

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

**Radisson Hotel Old Town  
Alexandria, Virginia  
January 30, 2007**

These minutes are draft and subject to approval by the Tautog Management Board.  
The Board will review the minutes during its next meeting.

## TABLE OF CONTENTS

Call to order .....	1
Approval of Agenda and Proceedings .....	1
Public Comment.....	1
Law Enforcement Committee Report .....	6
Draft Addendum IV .....	11
Other Business .....	28
Adjourn .....	40

## INDEX OF MOTIONS

1. **Approval of Agenda by Consent.** (Page 1)
2. **Approval of Proceedings of October 25, 2006, by Consent.** (Page 1)
3. **Motion to adopt Option 2 for Issue Number 1.** (Page 12) Motion by Patrick Augustine; Second by Jeff Tinsman. Motion Withdrawn, Page 14.
4. **Motion to adopt Issue 2, Option 3.** (Page 15) Motion by Patrick Augustine; Second by Mark Gibson. Motion Carried, Page 21. **Motion to Substitute Option 2 for Issue 2.** (Page 18) Motion by Jack Travelstead; Second by Vito Calomo. Motion Carried, Page 21.
5. **Motion to set January 1, 2008 implementation date.** (Page 23) Motion by William A. Adler; Second by Erling Berg. Motion Carried, Page 26.
6. **Motion to Adopt Amendment IV as modified.** (Page 27) Motion by Vito Calomo; Second by Gordon Colvin. Motion Carried, Page 27.
7. **Motion to adjourn.** Page 33.

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**ATTENDANCE****Board Members**

David Pierce, MA, chair/proxy for Diodati, (AA)	Jeff Tinsman, proxy for Emory ,DE (AC)
William Adler, MA (GA)	Bernie Pankowski, DE proxy for Sen.Venables, (LC)
Vito Calomo, MA, proxy for Rep. Verga (LA)	Howard King, MD DNR (AA)
Mark Gibson, RI DFW (AA), Vice Chair	Bruno Vasta, MD (GA)
Everett Petronio, Jr., RI (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Gil Pope, RI, proxy for Rep. Naughton (LA)	Jack Travelstead, proxy for Bowman VA MRC (AA)
Mark Alexander, CT DEP, proxy for E. Smith, (AA)	Catherine Davenport, VA (GA)
Dr. Lance Stewart, CT (GA)	Kelly Place, VA, proxy for Sen. Chichester (LC)
Gordon Colvin, NY DEC (AA)	Fentress Munden, proxy for Pate, NC DMF (AA)
Pat Augustine, NY (GA)	Harry Mears, NMFS
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Jaime Geiger, USFWS
Peter Himchak, NJ DFW, proxy for Chanda (AC)	
Erling Berg, NJ (GA)	

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

**Ex-Officio Members**

Jason McNamee, RI DEM

**Staff**

Vince O'Shea  
Robert Beal

Braddock Spear

**Guests**

Bob Ross, NMFS  
Capt. Timothy Huss, NYSDEC  
Roy Miller, DE Div. F&W  
N. Keith McGuire  
Wilson Laney, USFWS  
Arnold Leo, Baymen's Assn.  
Denise Wagner

Joan Berko  
Tom Fote, TCAA  
Chip Lynch, NOAA  
Michael Luisi MD DNR  
Angel Bolinger, MD DNR  
Frank Montelione, FL House of Rep.

The meeting of the **Tautog Management Board of the Atlantic States Marine Fisheries Commission** convened in the Presidential Room of the Radisson Hotel Old Towne, Alexandria, Virginia, on Tuesday, January 30, 2007, and was called to order at 8:00 o'clock, a.m., by Mr. David Pierce.

### CALL TO ORDER

DR. DAVID E. PIERCE: Good morning, everyone. I call this Tautog Board meeting to order. I think most of you know me. I'm David Pierce. I'm chair of the Tautog Board, for now. I wasn't at the last board meeting because we had to change the timing of the board meeting from the morning to the afternoon.

I had to make a flight so at our last board meeting Pat Augustine, the vice chair, was in charge. And quite a, well, a great deal of business was done. That business relates to Addendum Number IV, to our fishery management plan for tautog, the subject of this morning's meeting which is scheduled to adjourn at 10:30.

So we need to move this forward as fast as we can efficiently and make some very important decisions that relate to tautog. To remind everyone, at our last meeting we made two motions that resulted in a change in the addendum as it existed back then. Those changes were then made by staff, reflected in the addendum that was brought out to the public hearings we've held up and down the coast.

The first motion, just to refresh your memory, was to change the language in one of the sections, Section 4.1.2, to be consistent with the way it appeared in Addendum III and have the commercial fishery have the status quo and include language on enforcement of illegal live harvest.

That motion passed so the proposals that we brought to public hearing relate specifically to the recreational fishery only. The commercial fishery was exempted from consideration through this addendum. And then of course the addendum was approved for public comment.

### APPROVAL OF AGENDA AND PROCEEDINGS

All right, you all have the agenda. Does anyone have any suggestions for changes to the agenda? If I do not see any objections we will adopt the agenda as it stands. All right, **it is adopted**. You have the proceedings from the meeting I've just referred to,

that October 25<sup>th</sup> meeting in Atlantic Beach, North Carolina. Does anyone have any comments regarding those minutes, suggested changes? I do see, yes, go ahead.

