to produce the tags in a timely fashion, I'll be reaching out to the states to provide an estimate of their tags, but they won't be used for the upcoming season, and hope to get that from states within the next few weeks.

Overall, to ensure the tags are delivered in enough time, we're asking that states be ready to send their order in to the National Band and Tag Company no later than October 1. That is a

date by which to ensure that those tags are received before the end of this year. Just to be clear, the plan for the design of the 2021 tags is that it would be almost exactly the same as the tags that were used for this year, just with the date updated from 20 to 21.

As a reminder per the Amendment 1 requirement, states need to collect unused 2020 tags by February 15, 2021. This requirement is to help with tag accounting, to make sure unused tags are not available to be applied in most states, and create confusion for law enforcement. A report out on unused tags, for example how many were returned, and the disposition for any not accounted for, whether they were lost, used or broken, will need to be included in the annual compliance report, which will be due later next spring.

For the 2021 fishing season, New York is requesting to use their unused 2020 tags. This is because none were distributed to the industry and big financial cost. Per requirements in Amendment 1 under Section 4.4.2, commercial tagging on Page 74. There is a need to have single-use tags every year that are inscribed with the year of issue, the state of issue, and unique numbers.

As all other states plan to use tags inscribed with the year 2021, New York is looking to have an exception to this requirement, and in turn the Board will need to consider approval of it. To aid the Board's consideration of this request, the LEC, the Law Enforcement Committee was notified, and they provided feedback.

Overall, the LEC members noted the following: that with early enough notice to state and federal law enforcement staff, they don't anticipate this being a problem. This request by New York should be considered as a one-time exception rather than precedent setting. As part of the tagging program, state accounting of unused tags will be important to ensure the 2020 tags from other states are not in circulation.

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Then last: If the Board approves this the LEC should be notified well in advance of the upcoming fishing season. That concludes my presentation, I'll take any questions about the state-by-state updates, or any of the other things I covered. I'll just offer that if there are any specific questions to the New York regarding their situation this year or their plans for next year, that it is maybe referred to the New York Commissioners to answer those.

DISCUSSION ON 2021 IMPLEMENTATION

CHAIR HYATT: We'll start off with some questions for Kirby. Once these questions are done, I will ask for a motion from New York regarding their request to use the 2020 tags in '21. Toni, is there anybody with their hands up with questions for Kirby?

MS. KERNS: Yes, John Clark.

CHAIR HYATT: Go ahead, John.

MR. JOHN CLARK: Kirby, if New York is getting to use the 2020 tags again in 2021, why would that not be applicable to other states? I mean, I think like a lot of states not knowing what the demand would be for tags this year, we got a lot more than we needed that we'll probably end up using. I'm just curious as to why that couldn't be extended to other states.

MR. ROOTES-MURDY: I think the simplest way to look at it is that if there isn't uniformity in how the year is ascribed to tags for all states, it creates challenges for enforcement to ensure that tags from a previous year are not being applied. Having effectively an exception for one state, makes it clear across all state and federal law enforcement that they would only be looking for one state to be using previous years tags.

CHAIR HYATT: Kirby, correct me if I'm wrong, but wasn't that a specific comment by the Law Enforcement Committee that they were

comfortable with this, so long as it was only New York.

MS. KERNS: I just wanted to let you know that Jason Snellbaker is the Law Enforcement representative, and he is on the call if you wanted Jason to answer any of these questions.

CHAIR HYATT: I'm comfortable with anybody answering.

MS. KERNS: Jason, I've unmuted your line if you needed to answer those questions.

MR. JASON SNELLAKE: Yes, that is correct. If there was only one state it wouldn't be a problem. If multiple states were doing it, you know that could cause some concern. To answer your question, yes. That's true. I believe it was okay, as long as it was only one state and there was an exception for this year alone.

MR. CLARK: Like I said, I was just curious about that. It does seem kind of interesting that if I recall, the tagging. The impetus for that was coming from New York, and the fact that they didn't get any tagging done this year is a little surprising.

CHAIR HYATT: The only thing I'll remind you off, John, is that the epicenter of this pandemic was in the greater New York area, and it was hardest hit throughout late winter and throughout the spring.

MR. CLARK: Oh, I understand that Mr. Chairman, but I'm just saying that the tags were distributed in 2019, and like many other states we distributed them before the pandemic really took hold, you know Delaware. I mean it wouldn't have been impossible for them to distribute tags.

CHAIR HYATT: Toni, do we have anybody else up for questions?

MS. KERNS: You have Maureen Davidson.

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CHAIR HYATT: Go ahead, Maureen.

MS. MAUREEN DAVIDSON: I just wanted to respond that I'm not sure when the season for tautog opens up for other states, but for New York our 2020 season, to be inclusive of both Long Island Sound and the Atlantic Ocean, would not have opened until April of 2020. We already had told our fishermen how many tags they were going to get. We already had sort of made our assignments. We were making up our bundles of tags as we would send them out.

