

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

August 2, 2023

Approved October 16, 2023

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5. **Move to approve Nicholas Marchetti of NY to the Tautog Advisory Panel** (Page 14). Motion by Jesse Hornstein; second by Jason McNamee. Motion passes by unanimous consent (Page 14).
6. **Move to nominate Dr. Justin Davis as Vice-Chair of the Tautog Board** (Page 14). Motion by John Clark; second by Raymond Kane. Motion passes by consent (Page 14).
7. **Move to adjourn** by consent (Page 14).

ATTENDANCE

Board Members

Dan McKiernan, MA (AA)	Adam Nowalsky, NJ proxy for Sen. Gopal (LA)
Raymond Kane, MA (GA)	John Clark, DE (AA)
Sarah Ferrara, MA, proxy for Rep. Peake, MA (LA)	Roy Miller, DE (GA)
Jason McNamee, RI (AA)	Michael Luisi, MD, proxy for L. Fegley (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Russell Dize, MD (GA)
Justin Davis, CT (AA)	David Sikorski, MD, proxy for Del. Stein (LA)
Bill Hyatt, CT (GA)	Pat Geer, VA, proxy for J. Green (AA)
Jesse Hornstein, NY, proxy for B. Seggos (AA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Emerson Hasbrouck, NY (GA)	Bryan Plumlee, VA (GA)
Joe Cimino, NJ (AA)	Chris Wright, NOAA
Jeff Kaelin, NJ (GA)	

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

Ex-Officio Members

Craig Weedon, Technical Committee Chair

Staff

Bob Beal	Tracy Bauer	Kurt Blanchard
Toni Kerns	James Boyle	Kristen Anstead
Madeline Musante	Caitlin Stark	Chelsea Tuohy
Tina Berger	Katie Drew	
Jeff Kipp	Geoff White	

Guests

Max Appleman, NOAA	Angela Giuliano, MD DNR	Tara Scott, NOAA
Mike Armstrong, MA DMF	Joseph Grist, VMRC	McLean Seward, NC DMF
Pat Augustine	Yan Jiao, Virginia Tech	Chad Thomas, NC Marine & Estuary Foundation
Alan Bianchi, NC DMF	Kris Kuhn, PA F&B	Sam Truesdell
William Brantley, NC DMF	Joshua McGilly, VMRC	Mason Trumble, CT DEEP
Jeff Brust, NJ DEP	Brandon Muffley, MAFMC	Tor Vincent
Margaret Conroy, DE DNREC	Brian Neilan, NJ DEP	Mike Waine, ASA
Heather Corbett, NJ DEP	Thomas Newman	Paul Wolfe
Jeff Deem, VMRC	Bryn Pearson	Erik Zlokovitz, MD DNR
Alexa Galvan, VMRC	Nicole Pitts, NOAA	
Lewis Gillingham, VMRC	Bob Pride, MAFMC	

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Wednesday, August 2, 2023, and was called to order at 4:00 p.m. by Chair Michael Luisi.

CALL TO ORDER

CHAIR MICHAEL LUISI: Welcome everyone. I would like to call this meeting of the Tautog Management Board to order. My name is Mike Luisi; I am an Administrative Proxy for the state of Maryland. I'm your current chair, so I'll be chairing the meeting today. With me to my left, I have the Technical Committee Chair, Craig Weedon, also from Maryland. Joining me to my right is James Boyle, who is our FMP Coordinator, as well as Dr. Drew, who will be providing information to us today.

APPROVAL OF AGENDA

CHAIR LUISI: With that let's go ahead to our first item on the agenda, which is the Approval of the Agenda. Does any member of the Board have any modifications they would like to see made to the agenda? Are there any objections to the approval of the agenda? Seeing none; consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR LUISI: Our next item on today's agenda is Approval of Proceedings from the January 25, 2022 meeting. It seems like an awful long time ago, and I guess it is. It's been a while since this Board has been together. Are there any additions, edits, anything to report regarding the proceedings? Okay, seeing none; are there any objections to approving the proceedings? Seeing none; let's consider the proceedings approved.

PUBLIC COMMENT

CHAIR LUISI: The next item on our agenda is Public Comment. This Board will entertain public comment on items that are not on today's

agenda from any member of the public. I don't see any in the crowd, Tor. No, I'll come to you during the tagging discussion that we plan to have in just a bit. This would be for items that are not on the agenda.

Do we have anyone online? Okay, no one is online, so we'll go ahead and move past public comment to our first item on today's agenda.

CONSIDER APPROVAL OF FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE FOR 2022 FISHING YEAR

CHAIR LUISI: For presentation purposes, we're here to Consider Approval of Fishery Management Plan Review and State Compliance for the 2022 Fishing Year. I'm going to turn that over to James for the FMP Review presentation, so take it away.

MR. JAMES BOYLE IV: Good afternoon, everyone, I'll be presenting the Tautog FMP review for 2022 fishing year. On the screen is an overview of the sections of the report that I'll be reviewing briefly. There is the status of the FMP, status of the stock, status of the fishery, before getting into the compliance requirements like biological sampling requirements, and an update on the commercial tagging program. Tautog has been managed under Amendment 1 since its approval in 2017, which established a commercial tagging program and delineated a stock into four regions, each with individual spawning stock biomass and mortality targets.

The only reported regulatory change for 2022 was in Rhode Island, which implemented a maximum size to their recreational regulations, such that only one fish of the bag limit may be above 21 inches. Their possession limits and minimum size remain unchanged, and the document notes that Massachusetts has implemented a complementary change for 2023.