MR. JEFF TINSMAN: Mr. Chairman, I'd like to note that I was present at the October 25<sup>th</sup> meeting.

CHAIRMAN PIERCE: All right, so noted. The minutes will reflect your presence. Any further comments on the proceedings? I see none therefore **without objection the minutes will be approved**. Public comment, as always at our board meetings we offer the opportunity for the audience to speak to any issue that's not on the agenda, issues that need to be brought to our attention. Therefore, any members of the public here to address the board? I see no interest at this time.

The next item on the agenda is to review public comment and advisory panel recommendations for Draft Addendum Number IV. Before I get turned to Chris to summarize the results of those public hearings I should also highlight an important point and that is Captain Tim Huss is on the agenda.

He will be giving the Law Enforcement Committee report on the illegal live fishery. The reason why this report is being given today is the issue is, well, quite important. Illegal fish harvest was highlighted at the last board meeting and of course one of our motions reflected that concern.

That concern was noted in the addendum; however, as a consequence of what was heard at the public hearings it seemed sensible for us to have Captain Huss come to us on behalf of the Law Enforcement Committee provide us with, well, an up-to-date description of what law enforcement sees regarding this particular illegal activity, the extent thereof, any other issues that relate to it that would be of interest to this board. All right, Chris, if you would review the public comments for us.

### PUBLIC COMMENT

MR. CHRISTOPHER VONDERWEIDT: All right, thank you, Mr. Chairman. So, based on the date of the end of public comment, January 16<sup>th</sup>, all this information wasn't ready by the time the CD went out because it went out before that date so there is a lot of information that the board didn't receive until early last week as a supplementary e-mail.

So, I'm going to go into the public comment and advisory panel recommendations a little bit more in

depth than I think we generally do. But there is kind of four main things that came out, four main issues. So there is Issue 1 and 2 of the addendum that people specifically, that the board specifically asked about and there are options in here.

And then there is also a lot of comment on the black market trade of tautog and the recreational-only provision of the addendum. So here we go. So in Delaware where we held a public hearing in Delaware it was joint for Delaware and Maryland. We had six participants, two of which were from Maryland.

The Delaware participants felt that overfishing is generally occurring. Some sort of reduction of F is probably necessary. They didn't really give specifics of which option they prefer. And just to go back, if you guys want to follow along the easiest way, I'm going to say Issue 1 and Issue 2 so in your addendum it's on Page 14. There is a little chart there so you can just like look at the actual numbers.

The Maryland participants felt that their stocks were generally healthy and that any reductions were unnecessary. Moving on to Massachusetts we had five participants. They all agreed on status quo of both Issue 1 and Issue 2. The comments made in Mass were generally that they've had a 16-inch size limit before the ASMFC implemented any regulations for tautog so they felt that their stocks were healthy.

Tautog have a high site fidelity so maybe a coastwide assessment wasn't appropriate. They don't like the MRFSS data which probably isn't a surprise to anybody. And they felt that we shouldn't manage tautog due to the high site fidelity.

Moving on to Rhode Island, Issue 1, there were five participants in Rhode Island. Issue 1 they felt that they could go with the technical committee recommended biomass reference point. With Issue 2 they preferred Option 2, an F of .20, a 28.6 percent reduction which is less than the technical committee recommended but still is a reduction.

The other comments that we got was that it's unfair to reduce the recreational fishery only. They felt that it should be based on an historical split of landings, 90 percent recreational/10 percent commercial. You know, you have a 50 percent reduction, 90 percent comes rec side, 10 percent commercial side.

They also felt there was lack of enforcement in the commercial sector which is undermining rebuilding.

Moving on to Connecticut, there were between 14 and 25 participants. The number isn't exact because some participants just showed up to make comments and then they left before or they didn't sign up and they left before public comment.

But generally everybody who spoke wanted status quo for both issues. The other comments were that the illegal live harvest is significant enough to skew the data and the reported commercial catch is much lower than the actual number. These respondents were grouping the illegal catch in the commercial catch which I don't know that it technically is but it would be if it was legal, live catch.

Moving on to the Virginia public hearings, we had one participant. And he stated that he could settle for Option 2 for both of the issues which would be the TC-recommended target and 28.6 percent reduction in F.

New York, we had a great turnout. We had 32 of 41 participants voted for status quo on both issues. The remaining participants didn't vote or possibly submitted written comment later on through other avenues. The other comments were mostly focused on the illegal market and basically everybody wanted to do something about it.

Half the people wanted to ban it; half the people didn't. Those who wanted to ban the live tautog fishing, they felt that the high value of tautog and the inconsequential fines will never be effective so that we just have to ban it. They pointed out that the live trade is not an historical fishery and management often curtails to historical fisheries.

And also, the live trade wants undersized fish. And what this means is that they want 12-inch fish. The market value, as Mr. Huss will probably say later, is you know like \$8. for a 12-inch tautog but a 16-inch tautog you might only get \$3. So, they felt that there would be a minimum economic impact because the illegal trade is taking the market for the live, legal tautog.

The half of the participants who had a problem with the live trade but did not want to ban it felt that the fines were too small, there is not enough enforcement, or there is problems with current enforcement, and also contention between the fishermen and the officers create problems where they don't want to help out or self-enforce.

Moving on to New Jersey, 20 of 21 participants voted for the status quo for both issues. They also felt that

the live fish trade was the main problem; however, nobody supported a ban on live fishing. One of the things they said was that these mosquito fleets will use brick and a mesh bag which many of you may have heard of.