As COVID started to spread, we were sent home. Our last day of work was March 13, right before we would have started to distribute tags. We realized once we were sent home, it would not have been possible for us to really adequately and fairly give out all of the tags, and make sure all the fishermen who need them would have them. Also, remember that I believe we asked for over 100,000 tags, and so we have a large amount of tags to distribute, and we currently have all of our 2020 tags. They were not distributed at all to any fishermen. Given that we were the epicenter, we were sent home in the first half of March. It was not possible for us to start initiating our tagging program in 2020.

CHAIR HYATT: Thank you, Maureen. Toni, do we have any other hands up at this point?

MS. KERNS: Yes, you have Eric Reid and then Adam Nowalsky.

CHAIR HYATT: Go ahead, Eric.

MR. ERIC REID: Could somebody remind me when the New York fishing season ends, please?

CHAIR HYATT: Maureen, could you respond to that?

MS. DAVIDSON: Yes, so inclusive of both bodies of water. It opens April 16, and continues through January 25 of the following year. We

were discussing tagging originally, we said that you would not see tagged New York state tautog until April.

MR. REID: Your season opened on January 1 or not?

MS. DAVIDSON: Our season is opened then, but we sort of consider that part of the previous year's season, and that we open in April.

CHAIR HYATT: Eric, is that the information you need?

MR. REID: Yes, thank you.

CHAIR HYATT: I believe Adam is next.

MR. ADAM NOWALSKY: The purpose of New York requesting to use the 2020 tags for 2021 is what? It's my understanding that the Commission is paying for the tags. I understand that there would clearly be a cost savings for the Commission. But is there any benefit to New York to not getting 2021 tags directly, instead of 2020 tags?

CHAIR HYATT: Adam, I'll take a shot at that. Just for clarification. The Commission is covering the cost and not seeking reimbursement for all of the 2020 tags that had been distributed. Any advantage to New York is for the 100,000 plus tags that they are going to need during 2021. They would be able to use those 2020 tags that the Commission picked up the cost from, and therefore it would accrue some savings therein.

MR. NOWALSKY: The Commission is not paying for 2021 tags; states are paying for 2021 tags?

CHAIR HYATT: Correct. Toni, is there anybody else with their hand up with a question?

MS. KERNS: Yes, Dan McKiernan.

CHAIR HYATT: Dan, go ahead.

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MR. DANIEL McKIERNAN: I would ask the Commission staff to look a little closer at the question of tag purchases and reimbursements, because I was just communicating with my CFO. Massachusetts, I think sent ASMFC a payment of \$6,900.00 for our tags this year. That is just one comment.

The other is there are two aspects to this conservation regulation. One is the requirement to put tags on fish, and the other is to require tags in commerce. I guess one of the questions I would ask the other states is, despite the fact that we had a couple of states that didn't tag their fish this year. How does that affect the rules on possession of tagged tautog in commerce?

CHAIR HYATT: Kirby, is that something that you can take a stab at?

MR. ROOTES-MURDY: Yes, Mr. Chair. I'll say that I'm a little puzzled. I'm not sure how best to respond. Dan, if you wouldn't mind kind of framing it again in terms of what you're looking for, if it's from staff or you're looking for the other states to provide clarity on that.

MR. McKIERNAN: Sure, Kirby. Well my first question is, I thought I saw a slide earlier that said the Commission was going to cover the cost of tags in this first year. But I believe our state actually paid the Commission for the tags, the 2020 tags that we gave out to our fishermen over the last few weeks. Our fishery opens today.

I just want staff to reconfirm that, because I'm hearing in other aspects of this conversation an assumption that ASMFC is covering those costs this year. I don't think that is accurate across the board. The second question is, I just have questions about the impacts of two states not tagging fish this year, and what effect that has on the commerce standard that we have as states. In Massachusetts it's going to be unlawful for any dealer to have an untagged

tautog, period, even if that tautog is coming from the state of New York.

I know New York is the epicenter of tautog marketing. Maybe by just New York not enforcing that standard on its dealers it all works out. There will be tagged fish and untagged fish, I assume this year. But I do have that question about how states are dealing with possible untagged fish, in the light of what we just heard about New York and Connecticut.

MR. ROOTES-MURDY: Gotcha. For the first one yes, Dan. The Commission is not seeking reimbursement for those 2020 tags that were ordered last fall and distributed to the states. We can work to try to get that squared away with you all regarding any reimbursement that you might have submitted already.