The status of the stock has not changed since the previous review for Fishing Year 2021. It is based on the 2021 stock assessment update, which found improvements in most regions from the 2017 assessment. Overfishing was no longer occurring in

any region as of 2020, with only the New Jersey/New York Bay Region remained overfished, although the spawning stock biomass did trend upward in that region between those two assessments.

For historical context, since 1981 total coastwide harvest peaked at 22.5 million pounds in 1986. Since then, harvest has declined significantly, starting even before state restrictions were implemented. Total harvest has averaged approximately 7.8 million pounds per year, since 1996, when the FMP was first approved.

In 2022, nonconfidential commercial landings amounted to approximately 541,950 pounds, which is about a 28 percent increase from 2021, and accounted for approximately 6 percent of the total coastwide harvest. On a state level, New York had the most commercial landings of tautog in 2022, with 73 percent of the coastwide total, and Massachusetts landed the second most with approximately 13 percent of the coastwide total.

Additionally, Massachusetts and Rhode Island commercial landings both exceeded their state quotas by 15 percent and 1 percent respectively, and the states have adjusted their 2023 quotas to account for these overages. Tautog is predominantly taken by the recreational fishery, about 96 percent on average by weight.

Coastwide anglers harvested historic highs of over 20 million pounds of tautog in 1986 and 1992. Since then, harvest has declined, fluctuating between 3.4 million pounds and 13.2 million pounds, which was in 2021. The 2022 harvest is estimated at 8.8 million pounds, which was an approximate 33 percent decrease from that high in 2021.

For biological sampling, the only note was that Virginia was unable to meet the 200-age sample requirement in 2022, due to the dispersed and inconsistent nature of the fishery in the state. Virginia was able to collect 181 samples. In light of the small difference, the PRT recommends the

Board find all states in compliance with the sampling requirements of the FMP.

For de minimis status, Maryland and Delaware both continue to request de minimis status, and meet the criteria based on their commercial landings, and the PRT is recommending approval of their requests. For the commercial tagging program, 2022 was the second year where every state participated, and state by state tagging information is summarized more thoroughly in the document. Overall coastwide, the percentage of issued tags that were returned vary between 17 percent and 66 percent, and the coastwide return rate was 31 percent. The PRT noted that preliminary estimates show there were just under 13,000 tags unaccounted for coastwide, which is about 5.1 percent of tags issued. These are primarily in Rhode Island and New York, and although it is a 30 percent decrease from 2021 unaccounted for tags, which is just a little over 18,000.

While there is a notable improvement, the PRT is still recommending that states work to reduce the number of tags unaccounted for, and more information on the tagging program will follow in upcoming presentations from the Technical Committee and Law Enforcement Committees. With that, the Board action for consideration today is to approve the 2022 Tautog FMP Review and the de minimis requests for Delaware and Maryland, and with that I will accept any questions.

CHAIR LUISI: Any questions? Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I don't have any questions, but when you're ready for a motion to accept the review, I'll make that motion.

CHAIR LUISI: Okay, let me see if anyone has any questions first. Seeing no hands; I think staff have prepared a motion. We can get that up and then I'll come to you, Emerson.

MR. HASBROUCK: Move to approve the Fishery Management Plan Review, state compliance reports and de minimis requests for Delaware and Maryland for the 2022 Fishing Year.

CHAIR LUISI: We have a motion, second by John Clark. Discussion on the motion? **Is there any discussion? Is there any objection to the motion? Seeing none; the motion carries by consent**, thank you very much, James for the presentation.

CONSIDER COMMITTEE REPORTS ON COMMERCIAL TAGGING PROGRAM AND POSSIBLE CHANGES TO THE TAGGING PROGRAM

CHAIR LUISI: We're going to go ahead and move on to the next item on the agenda. It is the item To Consider Committee Reports on the Commercial Tagging Program and Possible Changes to the Tagging Program. There is possible action being considered here today.

TECHNICAL COMMITTEE REPORT

CHAIR LUISI: I'm going to go ahead and turn things over to our Technical Committee Chair, Mr. Craig Weedon, for that presentation, so Craig, whenever you're ready.

MR. CRAIG WEEDON: Thank you, Mr. Chair, Members of the Board. I only have seven slides. Everything I'm going to cover is in the supplemental and in your handouts as well. The TC met three times in April, May and July, to discuss the reported live market fish quality and mortality issues presumed associated with the commercial tagging requirements.

In April, we developed survey questions to standardize and distribute to the fishery participants. We wanted to drill down and focus on the market, specifically with damage and mortality and not discuss applicator issues and other things that were corrected by previous states, other states, and the learning curve over a year. We also discussed the best practice recommendation for tagging tautog in the left operculum, which was included in the Technical Guidance Document, but not mandated in the FMP. Furthermore, the TC noted that a previous study conducted by New York, used a smaller

version of the current tag. It was the Dash-4 versus the 681-tag. It's a strap tag, but it's a little bit smaller. The Board went ahead and used the larger tag, to accommodate for all the serial numbers and accountability the state, the year, and everything else that needed to go on that.

The survey results, we condensed these. We have breakouts in your handouts, and backup slides for each state. This is a regional summary. Of the 176 harvesters, and there were dealers that responded, 52 percent used live storage, 44 percent reported lesions and excess damage due to the tags, and 43 percent reported fish mortality associated with the tags in the live market.

The most concerning problems were associated with the live market in New York, but other states had similar issues with the tags as well, just not at a very big scope. We're going to talk about the New York tag study that they were given the go ahead from the Policy Board. We had really high hopes for the cinch tag that they put on the tail.