So they will hang the tautog over the side of the boat with a brick in the bag. They will see a law enforcement officer coming, just cut the bag or cut the line. The bag sinks to the bottom and you know there is nothing the law enforcement can really do. Recreational fishermen supplement their income by selling live fish, supposedly. And I guess what happens here is there will be people at the docks when the fishermen come back and they will offer them money for their tautog. But, you know, it doesn't matter if they have a commercial license or not.

And the other way is they will put a pool in the back of their pickup truck. And they will keep their live tautog until Friday when they will drive up to the city and sell their live fish just to kind of pay for gas. But they do not have commercial permits and it also, this also undermines the legal commercial trade. And they also pointed out that the legal live fish value is low because of the abundance of smaller, more valuable tautog.

Continuing on with New Jersey, the participants voiced very strongly that the addendum should reduce F for both commercial and recreational sectors. And surprisingly enough there was support from both recreational and commercial fishermen on this issue. The one commercial fishermen who voiced, felt strongly that there should be restrictions in the commercial fishery felt that by making regulations official that you would guarantee the commercial fishery's longevity.

The recreational fishermen want the commercial fishermen to be held accountable as well. Not all the commercial fishermen wanted reductions. They felt that the commercial fishermen have been taxed very heavily and are already un-proportionately regulated. So, those in favor of enforcing in the commercial fishery as well felt that we should require reductions based on the percentage of landings from each sector.

So the written comment deadline was January 16<sup>th</sup>. I'll summarize that now. There was one comment from Maryland. "Over the last few decades I've seen this species taken almost to the brink of extinction." This person wanted a call for a moratorium which would be Option 5 of Issue 2. Again, that's on Page 14 of your addendum.

Delaware, there was one comment. The participant favored reductions. In Connecticut, there was one comment. Issue 1, they preferred Option 2, the technical committee recommended target and threshold. Issue 2, they preferred a fishing mortality reduction of 28.6 percent. They also felt that any reduction in F should be required in the commercial fishery.

New Jersey, there were a couple groups or people writing on behalf of groups so I separated those. The Recreational Fishing Alliance wanted status quo for both issues. And they also felt that it was premature to pass Addendum IV until the illegal live harvest is addressed.

The New Jersey Council of Diving Clubs pointed out that tautog is a Number 1 recreational sport diver fish in New Jersey and so what reductions would do to them is they would likely make the reductions in the spring which is prime diving time. For those of you who dive you know that during the colder times while the tautog are deeper and your bottom time is less so basically it's more dangerous and it's a lot less enjoyable for the divers. So if we reduced it would have a significant impact on the New Jersey divers.

For Issue 1 they felt that they could handle Option 2 at the most extreme. They also felt that you need to look at the illegal live fishery and you need to regulate the commercial fishery as well. There were three individual comments from New Jersey. All three participants preferred the status quo. One was in favor of commercial reductions as well. And there was one call to ban the recreational live fishery.

In New York we had four associations. The United Boatmen want status quo on both issues and they would like a coastwide ban on the live trade of tautog. The Coastal Conservation Association would like Option 3 for both Issue 1 and Issue 2. And just to point out Option 3 is the higher biomass reference point based on the first, I think the first six years of our data from the addendum. And they also felt that the illegal live fishery needs a tagging program so we can track where the fish come from.

The town of East Hampton, this is New York, continuing with New York. The town of East Hampton Division of Commercial Fisheries prefers Issue 2, Option 3. They felt that recreational anglers don't need ten fish per person per day. But they would also like to preserve the commercial fishery.

The Montauk Boatmen and Captain's Association

prefers status quo and they would like to ban live wells for recreational anglers only. In New York we had seven individual comments, one for status quo. We had three on the or three comments on the illegal live trade, that is the reason the stock has not rebuilt.

Two respondents want to ban the live market. One respondent wants to ban live wells for recreational anglers only. And they all want to have increased enforcement. Further commercial restrictions, or they also felt that further commercial restrictions will cripple the commercial fishermen.

We had some comments from an unknown state or from people who didn't specify which states they were from. Two of them were status quo. And there were two votes to ban the live fishery. And then so just to kind of look at this graphically, this is Issue 1 and Issue 2 from Page 14 of your addendum.

As you can see there is overwhelming support for status quo. There was a little bit of support for Option 2 and some support for favoring reductions. And this, everybody should have a copy of this as well. I think it was handed out. It would be in the back of one of your handouts.

And then the other issues, one would be, which weren't tasked with the actual addendum but just came up and one of them is what we changed the language of, what David alluded to before, to include the commercial fishery in reductions. There were 18 individuals who felt that this was necessary and one organization.

And then as far as the illegal live fish trade comments go there were 42 comments that this was a significant problem and that we need to do something about it. There were 26 calls for a ban. And there two, there was one organization that called for a ban of live fish on recreational boats and one individual.

So, two weeks ago we had the advisory panel conference call and we chose a conference call because there was only, there are only seven members currently on our advisory panel. And it didn't seem to merit having an actual meeting.

So after discussing the four issues or just the addendum in general with the advisory panel there was a consensus that the advisory panel wants status quo for both issues. They feel that we should first deal with the illegal fishery before we go after the people who are fishing legally and not breaking any laws.