Regarding the second one, I think that is more of a question for each of the individual states to confirm. Outside of the fishing reports that we get, you know as part of compliance, you know that the tags needed to be applied this year. For a commerce standpoint, I'm not certain how much I can speak to that based on what is reported out at our annual compliance report. We'll be getting that next year, obviously based on how this year went.

CHAIR HYATT: Dan, I don't think that entirely answers your question, but I think it's safe to say that that is something that folks are thinking about. Is there anyone who wants to add additional comment from any of the states? Okay hearing none, Toni, does anybody else got their hand up?

MS. KERNS: I don't see any hands up. Dan, I just wanted to let you know that your line is still unmuted.

CHAIRMAN HYATT: Seeing no hands up or any further questions directed towards Kirby. Maureen, do you have a motion?

MS. DAVIDSON: Yes, I do.

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CHAIR HYATT: Okay, go ahead.

MS. DAVIDSON: I would like to move to approve New York's request to use 2020 tags for the 2021 fishing season as part of the Commercial Harvest Tagging Program. Only commercial tags with the indicated year of "2020" will be allowed in New York; all other states will use commercial tags with the year "2021".

CHAIR HYATT: Is there a second to that motion?

MS. KERNS: Dan McKiernan has his hand up.

CHAIR HYATT: It's moved and seconded to approve New York's request to use 2020 tags for 2021 fishing season as part of the Commercial Harvest Tagging Program. Only commercial tags with the indicated year of "2020" will be allowed in New York; all other states will use commercial tags with the year "2021", Maureen, would you like to add anything?

MS. DAVIDSON: Oh yes, thank you. As I said, we have not distributed any 2020 tags to our fishermen, so the only tags that New York will be able to use, they should be able to use, will be the 2020 tags. Now, although we didn't have to pay for these tags, they do represent investments by ASMFC in the large number of tags for New York State to be able to participate in the tagging program of 2020.

It would be a large waste if we just took those tags and threw them away, or took them to the recycling center. Our fish will be tagged for our 2021 fishing season. Starting in April, April 16, our fish will be tagged with these tags. In 2022, New York State will purchase the appropriate year to resume tagging with the correct tag for the correct year. We just want to be able to use the 2020 tags for the season of 2021. I'll be happy to answer any questions.

CHAIR HYATT: We've got a motion on the table, is there any comment or discussion? If so, please raise your hand.

MS. KERNS: Dan, I'm not sure if you wanted to comment, you still have your hand raised from seconding, and then you have Mike Luisi, followed by Eric Reid.

MR. McKIERNAN: Yes, I would like to ask Maureen a question, getting back to the commerce question. Will New York amend its regulations about possession for dealers that states that in the year 2021 that all tautog must be tagged with either a valid tag from the other states bearing a 2021 year, but for New York it will be for the 2020 year? I just want to make sure, because this is all about accountability and the trade of this fish. But this is a driving force behind this, and I just want to make sure that New York will amend its dealer standards as well.

MS. DAVIDSON: Yes, we'll make sure that our dealer standards correlate to what we're trying to do in practice. Obviously, our tags will have 2020 on them, and all the other states will have 2021. Did I answer your question?

CHAIR HYATT: I guess the question Maureen is that Dan is asking, is that going to be reflected in some change that you're going to make to your state rules or regulations.

MS. DAVIDSON: I have to look at our regulations to see if they specify the year, then we will have to adjust, we'll have to change them.

CHAIR HYATT: Dan, you good?

MS. DAVIDSON: They will correspond to what we're doing in practice. You will not have our regulations.

MR. McKIERNAN: I'm good, thank you.

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CHAIR HYATT: Very good. I believe Mike Luisi was next.

MR. MICHAEL LUISI: I'm just trying to understand, and maybe I could ask a question of Maureen through you. What is the plan in New York, given the current situation that we're in, that would be any different two months from now if nothing has changed, and we're still working at home and the offices are not as functioning as they were when the pandemic started?

I mean I'm trying to understand the process of why the tags can't be distributed, so that they could start being applied at the first of the year rather than in April. I don't know if that is something that could be answered.

MS. DAVIDSON: Back in 2019, when we were discussing how the tags were going to be deployed for 2020, New York and one other state, I don't remember which one, said that we would not have our current year's tags in the markets in January, because our fishery will close January 25, and it reopens in April. The way we look at it, we include the three weeks in January in the previous year, and we start our season in April.

This gives us actually a period of time where there is no harvest of tautog, and we can ensure that only one year's tags will be in use and will be in the market. That was one of the things that we also wanted to make sure, because this way the tags you're using in December are the tags you're going to use three weeks into January. Then our fishery season is closed, and we will use that period of time to eliminate all the previous year's tags, and start up new in April, with that current year's tags. At the time when we discussed this in, I think it was 2019. At that point it seemed like it was alright with everyone. If there are still questions about it, we can talk about it. But it really does make it a very clean season for us. When the previous year is over near the end of January, we have until April. We tell the dealers

they can't have fish with that on it. We tell the fishermen they can't use them, and we start fresh in April.