They had 10 fish they held for 2 weeks, and they put the cinch tag around the tail in all the fish. These fish also had the standard operculum tags in them, and they also applied that tag and the smaller version of the tag to fins and the tail. After 15 days they realized that there was damage to the fish, so they stopped the study.

It was going to go on for 30 days and do some live market testing. They reported that to us. The next slide shows the results of the study. Basically, the damage was equal to the current tagging system, basically. It was kind of not successful and it was upsetting. We had some really productive meetings and covered some old ground, and rediscussed some situations from the market and from the tagging program.

The possibilities of using different tags for live market fish versus the unalive market fish, tradeoffs between the security of the tag design, and trying to come up with a more workable tag. We also, the merits of the program were discussed, and it was noted that the New York landings in the commercial

sector went up quite a bit from '21 to '22. Originally, I thought it was 20 percent, but it was higher than that. I think it was around 40 percent. That was good, and we think that it was probably from better reporting.

We did reach a consensus that the tagging program should remain in place in various new studies to focus on changing the tagging location, tag size or tag type may provide relief to harvesters. Our recommendations, after discussing the potential methods to reduce the unique characters needed on each tag, the TC is recommending to the Board to consider tasking the TC with evaluating the feasibility of converting to the smaller tag.

If feasible, New York plans to conduct a study with industry to evaluate the effectiveness of the tag in the current commercial holding tanks, and possibly present this at the annual meeting. Other states are encouraged to replicate this research. Alternative tag types such as the T-Bar tag may provide a compromise with easy application and minimal impact to the marketability of the fish. But these will be offset with less security and a higher cost. That concludes my briefing.

CHAIR LUISI: Okay, thanks, Craig. Let me see if any members of the Board have any questions for Craig. John Clark.

MR. JOHN CLARK: Thank you for the presentation, Craig. Just curious as to with the tags, were all the fishermen using the actual applicator that the National Tag Company supplies, or were some of them using pliers instead, and did that make any difference?

MR. WEEDON: I'm not positive, but I think they used the proper applicator, because if you don't you have a lot of issues with tags misfiring or bending. They are \$25.00, I think most people have them by now, or they should, because the tags don't really work well without the proper applicator.

CHAIR LUISI: Dan McKiernan.

MR. DANIEL MCKIERNAN: To John's point. I think the problem is that the applicator doesn't hold up to salt water so well, and that could be part of the challenge. But I wonder in the long term, when we made the decision to go to the bigger tag, because we needed more information on the tag. I wonder if we could go back to how much information needs to be on the tag. I know Toni was instrumental in helping us figure that one out as we were ordering those tags.

Massachusetts buys the tags, and we hand them out for free. I'm not really interested in the more expensive tag. What is different about these tags, or the management of this program is, my state like other states that don't have an IFQ, we need a lot of tags. Instead of giving everybody their amount of tags totally commensurate with their allocation. When you have kind of a fishery where any individual fisherman can exceed last years catch. Everybody needs surplus tags. We do our best to get them back.

But getting back to my recommendation, I wonder if we could do a combination of alpha numeric characters, to get back to that smaller tag, because that smaller tag seemed to be superior. In other words, instead of MA, maybe we could go with just one letter, because when you use letters, as we know with RM being license plates, letters help you get a hold of a lot of extra options.

CHAIR LUISI: Toni Kerns.

MS. TONI KERNS: Mike and Dan, we can definitely do that. Another thing that James and I have been talking about is the actual number of tags being ordered is becoming significantly less, I believe. Whether or not it is few enough for every state to need to switch over to a letter to represent their state or not, I'm not sure. But several states are not ordering as many tags as we originally thought they would need.

CHAIR LUISI: Jason McNamee.

DR. JASON McNAMEE: Thanks, Craig, good job getting through that quickly and efficiently. First, like this discussion was interesting. I wonder if there is even a simpler way to code it, where each state gets the first number is the state, so we just assign 1 to Rhode Island and 2 to Connecticut, and then whatever other numbers you need. Just thinking out loud, but the idea of revisiting how to make the tags, keep the accountability but make them simpler, I think is a good way to go. Then the other way, I thought you could probably shrink the tag. I wonder if there is like any like chip tags that exist, they are probably more expensive than these metal ones, but maybe not by a lot.

All of our key cards for the hotel all have little chips in them. They are not like super expensive. We have to give all of our enforcement officers little wands or something to read them, but they'll just add more stuff onto their utility belts. Just throwing ideas out there for the TC to kind of investigate and think on.

MR. WEEDON: I did bring the tags with me, and the year and the state are in much smaller size than the actual number. We might be able to just go with smaller numbers. Then we did talk about the letters, because there are 26 combinations with a letter, versus 10 with a number. I believe we only have to shave off maybe one numeral. But we discussed this at the TC and the accountability of having tags with multiple letters is painful. Some states have more tags than others. I think that New York wanted to have the capacity for 200,000 tags. That's a lot.

CHAIR LUISI: I'm going to go to Toni, Eric Reid, I know your hand is up online, and then I'll go to John Clark after that. Go ahead, Toni.

MS. KERNS: Just a reminder to the Board as we try to think of new ideas that the tag has to be non-tamperable. That aspect of it, it can't be easy to use easily.