They feel that we should prohibit recreational fishermen from retaining live tautog. And this goes back to some comments that I got in New York and New Jersey as well where the recreational fishermen will sell their live tautog. And this takes business away from the legal commercial guys. And so that's why – and they felt that this was better than banning it outright coastwide because you're not hurting anybody whose doing something legally.

They were split over whether reductions should come from just the recreational fishery or if they should come from the commercial fishery as well. Two of the AP members supported the current language, that is to reducing the recreational fishery only. Two of the participants wanted to give the states flexibility to reduce in both the commercial or recreational fisheries. And one, one person abstained from commenting. And that's it.

CHAIRMAN PIERCE: All right, thank you, Chris. Board members, do you have any questions for Chris or did, or was something said at the public hearings that you attended that wasn't covered by Chris? If so, please, you know, take this time to provide that information. Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. Chris, it was an excellent report. I'd like to add something to the record here. And I'm not sure you can change the slide because it becomes a part of the permanent record but the way it was stated it appeared that New York, New York's enforcement folks weren't really doing their job. And then in the last slide you said that we need more enforcement. I think you're going to hear a report from Captain Huss. They basically have done an outstanding job in prosecuting black, the people that fish for blackfish in terms of, we'll call them poachers. Call them what you will. They're doing illegal trade and so on. And I'd like the record to show that with the limited staff that we have on New York, in New York and enforcement they have done an outstanding job.

And we are now getting fishermen, charter boat captains, to call in to people like myself so we're able to relay the information on to enforcement to give them a helping hand. But, if there is some way the record can show that they are doing an outstanding job with a limited staff. Thank you. And the second one was – where did I say it? No, that's fine. That's it.

CHAIRMAN PIERCE: Any other board members? Bill Adler.



MR. WILLIAM A. ADLER: Thank you, Mr. Chairman. At our hearing in Massachusetts there was this comment that since the tautog as a species isn't as migratory as many of the other species that we do manage, that they of course wanted a particular state to be able to manage its own tautog rather than the infamous ASMFC.

There is a little bit of truth, you know, the truth in the biological aspect of that. And I would think that if the ASMFC rather than coming down on any decisions that become heavy-handed on states, that we consider leaving enough flexibility in whatever we do put through here that a particular state can handle the management of this species with a little bit more freedom than being given mandates from the ASMFC that force a state to be heavy-handed on its fishermen.

And I think that portrayed pretty much the feeling I was getting from the people that were there. And I think if we could, if we can be flexible enough in what we do here then a particular state can do whatever its people and it felt was better and we wouldn't have to use, well, I'm sorry but the ASMFC made us do it, which is a lot of times what we have to say to them. Thank you.

CHAIRMAN PIERCE: Vito.

MR. VITO CALOMO: Thank you, Dr. Pierce. As you know, the commercial industry when they do a no-no go over the poundage, go over the regulations, are hit very heavily, loss of permits, loss of vessel, prison time, very big fines under the federal regulations.

MR. ADLER: They get shot.

MR. CALOMO: Yes, they do get shot, too, Bill. But it's a very, very – I think there needs to be a new shot that's heard around the world that the American sportsman is an American sportsman and he's not into the commercial selling of these tautog and he's jeopardizing that fishery for others that have a legal right to sell.

I think law enforcement needs to pick up the pace. I heard what Pat Augustine said about New York. Well, I'm not talking about New York. I'm talking about all states. I think we need to send a strong message that if you're not a commercial fisherman you don't have a right to sell these fish.

And we have enough problems keeping our commercial industries going legally. So I think we

need to have a strong voice this time and set the precedents on this fish that's a very valuable fish throughout the ASMFC. Thank you, sir.

CHAIRMAN PIERCE: Okay, thank you, Vito. I'll share one comment that was made to me by a number of fishermen relative to the addendum and that simply was if we're not overfishing tautog why does ASMFC have to take any action? That was a frequent comment addressed to me.

And my response was that we, that is the ASMFC, has decided to move forward with an addendum that would rebuild the tautog biomass, that we are setting biomass targets, thresholds, that would require cuts in fishing mortality regardless of whether or not we're overfishing or not.

Regarding the advisory panel's recommendations, Chris has given the summary of the advisory panel discussions and recommendations. I don't know if the chair of the advisory panel is here. Okay. All right, so those will be the sole comments we get from the advisory panel.

One question that I would like, I wish the advisory panel had addressed – maybe it did and I'll turn to Chris to enlighten if indeed he knows the answer, and that is – the advisory panel has recommended that we prohibit recreational fishermen from retaining live tautog.

The question would be for the advisors and of course the board, is it possible for recreational fishermen in any state to get a commercial fishing license, still fish recreationally and when they're approached by law enforcement they say they're commercial; hence, there is no way law enforcement can enforce that prohibition if indeed it was enacted as a prohibition?

I would make this point only because we have law enforcement present and perhaps that can be addressed by law enforcement or any other board member, of course, representing a state agency. All right, Pete.

MR. PETER HIMCHAK: Mr. Chairman, I'm very anxious to hear the enforcement report because I see this as a major issue in the non-response of the spawning stock biomass, this illegal fishing activity. I heard Pat's comments. I read New York enforcement reports. I've read many New Jersey enforcement reports. They're horror stories on non-compliance on tautog.

And most recently a Connecticut story showed up in

the New England Commercial Fishery News again targeting tautog. And it seems to be if you go out and you invest the time you will write a large number of summonses.