CHAIR HYATT: Mike, does that answer your question?

MR. LUISI: Yes, thanks Mr. CHAIR. If I could just quick follow up. Thanks, Maureen for the reminder about kind of how New York's season operates, and the start and the end. I guess my follow up is, if the current situation that we're all operating under continues, is there a plan to actually have the tags distributed starting in 2021?

You know the commerce issue was kind of the main part of this, and I am just wondering if New York has an intention, if we remain under the, I wouldn't call it a lockdown, but if we remain in this kind of work at home situation. Is there a plan to get those tags out if this is approved, to make sure that in 2021 that all the states are going to have tags in circulation?

MS. DAVIDSON: Mike, I think actually this might apply to all states, in a way. The first thing I just want to say. I can't even predict what can happen with any one, any state with COVID-19. However, I could say at this point we have been in lockdown, we have been telecommuting for the past six months.

Being able to work from home or work from the office is something that we are definitely much more used to. I'm home right now participating in this. At this point it's not, you know when this happened, we were supposed to get them out in time for April, and we were sent home in March. There was just really no time for us to adapt, to figure out how do we do this?

How do we work from home? Right now, we have so many tools for working from home. We have the schedules. I think I'm foreseeing something really horrible, which I don't want to talk about. I believe right now we are definitely

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much better prepared to deal with making sure our tags are out in time for April 2021.

MR. LUISI: Thank you so much, I appreciate that.

CHAIR HYATT: Mike, I'll add. I think your question is germane for Connecticut as well. Connecticut will be using the 2021 tags, but their plans to implement this year were scuttled in a similar manner to what happened in New York. In my discussions with Justin, he had indicated that now work at home is in place, and there is enough advanced time, in order to ensure that this is done as intended for 2021. Justin, do you want to add anything there?

DR. DAVIS: Sure Mr. Chairman, thanks. You covered it that Connecticut is not anticipating any issues with distributing these tags ahead of our April 1, 2021 season opener. It's not going to be as easy as it would have been otherwise. Our offices are still closed, everybody is still working from home. But we're going to make it work. We anticipate we'll be able to implement this program in 2021 as we intended to in 2020.

MR. LUISI: Understood. Thank you, guys, thank you everybody.

CHAIR HYATT: Toni, do we have any other hands up?

MS. KERNS: Yes, Eric Reid has said his question was covered, so we now have Tom Fote, followed by Adam Nowalsky.

CHAIR HYATT: Go ahead, Tom.

MR. THOMAS P. FOTE: I'm really concerned, and I'm trying to figure out how they are basically doing inspections with police in New York and Connecticut. If you have untagged fish, rockfish, you just said it was caught in the state, so we didn't put the tags on. Are you not allowed to basically ship out of state?

New Jersey would have to have tags on a fish before you can sell it, so you can't close that

market deal. I'm trying to figure out how you're doing this in New York and Connecticut. Really, are you turning down fish in the market that have no tags, just by saying they're from New York or from Connecticut?

CHAIR HYATT: I could speculate, Tom, but I think what I will ask is for Justin and Maureen to respond as best they can. They have better first-hand knowledge. Go ahead, one of you, pick it up.

DR. DAVIS: Sure, Mr. Chairman, this is Justin from Connecticut. You know essentially, we made a decision this year not to implement the tagging program. We had not distributed any tags yet. As Maureen mentioned, the timing of the pandemic and when we got sent home from work, it was about the same time as New York.

It was literally the week where we would have started distributing the tags. Everybody went home. We essentially decided not to implement the program this year. We did not distribute any tags to our fishermen. Our enforcement officers are essentially not forcing the requirement for tagging prior to offloading this year, because we didn't distribute any of the tags. In terms of what's happening in the marketplace, I honestly can't tell you.

Obviously, we have fish that could be potentially getting landed in Connecticut that are not being tagged. Those fish could then potentially be sold or brought to another state, and I can't sort of speculate on how other states are going to handle that. But I will acknowledge that it did create an issue that there can be fish entering the marketplace this year that are not tagged, that were landed in Connecticut.

CHAIR HYATT: Maureen, is that answer pretty much consistent with New York as well?

MS. DAVIDSON: Yes. Our law enforcement did not look for tagged fish in the market this year, since our fish were not tagged, and we did not

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distribute tags. I cannot say what happens to New York State fish that went to other states, tried to go to the markets of other states. I know that our fishermen were definitely affected by this, and I can't say that there were that many fish available at times during this crisis. It might not have been as much of an issue, if it's in the year where people were fishing heavily. Yes, it's pretty much what Justin said.