CHAIR LUISI: Yes, that's a good point, Toni, and I think in a minute I'm going to go to the public, where I received a demonstration prior to the meeting regarding the re-usableness of the tag that we currently use. Stay tuned for that. But also, be thinking about how you would like to task the TC in moving forward with this, given the recommendation from the TC to provide a tasking job for them between now and our next meeting. Dan, I want to come back to you in a second, let me go to Eric Reid and then John, and then I'll come over to you, Dan. Eric Reid.

MR. ERIC REID: I appreciate the presentation. On your slide, and you don't have to pull it up, about testing the two different size tags. Did I hear you right when you said there was not much difference between the size of the tags and the outcome? Was that right?

CHAIR LUISI: Craig.

MR. WEEDON: Well, the hope was that the cinch tag on the tail was going to be successful. But previously in 2016, New York did a study with Stonybrook, using a smaller tag in pretty good conditions, and they were successful without much or any fish damage. Then the test that they did recently was in a little bit harsher condition, and they had damage from all the tags.

MR. REID: Okay thanks, that's what I thought I heard you say, which honestly leaves me to believe that maybe it's the tank that is causing the damage. You know if they're using mesh rectangular tanks, you know the mesh is reasonably luff, let's say, and fish tend to swim into the corner and they get stuck in the corner, as foolish as that may sound. But a round tank with smooth hard sides might solve the problem. The fish will swim around in circles, they won't get hung up on the mesh. It's just a thought, but maybe it's not the tag, maybe it's the tank.

CHAIR LUISI: John Clark.

MR. CLARK: Just wanted to follow up some on the T-Bar tags, Craig, because I mean T-Bars are really simple to use. I was surprised to hear that they cost

more, because they are usually fairly inexpensive, and they are very easy to teach people how to apply them. Do they have good retention rate in the Tog, and if so, I mean you can get a lot of information on the standard T-Bar too. Just curious.

MR. WEEDON: They've been used for a long time. New York was ready, they told me they were ready to go with that, but they weren't supposed to use that based off law enforcement guidance, because it's too easy to pull them out of the fish and put them in another fish. They didn't think it was secure enough. I think the applicator short term the cost is like \$50.00, and I think it does cost a little bit more than the band tag.

Then the control is a little less, because we have one company that manufactures these. I think if we're looking at getting rid of the tagging program, I think it's a good idea, because originally, supposedly recreational fishermen were selling their fish, and I don't think someone would go through that much effort to get their own counterfeit tags and all that. But they may, I don't know.

MR. CLARK: With T-Bars, I mean the gun, once you pay the \$50.00, they are plastic, so they don't have any problem. You can replace the needles. It's really simple that way, and the tags themselves, usually if you pull those out of a fish, you are usually going to bend the T-Bar hard enough so that it's not going to work that well on another fish.

CHAIR LUISI: Dan McKiernan.

MR. McKIERNAN: Craig, how many characters need to go on the tag? Did you guys look at that? Is it six?

MR. WEEDON: Well, right now we have the state and the year in small letters, taking up one column, and then we have a letter and four numbers. I believe we have to get rid of just one number, hopefully. It might be two, I think it's just one.

MR. McKIERNAN: We order like 30,000 tags, so getting back to Jason's point. If the state could be a one-character designation and the year could be a one-character designation, we need 30,000, so I need five numbers sequential, there is seven. Then maybe New York, if they need that extra character could just have a second state designation, so they can get a second set.

Would that help? I kind of feel bad. I know it was a successful trial with that smaller tag, and then at the eleventh hour we said, oh shoot, we need a bigger tag for more information. But maybe there is a creative way to reduce the amount of information.

MR. WEEDON: Right, yes sir. The band company will put the prefix, the state and a year on the opposite side as well, so maybe you could have the numbers on the inside of the mouth. I know that there was some concern from New York that the law enforcement wants to be able to read the state and the year when they're in the tank. But yes, there are some possibilities. I think they want to go ahead and test the smaller tag first, before we really get in the weeds with it.

CHAIR LUISI: Okay, any other questions for Craig? My last experience with a T-Bar tag and the very easily used applicator, it was probably 15 years ago and I was standing there in front of the Governor of Maryland with his son watching me tag a flounder, to throw back over in the coastal bays. I pushed so hard on the flounder I put the gun into the cooler that I was tagging on. Blood was going everywhere. It was a total disaster and like media event.

I'm sorry I kind of tuned that whole part of that discussion out. I have some reoccurring nightmares with that one from a long time ago. Okay, before we get to taking some action and providing guidance to the Technical Committee, and given some of the questions that have come up. I'm going to go to the public. Tor Vincent it is, right?

Yes, if you want to step up to any of the microphones here, please introduce yourself. We do have a little bit of time on the agenda here today, but if I could ask you to provide your comment regarding the

tagging program. Provide your comments to me directly, and not to any individual on the Board, and to keep your comments to just a few minutes. We do appreciate you coming down.

MR. TOR VINCENT: Thanks, Mike. I showed you before that the tag you've been using has an external locking mechanism, which is easily straightened out and reused. It could go about five times generally before it breaks. That means your tags are good for five uses. The design is not nearly the tags that you originally tested, but the vendor sold you these tags.

I see what happened here is you got lost in this, we need our digits and whatever, and you forgot, you are not supposed to harm the fish, and you were supposed to have a secure tag. You blew it on both of those. Neither of those are even close to being qualified. What I also want to bring up is when you talk about tanks.

You talk about harsh conditions, whatever. The New York test was done in well water. Well water is basically sanitized water that has been sanitized in the pathogens, and it's flowing through the system and being dumped. It's a hospital set. It's the absolute cleanest thing you can create in a tank. That is not valid for testing.