CHAIRMAN PIERCE: Okay, thank you, Pete. If there is no objection from the board we'll turn to Pete to Tim Huss now for him to give us the report from the Law Enforcement Committee. Before he does so, however, I need to point out as chair and as a long-time board member that this is not a new issue.

I know it was discussed at length at the last board meeting but I recall this issue being a hot one maybe two years ago, two and a half years ago. I forget whether it was in New Jersey at the ASMFC Annual Meeting. I think it was but I could be wrong. We had extensive discussion about this. There was all sorts of newspaper coverage regarding this illegal fishery, the extent of it.

And here we are a few years later, the issue has surfaced once again, of course at the time when we are addressing this addendum and our desire to set some biomass targets and thresholds and rebuild biomass from where we are right now, around 10,000 metric tons, up to a much higher biomass level. So I also am very interested in the report from Tim. So if you would, Captain Huss, provide us with your report.

### **LAW ENFORCEMENT COMMITTEE REPORT**

CAPTAIN TIM HUSS: Good morning. Chris is going to plug me in here. All right, thank you. I thought when I was asked to do this I would, you know, simply give you tautog management from a law enforcement perspective, some of the things that we have found. I was with the marine unit.

I've been with New York Division of Law Enforcement for almost 30 years and during that time on Long Island, Region 1, Nassau and Suffolk County. And marine resource enforcement has always been our priority, one of our priorities, or probably Number 1, actually. And we did start a new marine enforcement unit a few years ago and I was supervising that last year before moving on to this, my new position here.

But, beginning last year, my first year with the marine unit, I started to work in the New York City area. And I had some experience, you know, with the Fulton Market and some of the Asian markets over the years. But what we found, some of the things that

have been talked about here this morning I found in two cases in Howard Beach. And it was recreational fishermen you know posing as recreational fishermen but carting fish up for the live market.

I'll just give you a quick overview of our regulations. You probably know them. They're similar to the other states, I'm sure. Our regulations continue to protect blackfish by regulating the size and creel limits as well as seasons. New York allows a recreational limit of 10 fish per person from October 1<sup>st</sup> to May 31<sup>st</sup> with a 14-inch size limit.

New York state allows holders of the commercial food fish license to possess 25 per vessel. That's intended as a bycatch, actually. But I think more often that's a target. And that's April 8<sup>th</sup> to the last day in February.

It's unlawful to possess more than the commercial number of fish regardless of the number of licensed fishermen onboard. And that's the difference, really, between the commercial and recreational. The recreational can put five-six people on the – that one photograph that Chris had I believe is one of our New York boats and that's a recreational limit with all those blackfish on the deck.

So, you know, one consideration might be to, if we have a commercial limit on a vessel maybe we should have a recreational limit on a vessel instead of having five guys on a boat and 50 fish. In the Howard Beach cases there is two cases, two different crews. That's what they would do, four or five guys on a boat. They come back with 40 or 50 fish. If we check them they're legal. We were able to apprehend them because we watched them store them in cars of over 100 fish. And in one case we watched the van from the Asian market come and pick up the live fish. They had no licenses to sell.

So, that brings us to you cannot store fish in the water in excess of the recreational or commercial limit. And the containers, pens or live cars are supposed to be marked, labeled with the name and license of the, name and address of the license holder, which is often done.

There is no difference in the live fish regulations. The live fish markets, I don't know if it affects enforceability. I don't believe that it does. Outlying live market, possibly, you know, one impact maybe to drive up the price. Current live market price varies between \$4 to \$6 a pound, some as high as \$9 a pound certain times of the year. And the smaller fish get the higher price.

And we do still find – I checked with the marine unit before I came up here this week, speaking to them last week – they're still finding undersized live blackfish in the Asian markets in Brooklyn and in Manhattan.

Another consideration on the storage, although they're not supposed to store more than 25, you know one subject that we apprehended about two weeks ago now in Center Moriches in Moriches Bay, on the south shore of Long Island, his argument was he had a license. He could take 25 a day.

You know, if he sells 25 each day or you know saves up for four days and has 100 fish, so he can save gas and so on, okay, I mean the impact on the resource is the same when you think about it. But there is no way for us to tell of course on what day he's catching which fish. So, in fact, the one day we watched him offload he was over the limit.

But if we did allow that, you know if there is some input from the commercial guys to maybe allow that, one consideration in the pens we saw some mortality. Out of those approximately 100 fish there were six to eight fish that were dead. So, you know, that's something to consider in future regulations.

A lot of fishing mortality, high recreational limit allows excessive limits per vessel, as I mentioned earlier. Under-sized blackfish still are preferred bait of striped bass fishermen. I'll call them illegal striper fishermen. That is, has been an issue for us. Whenever there is a tournament, especially, we do focus our enforcement effort where we can.

And we do, we find it not only in tournaments but we do find that the small blackfish – and I'm talking fish, you know, 5-6 inches to 8 inches, maybe, are a preferred bait of some of these striper fishermen. So, that's something that we watch for and certainly impacts the resource.

Some of our penalties, very quickly, one to five fish, this is recreational penalties, if you have one to five fish it's \$25 a fish; six to twenty-five fish, \$50 a fish; and more than 25 fish, \$100 each which is a nice tool for us. The crew, one of the crews in Howard Beach said, well, we're not commercial so we shouldn't pay commercial fines. So I said, okay, fine, you can pay \$100 a fish. They had 100 fish so it adds up, \$10,000, so we took it. I think they paid \$5,000, actually.