CHAIR HYATT: To summarize, in both Connecticut and New York, not implementing the program also meant not enforcing it within their state borders. However, there is an acknowledgement that fish potentially could be leaving those states and entering into the markets in other states, and causing confusion.

That is all 2020. What I'll remind the Board at this point in time, is that the motion that is before us has to do with 2021. If I can, I would like to shift the focus to the motion that is on the table, and the action that New York is proposing for 2021, a year in which all the states have committed to fully implementing this program as intended, with the one exception, New York's request to use their 100,000 plus 2020 tags during the 2021 fishing season. Toni, is there, I believe Adam was in the queue. Go ahead, Adam.

MR. NOWALSKY: Given that from what I've heard, New York was already to go with this in March, and what stopped them from moving forward was being sent home, the COVID pandemic, not knowing how to work that way. In six months, we've learned how to work remotely. Observers have gone back on fishing vessels, enforcement is doing enforcement, we've got MRIP APAIS interviews. What is stopping New York from starting to use their 2020 tags ASAP through the end of their season in January of 2021?

CHAIR HYATT: Maureen, that is a question to you.

MS. DAVIDSON: Adam, you're saying that we should just sort of distribute our tags now, and then use them through the end of our season in January?

MR. NOWALSKY: I'm asking the question, if New York was already to go in March to implement this for the entirety of their 2020 season, which would include this fall, which would include through January 20, 25, whatever the date was. Yes, the question at this point is, if everything was ready to go why not start distributing tags now, getting tags on those fish, getting them into the marketplace, as opposed to just putting off the tagging entirety for another eight months?

MS. DAVIDSON: First of all, we wouldn't adequately use the tags that we have right now. We would only use a portion of them, given we would only be having a portion of our fishing season. Also, it's sort of just cleaner. We were able to not implement the tagging program for 2020. Do you feel starting the season now in the middle of the year is adequate, it's appropriate? I think that it is just sort of cleaner that we just start with the following fishing season, the following fishing year.

CHAIR HYATT: I'll add that Adam, I think your question is germane to Connecticut as well, so Justin I'll put you on the spot as well, just to respond.

DR. DAVIS: Our commercial season is closed right now, but will open up again on October 1. I guess, you know a couple things. One is that we had already made a decision that we were not going to implement this program this year, and sent a notice indicating that to our fishing community. Does that mean we couldn't reverse that decision, and turn around and decide that we want to implement it for this year? I suppose not. It would be a fairly big production to try to implement it over the next month ahead of the October 1st opener.

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I also feel like, given that New York and Connecticut share Long Island Sound, I feel like both states need to be doing this to make it effective for enforcement in Long Island Sound. Though our decision in Connecticut not to implement this year back during March, a big part of the calculus there was the fact that New York wasn't planning on implementing.

We didn't think it made sense for Connecticut to implement if New York wasn't. I guess that would be my answer that I would follow New York's lead on whichever way they want to go this year, with implementing or not. I'm not going to say we couldn't do it. It would be difficult.

We also have a much smaller fishery than New York and Long Island Sound, all of which is to say, it's not saying that there isn't value in us doing the program. That is kind of a bit of a long winded answer, but essentially it boils down to, there is nothing saying we couldn't do it this year, but we have not been planning on it, and we sent notice to our fishing communities saying, we weren't going to implement it this year.

CHAIR HYATT: Adam, do you have any follow up?

MR. NOWALSKY: I don't have any follow up questions. If there is a comment to be made here, the comment would be made that we're all doing difficult things. I'm completely sympathetic to the plights of the biologists involved at the management level. I'm completely sympathetic to telling somebody one thing, only to tell them something different.

I think we've heard that certainly as fishermen we've heard that many times in the last six months. As individuals in all businesses we've heard different things. We've all done difficult in ways that we didn't think were probably possible seven months ago. I would really like to see these tags on these fish in the marketplace as soon as possible.

If both states were ready to go with this, and the only thing that was stopping them was being sent home from the office, and we didn't know how to work remotely, and we've learned that. I would like to see these two states make an effort here to get these tags on fish, so that they get in the marketplace, we can achieve the goals of the amendment. For that reason, I'm going to have to be opposed to the motion.

CHAIR HYATT: Toni, who do we have next in the queue?

MS. KERNS: I'm not sure Tom's hand is raised from before or if he has re-raised his hand, Dan McKiernan, followed by Maureen Davidson.

CHAIR HYATT: Tom.

MR. FOTE: Yes, I would like to follow up. I have concerns. What is happening in Connecticut and New York, since we're all supposedly tagging fish in New Jersey, Maryland, Rhode Island, Massachusetts. It leaves an illegal market open in New York, because if nobody is tagging fish, it means that, I hate to say this, my fishermen could possibly run fish across and basically land them and sell them in the market in New York.