A closed system is based on bacteria being in the system. It's a Petrie dish of bacteria. That's how it works. That is what takes care of the nitrates and everything in the system. Everybody knows this. You cannot tell me good conditions and bad conditions, you have to use a closed system that has all the bacteria, and we know from the history of holding fish.

You cannot put a damaged fish in there, it will get infected. This is also known in the aquarium world. When you talk about tanks, you cannot have a sharp edge in a tank. It will cut the fish. The first scratch in a fish is most likely where it becomes infected and dies. This is known. This is known science. You've created this illusion that you didn't know this. When you harm that fish and we bring a perfect fish. We cannot sell

a damaged fish to the live market. We bring a perfect fish and we mutilate it with this tag, and watch these infections happen. That's on you. You absolutely should have known better, and for you to say good tank/bad tank is silly, absolutely silly.

You are responsible for what you've done here. As you get into your security issues, you have to harm the fish. Security issue, I don't even understand this bit about the T-Tag, because I've used them. They come in a rack that fits in the gun. How are you going to reuse a single tag? You can't put it in the gun by itself.

You're going to take a piece of plier and stick it in? I don't know. I mean but you already have a tag that has been able to be reused five times, and if you haven't found any. If you've had any conservation effect, I don't know that you have. I don't agree that there was a reason for this in the same way. I don't think there is enough talent around to fill all the tags that are out there, quite honestly in New York.

I don't know the states where you don't have the amount of tags, that is probably more likely where they are being reused. What happened in New York was you created this thing where oh, if you don't have a history. New York went out there and just handed out the tags with no financial, you didn't have to show any proof of commerce, just say, I caught this many fish.

There are people throwing those tags in a dumpster everywhere, and you say New York landings are up. I don't believe that is legitimate, I really don't. My landings used to be something like 3 or 4 percent of New York landings. Now they're down to like 1.5, 2 percent. The fishing hasn't changed. Those guys aren't out there. I don't see them.

A lot of the stuff you got so lost here, but the biggest thing is you need to understand what a tank is, what a commercial holding facility tank is, and all the bacteria that are involved, because if you don't, you are going to continue to fail and you are going to continue to cause economic harm like you already have.

You are definitely responsible for the economic harm you have caused, and I want to see what you do about it. I hope we don't need a legislative fix to come and look at how wrong you've got this and got away with it, because you have to figure out how you are going to take care of that damage. That should absolutely be a priority.

CHAIR LUISI: Yes, thank you very much for your comment, appreciate that. Before I turn to the Law Enforcement presentation, does anyone have any other questions for Craig? Roy Miller.

MR. ROY W. MILLER: Mike, I seem to recall a study some time ago using the T-Bar tags. I have a vague recollection of tautog were inclined to pluck them off other tautog in the tank. Does that ring any bells? Am I right in my recollection of that?

CHAIR LUISI: Again, you're bringing up the T-Bar tag, Roy. No, it doesn't. My memory is not as good as it once was. I don't remember that discussion. Maybe somebody else around the table may, but I don't, personally. Jason.

DR. McNAMEE: I don't remember it super well, but I'm pretty sure that the T-Bar tag was one of the tags that was tested in the original work that was done, where we ended up with this kind of cowier tag. Toni is saying no, but.

MS. KERNS: It might have been one of the tags that we looked at, but the only tag that we ended up water testing, I believe was the small tag. I think we put a bunch of tags out, Law Enforcement Committee said that the small tag was the least tamperable. I think Kurt is giving the report, but let Kurt discuss the non-tamperable-ness of the T-Bar tag, and then you guys can evaluate whether or not you want New York to go ahead and test that or not, based on what Kurt tells you guys about that T-Bar tag. I don't think we actually water tested it.

DR. McNAMEE: Yes, that could be right. I just was suggesting that we looked at all of your kind of standard tagging approaches.

CHAIR LUISI: You don't play poker do you, Toni? Good. As soon as you say something, you can see it all over Toni's face if you're right or wrong as you're speaking. Dan McKiernan, we'll go to you last, and then I'm going to turn to Kurt.

MR. MCKIERNAN: I look forward to Kurt's report, because we were assured by Law Enforcement that when the tag was removed it became somewhat mangled, and it was kind of a dead giveaway that such a tag would have been reused, because of the distortion of the metal. I look forward to hearing from Law Enforcement on that issue.

CHAIR LUISI: Okay, with that, that is a good segue into the Law Enforcement Committee Report, and Kurt, if you could hold on, I've got one more hand waving in the air, Chris Wright.

MR. CHRIS WRIGHT: My experience of tagging fish, in the research setting and working in a wet lab, anything you put through the flesh you're going to have an infection, even if you have a clean system, like our comment had. If you're going to be holding those fish for any period of time, there is going to be an infection, and it's going to get damaged for market purposes.

Is there any other tag that you evaluated that goes through the mouth and then through the gill, or like a zip tie type of application where once it's zipped it can't be taken out unless it's cut? That would be the only thing that I can think of that wouldn't damage the fish in some way, and would still keep them marketable. Was there any evaluation of that type of a tag?

CHAIR LUISI: I think I can maybe answer this. Not that I'm aware of through the mouth and the gill, but the tag that Craig presented on that after 15 days showed some wear and tear, was a zip tie type of tag placed around the tail. I think what ended up happening is it probably just wore away the protective barrier on the fish, and then in a confined

setting it became infected. But that is the only one I'm aware of, Craig, was there any other work done on anything through the mouth into the gills?

MR. WEEDON: Like our striped bass tags through the unalive market? No, not that I'm aware of.