So our laws – and I think Senator Johnson helped us do some of these laws, but I think our laws are

adequate. Some of the meetings, you know they call for stricter enforcement and they scream about the bay fishermen or using them for bait, you know, should be higher penalties. But I think our penalties are pretty good.

I know sitting on the Law Enforcement Committee in North Carolina I think they were impressed with our commercialization penalties. Actually, our commercialization penalties resulted from some investigations we did about 15 or more years ago on the sale of white tail deer in Suffolk County.

And it was, it was a worse crime to shoot a deer than it was to sell them. And so we worked with the Suffolk County District Attorney's office and the legislature to come up with our commercialization penalties which you know are relatively new, 15-plus years I guess.

Again, depending on the value of the resource and the sales during the course of an investigation they can accumulate depending on, you know, the scope of the investigation and how wide, how widespread we think the illegal market might be. But, anyway, up to \$250 it's a \$500 fine and/or 15 days in jail.

You reach a misdemeanor level when the value is over 250 but under 1500 – and in the fish market, that's pretty easy to achieve these days – a \$5,000 fine and a year in jail. And then over \$1,500, which the blackfish cases that we have are, they are potential felonies, \$1,500 in fines and up to \$10,000 and jail.

I'll just mention if some of the states are considering this legislation what we found when we first started to work with it, we amended it a year or two later because we needed a definition of sale. What is sale? And you know if you look in our statute there is a definition. There is attempt to sell.

What is commercial? Identifies a commercial quantity makes you commercial. So even though you're a recreational fisherman, if you have 20 blackfish and your limit is 10, that's a commercial quantity; we can apply the commercial penalties. And you know possession of certain equipment and so on. There is some presumptions there to make you commercial.

So this is, you know, typical of what we're finding. You know the boats come in. They tie up. They come in with, if they're strictly recreational they come in with, again, a crew of 2-3-4-5-6 guys so they can come in with you know 40-50-60 fish. You

know they may take a few home, split with their crew.

And then the remainder they tie off either in these hoop baskets or sometimes wooden cars that, you know, resemble a fish trap or a lobster pot. They tie them off and in the richest case he was waiting for the price to go up. And it would have went higher after New Years is what he told us.

I don't know if that's, you know, an oriental, Asian holiday or what but the price would have went up. So they wait for the price to go up. We were watching this particular fisherman you know work the storage cars. And then you know we ultimately did apprehend him, counting up the fish, documenting the violation.

This particular gentleman out in Montauk was apprehended with close to 100 fish. We went back a week later, worked him again and got him again. So we thought we would just try it and see you know, see what would come up. He was very cooperative, just had the fish. Just, you know, some of the evidence. This was, these fish were from the Howard Beach case, some of the fish. And that's about it. I don't know if there is any questions or something I missed.

CHAIRMAN PIERCE: All right, questions for Captain Huss. Gordon.

MR. GORDON C. COLVIN: Thanks, Tim. One of the things that occurred to me as Tim was making that presentation is that, you know, there is another end to all this and that is that, you know, obviously our guys have worked a lot of cases and have made a lot of headway and there is a lot more to be done.

But once the case is made it's not over. And you know you've got to see it through to the end. And so you still have the court system in some cases to deal with or you know in many cases you can work a civil settlement or a plea on some of these things. But right now, as far as I know, today, we're about to start a trial, a jury trial in Queens on one of the significant tautog cases that the guys made up in the city.

I don't think it's the Howard Beach case. I think it's a different one, if I recall, that the defendants are actually going all the way to jury trial on. So you can see that the word is getting out to people that the penalties can be significant. It's obviously worth going to that extreme to resist them.

And we've been fortunate in that instance to get a young, a couple of young assistant D.A.s to work with the Region 2, the New York City law enforcement staff, to prosecute these guys. That's not always the case. Now, as you can imagine, that's, you're dealing with the criminal courts in New York City and Metropolitan New York. You don't always have a certain outcome in there.

CAPTAIN HUSS: In Queens County we've been successful in showing it's an economic crime so they have an economic crime bureau. So those district attorneys, once it was explained to them you know the economic impact of these cases, they took an interest in it.

MR. COLVIN: I think the point here –

CAPTAIN HUSS: Rather than from a resource.

MR. COLVIN: Is that there is all this enforcement work that needs to be done to get people caught and to make good cases and to develop the evidence and put them together. And it isn't over then. There is a lot more work to still be done to work with prosecutors –

CAPTAIN HUSS: Absolutely.

MR. COLVIN: In this particular case some of our fishery staff will probably need to be involved, testifying at the trial. And you know it's an effort that has to go all the way through to the end. And then perhaps arguably we need to do a better job of publicizing the outcome. And I think we would all agree with that.

But I think there was a point here a couple of months ago where there was a compilation of cases that the New York officers did, both the marine unit, the Region 1 and Region 2 staff that was submitted to Mike Howard. Was that distributed to the board, Vince?

CHAIRMAN PIERCE: Yes, we have a copy of questions and answers concerning enforcement of tautog regulations, compiled comments by Michael Howard, ASMFC LEC consultant. So everyone has those comments.

MR. COLVIN: What I'm referring to is a different document, David. It was a very extensive inventory and description of a large number of cases over a period of about a year.

CAPTAIN HUSS: Taken from our monthly highlights.