There would be no way of following up on that. That is why I was thinking what Adam was saying. That's how it sounds to me, because it allows an illegal market opened up for five more months. If it's a mistake, how do they stop that?

CHAIR HYATT: I think that is in part responded to by New York and Connecticut by saying that their suspend program also included suspension of enforcement. At least for those states I think that would be the answer that is given. My screen just went blank.

MS. KERNS: I think that might be you. I still see the screen.

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CHAIR HYATT: Okay very good. Unless there is somebody wanting something, then I'll move to Dan.

MS. KERNS: Jason Snellbaker, Law Enforcement representative has his hand raised, I think maybe to respond to that question. Is it okay if I unmute him?

CHAIR HYATT: Absolutely.

MR. SNELLAKE: You know I understand not having the metal tag creates a problem, and really hurts the intent of the whole tagging program. But it's not like there is not going to be any enforcement. I just want to put this out there that all states are required to have records of some sort. Yes, can somebody catch illegal fish in New York, and can there be records that say they came from Connecticut, where there is no tag on them currently? That could happen.

But we're really no worse off than we were before. I guess that's the reason we're having the tagging program is to make the system better. But I just want to put out there, there is still going to be enforcement. We can still look at records. Is it fool proof? Is it bomb proof? Absolutely not, but there is still a sense of enforcement. You know we'll eventually five months from now hopefully get to the point where we'll have a fresh start with 100 percent tagging across the board.

CHAIRMAN HYATT: Thank you. I believe Dan was next.

MS. KERNS: That's correct, and then Maureen Davidson.

MR. McKIERNAN: From Massachusetts perspective, I guess I would like to express a level of disappointment that the two states pulled the plug, really without sharing that detail, because you know we might have done the same, because our fishery opens on September 1. We just spent the last six weeks

sending our staff into the office to make appointments with fishermen to hand out these tags. Having said that, there is an upside to us managing the Mass quota. We have a quota, as does Rhode Island. I'm looking forward to the benefits of managing our quota in a more accountable way. I don't have a real problem going forward with this program, at least by state level. I don't feel like it's a waste of time, because we still have some quota compliance issues that we're trying to get a handle on in Massachusetts. We still welcome that, and we think that's of course an important part of this program.

I understand that the gold standard was to make sure that every fish in commerce was tagged. If we don't get to that this year, I can live with that, because I think we're really close. We're only half a year away, and this is a pandemic year. This is the season of saying yes, when people have like serious challenges.

But I just want to be clear that, at least in my state, we're not going to back off of the need to see tagged fish in commerce. If there is a fish that is untagged in Massachusetts, we intend to seize that. If New York and Connecticut want to have a different standard because of their tagging situation, I understand that.

But I think it makes more sense for us, in terms of us managing our quota for our local population of tautog that we share with Rhode Island, that we stick to our guns and maintain the tagging standard for the fishermen, and also in commerce. That should be made clear to, like a New York dealer who might want to ship fish to Massachusetts. I don't know if that actually happens on any great quantity, but they won't be able to ship any untagged fish to us. I'll stop there.

CHAIR HYATT: After considerable discussion over 2020 and what happened and what didn't happen, and what the reasons are. The motion that is on the floor focuses on 2021, with implementation in 2021, albeit with New York

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using the 2020 tags. I'll ask, is there any further comments specifically on the motion that anybody would like to make?

MS. KERNS: You have Maureen Davidson with her hand up.

CHAIR HYATT: Maureen.

MS. DAVIDSON: Thank you, I sort of was trying to respond to some of the comments that were coming through. Adam, yes. Back in March we were ready to send the tags out. Right now, for us to get the tags out I think it would be a waste of our tags, because we have so many tags that we would put 2020 tags out there and have to throw away.

I realize we all will be throwing away tags, but we really require many tags, and I think the wisest use of the tags would be to start them with a full fishing year. This was an unusual year. This is something that does not happen, what once in a hundred years? Yes, this is going to be sort of a bump in how fisheries management is being done. But New York right now has every intention of fully implementing its tagging program in 2021. We just ask that we be able to use our tags that we have from 2020.

CHAIR HYATT: Anybody else, Toni?

MS. KERNS: I don't see any other hands at this time. If I'm missing somebody, please raise your hand again.

CHAIR HYATT: Seeing that there are no hands at this point in time, we'll close the discussion. The motion is, oh and by the way, Toni. I do not have anything on my screen, so I can hear what's going on without a screen, just to let you know. The motion is to approve New York's request to use 2020 tags for the 2021 fishing year as part of the Commercial Harvest Tagging Program.

Only commercial tags with the indicated year of "2020" will be allowed in New York; all other states will use commercial tags with the year "2021". There has been some opposition to this voiced, so I was hoping to be able to do this by consensus, but I don't think that's possible. We will go to a vote. Why don't we caucus for two minutes, and then Kirby, call the vote?