LAW ENFORCEMENT COMMITTEE REPORT

CHAIR LUISI: Okay, let's turn to Kurt Blanchard, who is going to provide us a Law Enforcement Committee Report. Kurt, are you with us?

MR. KURT BLANCHARD: I am, thank you, Mr. Chairman. The LEC conducted a virtual meeting on July 19, 2023 to discuss the current status of the back tagging program. We were brief by staff on both the state harvester survey that the TC completed, as well as the New York assessment.

In an effort to update the January, 2022 LEC Report to the Tautog Management Board, staff proposed the following questions to the LEC for consideration. The first is, is the program working to reduce illegal harvest, and is there a quantitative or qualitative way to evaluate? The consensus was the tautog tagging requirement is effective in reducing illegal sale of unreported fish.

The rationale for the opinion is that officers are seeing fewer fish and violations in the live market, which is attributed to the reduction of illicit sale of recreationally caught fish. The tagging program has closed a path for illegal distribution, and provided a means of accountability with dealers and fishermen.

Officers still pursue and document the illegal so called back door sales of fish, but the main path for distribution has been reduced. The group also discussed the possibility that increased penalties, as implemented in New Jersey, and/or potential decrease in consumer demand, are possible explanations for reduction of fishing violations.

These findings are subjective in nature, and most states do not collect species-specific data. The inability to have consistent data points across all jurisdictions, creates a false narrative in our deliberations. Many states can provide the number of citations and/or warnings issued for documented violations, but not all states can show the number of inspections for license checks, either commercially or recreationally specific to a species.

Question Number 2, what are the areas of concern for compliance, and are these outweighing the benefit of the program? The main concern for compliance was a specific time of tagging of fish. The issue is not new to the tautog tagging requirement, and was considered at the time of implementation of this program.

Most regulations have identified that commercially caught fish must be tagged at the time of offload. This was in consideration of having a fisherman required to tag a fish at time of take. While in the middle of handling gear and/or navigating weather conditions. This becomes problematic when an inspection is being conducted at-sea or nearshore, and the fish are not required to be tagged.

Rhode Island recently changed their law to fish needed to be tagged at the time of landing. There was some discussion about shore-based fishery, where neither offload nor landing applied, and how time of possession should be considered. It was an additional comment that dealer tagging versus fisher tagging should be considered. The striped bass fishery was used as an example. The consensus was that any compliance concerns did not outweigh the benefit of this program. The third and final question was, are the tag issues causing noncompliance?

The LEC does not think the tag issues are causing noncompliance. A small amount of noncompliance that has been observed, is based on fishermen not respecting the rules. In both New York and New Jersey, officers witnessed untagged fish at dealers, with matching tags adjacent to respected fish, but not on the fish.

An additional violation was documented by Rhode Island of a dealer who was in possession of untagged fish. The belief was that this was a three-day limit of fish sold at one time. With a lack of tags, officers had difficulty in tracing the fish back to the fisherman. There was also one comment made that officers are not seeing the level of damage to fish that are being reported by the industry.

That was one comment. Mr. Chairman, that is all I have for this summary. There were a couple points brought up about the tag and consideration of what Law Enforcement feels on what we need. The two points that we wanted to make or have made in the past on the tags, are they need to be tamper-proof, and we need to have traceability. I was not involved in the original assessments of the different respective tags.

I do know that the small tag that has been referenced, I believe by Toni and others, was the one we were recommending, and willing to support. As far as the T-Bar tag, I don't have information on that. I do know it has been alleged that they are tamper-proof and they don't hold up to this type of fishery. I would suggest that if that is a tag that is being considered, that maybe we do test it, water test it and get some better information on that before we would comment. That's all I have at this time, thank you.

CHAIR LUISI: Thanks, Kurt, and I will say that given the presentation I got from Tor before the meeting started, those tags that we're currently using, he was able to demonstrate the bendability of the tip of the tip of the tag. I don't see any reason why it couldn't be used more than once. It didn't even require a lot of bending. It was just a simple twist of the wrist with a wrench. All right, so I'm going to come back for Board consideration of tasking the TC with moving forward, with some direction given. I'll start with Dan on this.

MR. McKIERNAN: I would like to just to make an observation that it was really our last-minute decision to go to the next larger tag. That was kind of a wild card in this situation, and it was demonstrated to me four or five years ago, when we first started this, that the tag that was tested, the smaller tag. You know when you do cinch it on the fish, to get it off that fish you really have to do some pretty serious bending on the tag.

I am not convinced that if we couldn't come up with a more creative, sequential marking system with the year and et cetera, that going back to what was originally tested wouldn't bring about the solution that we need. As far as whether a live tautog can be kept for long periods of time in closed system, I concede to that. But on the other hand, 95 percent of the landings of tautog are recreational, and we had a serious poaching problem. In my mind, if the commercial fishery can't figure this out, then I don't know what we would do. I would love to see us go back to that original tag and try to work with that which was developed, and see if that wasn't the answer. Maybe we veered off by going to that next larger tag.

CHAIR LUISI: Any other thoughts? Chris.

MR. WRIGHT: One of the things I did for my Master's degree was marking juvenile Atlantic salmon. One of the tagging things, which wasn't a tag, I freeze branded the juveniles, and I kept them live in a box or whatever. Did you ever consider freeze branding? We used the basically typewrite key type of things and liquid nitrogen, that would freeze them, would keep them alive.