MR. COLVIN: Yes.

CAPTAIN HUSS: Dealing with scup also, I believe.

MR. COLVIN: It was scup because scup was an issue that was also being discussed. If that's not in the hands of the boards I would ask that it be distributed to the board.

CHAIRMAN PIERCE: All right, it has not been distributed. Chris will do so. Peter.

MR. HIMCHAK: Yes, thank you for the presentation. How widespread – you're talking about specific cases in New York. And, again, I don't know the situation in New England as well as what I'm hearing from New York through New Jersey, the Philadelphia market and Baltimore as well.

So I'm under the impression that what you're giving is a very specific problem identified in New York. But is the enforcement committee from other states, I mean their representatives, the prevalence of the New York case is extensive throughout the Mid-Atlantic, is it not?

CAPTAIN HUSS: I believe so. I can, we work with – this past fall we had communications and worked a little bit with Connecticut and Rhode Island. And they have a similar problem there, and from what occurred here today in New Jersey. So I think it's safe to say that it's a prevalent problem, yes.

CHAIRMAN PIERCE: Brian.

MR. BRIAN CULHANE: Hi, Tim. Thanks for that presentation. One of the things that came to mind while you were discussing this is a few years ago we attempted to change New York's commercial possession limit. It's one of the few species in which it's not done by regulation. The possession limit is written in law and it's 25 fish.

With 25 fish we end up with a substantial open commercial season. One of the arguments that some of the commercial fishermen made in favor of changing the law, let the regulation set the, let the department set the regulation was that if the department picked a 50 fish bag limit they could more or less shrink the season so we'd have half the season. Do you think a longer closed season would help in terms of law enforcement?

CAPTAIN HUSS: I mean, you know, whatever the season is it's enforceability is the same. I think it's more of a resource issue. You know one thing that came out of a meeting with Gordon's staff last week is one of his biologists pointed out to me that this 25 fish limit and so on is really, was really intended to be a bycatch for the lobstermen to, you know, assist them.

I think they originally wanted it. They were catching them in the traps so they were allowed as a bycatch. And she pointed out that, you know, it's no longer a bycatch. It's a targeted species now so that's the difference. And certainly the guys with the food fish license that are going hook and line it's not a bycatch.

I mean they're targeting. So, I think we have to decide you know do we want them to continue to be a targeted market or you know is the original intent as a bycatch something that we want to press forward. I think, maybe, you know, that's a resource, something that might help the resource.

CHAIRMAN PIERCE: Vito.

MR. CALOMO: Thank you, Mr. Chairman. My support of the law enforcement is probably a little different than others but my idea that law enforcement help to make sure that there will be fish plentiful for those that can fish, whether it be a sportsman or a commercial man, it makes no difference to me. I just want the species to have the longevity so our children can fish for them.

But I've often wondered in generalities, not speaking directly to you, Tim, but since you're the man up there I'll use you to convey my messages to many law enforcement, does it ever come to your thinking that somehow – I know monies are tight; you know, resources, everybody is talking about resources – that many years ago there was a television program "To Catch a Thief" and they used a thief to catch a thief.

And I hear all these horror stories of how law enforcement has problems catching them. Seems like you're doing pretty good, through, by the way. But I just thought you may incorporate some ex-fishermen in helping you or some fishermen that have been displaced through regulations to assist you on a part-time basis because they're the best. They know all the tricks of the trade. They know when, where and how. So, it's just some thoughts, being an ex-fisherman myself so I thought I'd pass that on.

CAPTAIN HUSS: Well, our relationship with the fishermen is important. Certainly over the years most

of my better cases have come from information and who better to give information than other fishermen, you know, people that are, whether they be hunters, fishermen, or whatever. So, there is, you know, a lot of credence in what you say.

MR. CALOMO: Thank you very much.

CHAIRMAN PIERCE: Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. Just to add to that 25 bag limit, that 25 bag limit in New York was discussed and put together in 1997-'98. And it became law. And it was based on a meeting with the commercial fishermen who said

we've been catching blackfish forever but there never had been a big emphasis on them. And then I think Gordon's staff went forward and developed a caveat to that that said if you have, I believe it's if you have any lobster onboard you can only have 10 –

MR. COLVIN: Six.

MR. AUGUSTINE: How many?

MR. COLVIN: Six.

MR. AUGUSTINE: Six.

MR. COLVIN: Lobsters.

MR. AUGUSTINE: Six lobsters. If you have six lobsters or more you can only have ten blackfish. So that was kind of a balance in there. While we're sitting here listening I just whispered over to Gordon, "Maybe it's time for us to take a look at our hook and line commercial fishermen in all states and put a similar bag limit on them as we do recreational anglers" because that's what they're doing. They're doing a recreational activity but doing it commercially. And that's the way it is.

CAPTAIN HUSS: Another suggestion has been a tag. We talked about that with Gordon and his staff. I don't know how practical that is, but we do it with stripers.

MR. AUGUSTINE: Well, it's a start. And the other thing that Gordon put together this year in New York state is we now have a decal system in place for all commercial fishermen. So if you're fishing commercially this decal – what is it, 6 inches in diameter, Gordon – it's got to be displayed on your vessel.

And that's the sign for our recreational anglers. If they see a lot of fishing going on and being put over the side and they don't see that decal I'm sure our people are going to call in a lot more often. But that's another measure to fend off this illegality.