MS. KERNS: Bill, what we've been doing is just having the states raise their hand, and I will read out which states are voting in favor and against. Then Kirby can let you know the count.

CHAIRMAN HYATT: Okay, excellent. Two minutes. Okay Toni, why don't you help people vote.

MS. KERNS: All those in favor please raise your hand. I will take your hands down for you, so you can leave them up. I have Delaware, Connecticut, NOAA Fisheries, New York, Virginia, and Maryland. Kirby, what is that count?

MR. MCKIERNAN: Toni, Massachusetts wants to vote yes.

MS. KERNS: Okay, and Massachusetts.

MR. ROOTES-MURDY: That is six for yes.

CHAIR HYATT: I got seven.

MS. KERNS: Seven, including Massachusetts that is seven. All those against, please raise your hand. I have New Jersey, which is one against. That one I can count. Any abstentions? I do not see any abstentions. Any null votes? One null vote from Rhode Island.

CHAIR HYATT: Okay, so the motion passes 7 in favor, 1 opposed, 0 abstentions, and 1 null.

CHAIR HYATT: Next on the agenda is an update on the 2021 stock assessment update by Katie Drew.

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MS. KERNS: Mr. Chairman, before we have Katie speak, if it would be all right for Bob Beal to make a comment.

CHAIR HYATT: Absolutely, go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just want to make two quick points. The first is I think the conversation that the Tautog Board just had. It's probably going to happen again in a lot of different boards. Under the pandemic situation we're in, states have had, you know a big range of abilities to achieve compliance requirements in FMPs. A lot of times it's been fishery independent surveys, or biological sampling and different things. You know the Commission is going to have to have conversations on how much of that you know is (broke up) essentially. This Board handled it well and figured out a plan moving forward, and we may have to have that conversation in other management boards. That's just sort of (broke up).

Then the second point, I want to get back to Dan McKiernan's comment about Massachusetts reimbursing ASMFC for their tags. This is one of those sort of awkward things of, if we were in the in-person meeting, staff would have ran over to the corner, huddled up, and said, hey what's going on with Dan's comment?

We had to do that over texts while you guys were having your (broke up). What we found out is Massachusetts, Rhode Island, New Jersey, Delaware, and Maryland have all reimbursed ASMFC for their tags so far, a few states did not. My recollection is that ASMFC was going to pay for the tags up front, and the states were going to pay us back.

We're going to go back to the minutes and make sure that is correct. You know it's a little bit unclear what we all agreed to. We just don't recall right off the top of our heads; you know what we all agreed to at the end of the last calendar year. We'll go back to the minutes, dig that out and let you know. But I wanted to sort

of chime in that we hear you, Dan, and you're not alone. Four other states have paid the Commission back for those tags, and we'll dig into it and see what the situation is and let the Board know.

CHAIR HYATT: Okay, thank you, Bob.

PROGRESS REPORT ON THE 2021 STOCK ASSESSMENT UPDATE

CHAIR HYATT: Again, as I said, next on the agenda is an Update on the 2021 Stock Assessment Update by Katie Drew. Toni, I'm going to leave and try to come back in to get my screen back up and working. I know it's a little bit of a risk, but I'm going to take it.

MS. KERNS: Thanks, Bill, and if Katie finishes, I'll just ask for questions if I don't see you back yet.

CHAIR HYATT: Okay good, go ahead, Katie.

DR. KATIE DREW: I'm just going to give you a quick update on what's happening with the Stock Assessment Update. Here is the Stock Assessment Subcommittee. It's been updated since the time we did the last assessment update. As you can see, I think we just wanted to point out with this obviously, our great and very technical people who are going to do a great job with this assessment. But just as a reminder, this is technically four stock assessment updates, because we do this at the regional level.

We've tried to get staff members who can represent their region, and make sure that there is some regional representation to handle the lead analysis for each of these regions. Here is kind of the timetable that we're on. Basically, our plan, we started this early because we do plan to have the 2020 year be the terminal year, but because we have to go back and redo the catch at age for all regions to include the new MRIP data, so it's not just a matter of adding 2016 through 2020 data, we

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have to go back and redo the entire catch at age for all four regions. We've started the process this year, and we've compiled all of the data through 2029 has been submitted, and going forward the Stock Assessment Subcommittee members are working on redeveloping the catch at age with the new MRIP data through 2019, so that we can have that sort of in place and ready to go by the time we get the 2020 data.

We'll be doing some preliminary runs with the new MRIP data through 2019, just to make sure everything is working, and that we have a good base model run, so that when we get the 2020 data we can turn it around fairly quickly, and have the assessment update ready for the Board the week of October 19, that is Annual Meeting of next year with a terminal year of 2020.