I didn't have any mortalities from that, and it doesn't damage the fish, it just leaves it like a tattoo type of mark. That is also a possibility. There has to be something there that helps out the fisherman, and they don't lose their market, but doesn't damage the fish. But we can still enforce it, so that is the conundrum. But that might be another option.

CHAIR LUISI: All right, thanks for those thoughts, anyone else? John.

MR. CLARK: Just a practical question. If we do go back to the smaller tag, we would have to get new applicators, right? The applicator for the bigger tag, does it work with the smaller tag?

CHAIR LUISI: You need a different applicator. Dan.

MR. McKIERNAN: But that's a cheaper tag, it's a cheaper applicator. You could buy two or three of them. You're right though, but it's I don't know \$25.00.

CHAIR LUISI: Forty.

MR. McKIERNAN: Small expense.

CHAIR LUISI: Let me go to Jesse, and then I'm going to ask the question to the Board as to whether or not you are supportive of the direction mentioned, at least a few times now today about continued follow up work by the Technical Committee. Go ahead, Jess.

MR. JESSE HORNSTEIN: I'm ready to make that motion, whenever you're ready.

CHAIR LUISI: It's all you.

MR. HORNSTEIN: I will move to task the Technical Committee with evaluating the feasibility of the smaller tag and any other tag that has not been previously tested, which may meet the goals and objectives of the tautog tagging program.

CHAIR LUISI: Okay, I have a motion, let me get it on the board first, Jesse, then I'll ask for a second. John, you're going to second that, okay? While they're working to get that onboard, any discussion on that motion? Jason.

DR. McNAMEE: Yes, I mean I think a good starting point, and maybe the Technical Committee has done this recently. But to go back to that, like we put a report together with the original kind of testing of the tags. I think starting there, and then kind of working their

way to a potential new solution. I think it aligns with what Jesse just offered as well, but just to offer a little more guidance.

CHAIR LUISI: Dan McKiernan.

MR. McKIERNAN: I don't want to make it too open ended. I would like to get the report back from the Technical Committee about the smaller tag, without them going off into new directions. Can we get a report on that first tag, and then if they think they need to pursue a second, third and fourth tag, maybe that could be a second exercise.

CHAIR LUISI: That seems reasonable to me. I think, Craig, you mentioned that there would be a follow up at the annual meeting.

MR. HORNSTEIN: Right, yes, Mr. Chair. The timeline is pretty tight, in order to implement a new tag by the next fishing season. We're looking at October, coming back with the smaller band tag. Is the T-Bar tag authorized in this motion? I don't know if it's been tested before or not. I know that there has been a lot of success with that tag in research.

MR. WEEDON: It has.

CHAIR LUISI: Dan, I think what we can do is we can task the Technical Committee with coming back to us, even though it's a quick turnaround, coming back to us with what they can find between now and then. Then if we feel satisfied with the work they've done, we can start working towards implementing any new type of tag that is being considered, or test them further before we see that we all like the results of the work. We have a motion before us. Does anyone need any time to caucus on the motion before I call the question? I don't see any other hands being raised. Jason.

DR. McNAMEE: Just 30 seconds, I just have to ring up Eric here.

CHAIR LUISI: All right, 30 second caucus.

MS. KERNS: I do have a quick question for the Board members, especially those of you that have earlier

fisheries than others. When do your fishermen order the tags? I know it's soonish, but I don't know when that is. Are the Bay states the earliest?

MR. HORNSTEIN: I think November was probably the latest. October/November was.

MS. KERNS: Okay, I just want to make sure we're thinking about that, in terms of next year. Luckily, in this case, the annual meeting is earlier.

MR. HORNSTEIN: It would be a heavy lift though, for everyone to get a new applicator.

MR. CLARK: That sounds about when we ordered them too, Toni, was around that time. They were really fast, but we don't order many. I mean a few hundred is all we ordered.

MR. LUISI: They probably dropped that order off free to you on the way down to Maryland.

MR. CLARK: I wish!

MR. LUISI: Shanna Madsen.

MS. SHANNA MADSEN: Yes, we actually order our tags pretty soon, so October might be rough for us, unless we're definitely switching over in October to the new tags, because we let people pick them up by December 1st. We actually usually order our tags sometime in about September. We can stretch it.

I think they could probably turn it around quickly, if that is the route that we intend on taking. It's also not a problem for Virginia. Frankly, we don't have a live market. We have maybe one guy who used to live tag tautog, but he hasn't done it in a long time. If worse comes to worse, and we're stuck using the old tags, it's really not a problem for Virginia.

CHAIR LUISI: Yes, I think those hurdles will be things that we will just have to deal with as states. But I think the information that we can gather from the work, from the Technical Committee work will be important in deciding

how we improve this program moving forward. I'll leave it with that. Seeing no other hands; I'm going to go ahead and read the motion into the record, and then I'll call the question.

Move to task the Technical Committee with evaluating the feasibility of using the smaller tag and any tag that has not been previously tested, that may meet the goals and objectives of the tagging program. Motion made by Mr. Hornstein, seconded by Mr. Clark. Is there any objection to the motion? Seeing no objection; the motion carries by consent.

Thank you very much, and Craig and Kurt, thanks for the information, we look forward to your report in October.

PROGRESS UPDATE ON THE 2025 TAUTOG STOCK ASSESSMENT UPDATE

CHAIR LUISI: Moving on, we're going to go ahead to the next item on the agenda this afternoon. It's a progress update on the 2025 tautog stock assessment, and we've got Dr. Katie Drew is going to give us some information about that.

DR. KATIE DREW: The last stock assessment, as we covered in the FMP Review, was conducted in 2021 with a terminal year of 2020. We recommended that the next update be in 2024, which could be the three-year average to calculate F, and that would get us three years past the last point.

However, 2024 is an extremely heavy year for the Commission, in terms of stock assessments. We talked with the Tautog Technical Committee, and they agreed that shifting the assessment back one year to be completed in 2025 instead of 2024 would make the most sense, in terms of balancing everyone's workload, without having serious repercussions, given the status of the stock was generally favorable during the last assessment update.

That is the current plan is to conduct a stock assessment update in 2025, with a terminal year of 2024. In addition, the Technical Committee

recommended putting a benchmark on the schedule for tautog. It's been a while since we've done a benchmark for this species. We have several new surveys that will have enough time to come online by a 2028 benchmark, as well as some new additional modeling tools.

We can sort of explore moving from the current ASAP framework into something more like BAM or stock synthesis, as well as kind of reevaluating the stock structure context. There is a number of improvements that can be made, and a benchmark would be beneficial, and so we recommend actually formally scheduling one of those for tautog for 2028, after the next assessment update. I'm happy to take any questions on that, but that is kind of the recommendation from the TC to make that change for our stock assessment schedule.

CHAIR LUISI: Let's see if anyone has any questions, and then I'll look for support of the recommendation on delaying the assessment a year. John Clark.

MR. CLARK: Katie, I was just curious as to whether we're going to be looking into the affect on catchability of the prevalence of spot lock now, that recreational fishermen can use to hold themselves right over good tautog fishing areas. It seems to really have increased the number of tog that recreational fishermen catch.

DR. DREW: We can definitely look into that. It's not something we've discussed. I think it would probably be, we would have to do some additional work on trying to link what we see in the MRIP intercept data with things like, who is using what, who is not, things like that. But it is definitely something we can look into as a potential change in catchability over time, for what is an important index for us.

CHAIR LUISI: Jason.

DR. McNAMEE: Thanks, Katie, and like completely support what you guys are trying to do. Just to offer additional support for

investigating platforms that have more integration for the spatial aspects, I think is super important and needs some time. That is all good. I wonder if there is an ability. I'm a little nervous, it's like a little way off.

Is there like a chance somewhere between now and then, to kind of just investigate indices or, I don't know just see if there is any. Maybe you guys have done this. Are there any negative signals out there? I think harvest has been fairly steady, or what we saw. I just would love for somebody to look at something that said no, things seem normal, between now and then.

DR. DREW: You mean between now and 2025, essentially? I think we did look at harvest removals as part of this, and recreational catch has gone up a little bit in all these in compared to where it was in 2020. Before that, 2020 obviously a weird year. It's gone up a little bit. I think we haven't looked at the indices.

But we could definitely maybe do some kind of traffic light approach or something, not a formal traffic light approach. But like in the sense of, you know where we pull the indices together and take a look at them sometime in the next year, to kind of see if there is any strong signal there. If the Board is interested in checking in on that beforehand.

CHAIR LUISI: Yes, it sounds like Jason wants a little fuzzy little blanket, to kind of tell him everything is okay, you know to hold on to. Okay, any other questions for Katie? Okay, seeing none, thank you for your report. Well, let me ask. I'll just make sure to put it on the record. Is there any objection to moving forward with the recommendation for the delay of the assessment?

Seeing no objection around the table, we'll consider that an approval. Thank you very much. We are getting close to the end here this afternoon.

**REVIEW AND POPULATE ADVISORY PANEL
MEMBERSHIP**

CHAIR LUISI: The next item on the agenda is a Review and Populate the Advisory Panel Membership. Tina Berger is going to provide us with a presentation.

MS. TINA BERGER: I present to you for your approval, Nicholas Marchetti, a commercial rod and reel fisherman and trapper from New York. You received the nomination in your main meeting materials.

CHAIR LUISI: Okay, do we have anyone that would like to make a motion to populate the seat on the Advisory Panel? Jesse Hornstein.

MR. HORNSTEIN: I would like to **move to approve Nicholas Marchetti of New York to the Tautog Advisory Panel.**

CHAIR LUISI: Thank you very much for that, Jesse. Second by Jason McNamee. Get a good Italian on the Panel there, good stuff. **Any objection to the motion? Okay, seeing no objection, congratulations, Nicholas, if you're listening. You are now a member of the Advisory Panel.**

ELECT VICE-CHAIR

CHAIR LUISI: The last item on today's agenda is the election of a Vice-Chair. Does anyone have any motions they would like to make regarding the election of a Vice-Chair? John Clark.

MR. CLARK: I hope it doesn't come as a surprise, but **it is my pleasure to nominate our esteemed colleague from Connecticut, Dr. Justin Davis to be the Vice-Chair.**

CHAIR LUISI: Okay, is there a second. Ray Kane seconds the motion. **No discussion on the motion. No objection to the motion. I didn't see that, Justin. Okay, motion carries by consent.** I think the way that will work, Justin, we spoke of it, last night. I will serve as Chair

through the annual meeting, and then you will take over.

Try not to leave it too messy for you, since we only met once in two years. I think I did okay.

ADJOURNMENT

CHAIR LUISI: Okay, that concludes our business on the agenda today. Is there any other business to come before the Tautog Management Board this afternoon? Okay, seeing no hands, thank you for your time and participation today. Thanks, Craig, Kurt, James and Dr. Drew for your presentations. This meeting stands adjourned, thank you.

(Whereupon the meeting adjourned at 5:00 p.m. on Wednesday, August 2, 2023)