Obviously, there are probably going to be a couple of caveats related to the current Corona Virus situation. Number one, I think it's unclear what the impact is going to be on the data, in terms of the availability of MRIP estimates. Is there going to be any gap filling for the MRIP estimates? What is going on with the fishery independent and fishery dependent sampling for 2020, et cetera, so 2020 will of course be a year with a fairly high degree of uncertainty.

But because we averaged the fishing mortality rates over the past three years for this species, we felt that including 2020 in this year's estimate is going to be a little bit muted, that impact is going to be a little reduced with the averaging approach. We're going to continue to go forward, and include the 2020 data.

It's possible that the assessment timeline will get pushed back a little, depending on how long it takes to get any kind of validated or backfilled, if you will, MRIP estimates. The May 1 data assumes that we will have data available at that point, but I think it's very unclear as to what is going to happen on that side. This is our ideal timeline. We're continuing to work our

way through it, and we'll just see what happens at the beginning of next year with this as with so many other things. I am happy to take questions now, thanks.

CHAIR HYATT: Thanks Katie, anybody have any questions?

MS. KERNS: Justin Davis, followed by Jason McNamee.

CHAIR HYATT: Justin.

DR. DAVIS: Katie, I'm wondering, this is the first tautog stock assessment that will include the new MRIP numbers, I believe. I'm just wondering, maybe it's too early to comment, but are we going to have the same dynamic with this species, where catch estimates have tripled or quadrupled relative to the old MRIP? You know we're going to have that same dynamic of those MRIP numbers sort of elevating stock biomass estimates, but also creating a much higher benchmark for recreational catch and harvest that we have to measure our potential harvest targets against.

DR. DREW: Yes, it's likely. Obviously with tautog, you know we have been seeing declining catch in the most recent years. I think this is probably going to be a little closer to the weakfish situation than to say the striped bass or bluefish situation. But it's likely that we will see a slight increase in the biomass, and therefore potentially a slight increase in the biomass target. Although it is unlikely to change stock status dramatically, but for sure I think the important thing for the comparison is going to be less about, did we hit our specific catch quotas, and more about have we brought F down under the F target yet.

Hopefully that component will not be as impacted by the MRIP changes as the biomass component. But again, it is something that we're going to have to wait and see. Plus, since we are adding five years of data to this assessment, and so there is the potential that

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things have changed biologically, although probably not significantly other than just the MRIP numbers.

CHAIR HYATT: Very good. Jason.

DR. McNAMEE: I actually had a very similar question, and so it has been answered, thank you though, thanks Katie.

CHAIR HYATT: Toni, any other hands up?

MS. KERNS: Not that I see.

CHAIR HYATT: Good. Thank you, Katie.

ELECTION OF VICE-CHAIR

CHAIR HYATT: This brings us to the election of a Vice-Chair. I believe Justin Davis is prepared to make a nomination. Justin.

DR. DAVIS: It is my pleasure to nominate Mike Luisi from Maryland to be the new Vice-Chairman of the Tautog Management Board.

CHAIR HYATT: Do we do this via a motion, so it needs a second and all that, Toni? Okay, do we have a second?

MS. KERNS: We do, Dan McKiernan.

CHAIR HYATT: Thanks, Dan. There, it has been moved to elect Mike Luisi as Vice-Chair of the Tautog Management Board, any discussion?

MS. KERNS: No one has their hand up.

CHAIR HYATT: Okay, very good. Is it possible to unmute everybody? Toni, can you do that?

MS. KERNS: It will unmute every single person on this webinar if I do that.

CHAIR HYATT: That's a bad thing, right?

MS. KERNS: If more than one person is unmuted at a time then the sound quality

becomes very difficult. You could just ask if there is any objection to the motion.

CHAIR HYATT: I know, I didn't want it that way. I wanted to have everybody in favor say Aye. We can't do that.

MS. KERNS: That's problematic.

CHAIR HYATT: Is there anybody who doesn't want Mike Luisi being the Vice-Chair of the Tautog Management Board? Toni.

MS. KERNS: Bill, can you hear me?

CHAIR HYATT: Yes, I can.

MS. KERNS: Okay, I see no hands raised in objection to the motion. I'm not sure if you heard me say that. The webinar screen sort of did something weird there.

CHAIR HYATT: Very good, so Mike, congratulations, you're the Vice-Chair for the Tautog Management Board.

MR. LUISI: Thank you, Mr. Chairman. Looking forward to it.

ADJOURNMENT

CHAIR HYATT: At this point I'll ask if there is any other business.

MS. KERNS: I do not see any hands raised.

CHAIR HYATT: Very good, then our business is concluded for the day, and we are adjourned. Thank you everyone.

(Whereupon the meeting was adjourned on
September 1, 2020 at 2:40 p.m.)

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