CHAIRMAN PIERCE: Any further questions for the captain? Gil.

MR. GIL POPE: One quick one. Do you have a guess as to how many, in numbers, are doing this illegally? Have you ever been asked that question?

CAPTAIN HUSS: I couldn't say.

MR. POPE: Either on a daily basis or a yearly basis?

CAPTAIN HUSS: I couldn't say. I mean you know we see a small percentage of the violators, I think, in whatever we do, being realistic. You know, for every person you catch breaking a fish and wildlife law there's probably ten others running around out there. But it would be very difficult to say.

We do hear, we tend to hear more, you know, about the more blatant ones. You know, people get upset and call us with that information it seems like. But, you know, it could be a lot of small timers, too, that we just never hear about.

CHAIRMAN PIERCE: All right, thank you, Captain. If there are no further questions, we appreciate your efforts and this update regarding the situation in New York. I would assume – a question for the captain? I'll entertain a question from the audience, sure, Tom.

MR. THOMAS FOTE: Part of the problem – are you seeing because, and here's what I'm feeling when I stop at the docks and I talk to the fishermen out there, is it used to be that there was a lot more fishermen turning other fishermen that were breaking rules, whether it was commercial or recreational, because they trusted in the regulations and they supported the regulations because they thought they were going to rebuild the stocks.

And I guess with some of the regulations they are coming out with we have lost the trust of the fishermen. It's becoming more difficult to get that response. And you know I can see that when I look at the anglers out there. The other thing I wanted to state is Jersey Coast, most commercial fishermen are also recreational fishermen. They recreational fish at one time or another.

When a person sells a fish he is no longer or she sells a fish is no longer a recreational angler and falls in the regulations. Jersey Coast supports anybody that wants to commercially fish to be able to get a commercial permit to do that as long as they abide by the regulations.

But if they are commercial fishing, they are commercial fishermen and they can't hide under the guise of calling themselves recreational anglers. If you're selling fish, you're commercial. There is no recreational selling of fish because the thing you're doing is commercially sale of fish, just like you would be in the industry.

And, you know, it hurts most of the community when you basically say, well, they're recreational fishermen. They aren't. They're illegal commercial fishermen, the same way that they would be if they were illegal recreational fishing, keeping more than the bag limit. And I just want to make that clear because we don't support it.

As a matter of fact, we've done a lot of the reporting and a lot of the turning in New Jersey. But it's also, and, again the problem in New Jersey is, as with New York, you have ten or eleven marine officers basically going and enforcing 4.5 million trips recreationally.

It doesn't make for a lot of law enforcers able to take that. If you look at the amount of percentages that it comes down to, it's a very small percentage. And we thank you for the good work that you do and we support the good work that you do.

CAPTAIN HUSS: You're welcome. But you do hit on something and I hear it on the water, in the street, among the fishermen when they hear about a case we make or you know in discussions, people talk around the docks or whatever. And you do get the sense, they say, well, the way the regulations are today you know they don't blame so-and-so for trying to make a living.

So, you know, and you hear the same thing now with the recreational people when it comes to things like summer flounder and what's going on in New York. So there is something to what you say, some concern in what you say. It's true in that, you know, the public confidence in the regulations in a lot of instances is dwindling and I – and of course that's going to impact our efforts because you know the more sympathetic they are with the bandit the less we're going to hear about it. So, you raise a good point.

MR. FOTE: And one other question is that we as a – because local towns, a lot of the local towns, the justice of the peace would be handling these kind of cases and the division had to pull them out of there because they were less likely to really implement the full amount of fines and basically let the fishermen off from their illegal sale.

So, you know, when you're basically at a \$5,000 in fine and you wind up he felt sorry; he was feeding his family so he wound up walking out at \$100, the same time as he jumped in his Cadillac outside. I mean, I've seen that happen.

CAPTAIN HUSS: You have to convince, yes, you have to convince the prosecutors and the judges, you know, about how much money they make. Got to give them the full story.

MR. FOTE: And what Gordon pointed out is you should actually put the cost of prosecuting that case because if you think about the time that the officers have to spend in court and think about the time the fishery person and you think about the cost of that, sometimes you get that \$10,000 fine and it cost you \$20,000 of manpower and things like that. Thank you.

CAPTAIN HUSS: You're welcome. Thank you.

CHAIRMAN PIERCE: Thank you, Tom. I'll entertain another question from the audience. Yes. Again, it's a question for Captain Huss.

MS. DENISE WAGNER: Denise Wagner from New Jersey. My question is wouldn't we be better off defining what a commercial fisherman is and what a recreational fisherman is because I respect Mr. Fote but I disagree with his opinion. My opinion is when you have – a commercial fisherman is someone who is on that water every day and they're making 90 percent of their livelihood off that water.

A recreational fisherman who has a 9-to-5 job elsewhere and is out there to pay for fuel and make a little extra money when they're working somewhere else and their income is coming elsewhere is not, should not be considered commercial. They're a recreational selling fish. Thank you.

#### **DRAFT ADDENDUM IV**

CHAIRMAN PIERCE: All right, thank you. All right, it's now time to go on to the addendum itself. You've all heard quite a few comments regarding the illegal fishery, comments given to us through the

public hearing process and now the situation in New York by Captain Huss. You all have the copy of the addendum before you.

There are a few issues that we need to address as part of this addendum. The first is Issue 1 as shown on Page 13 of the draft for public comment. And this provides the options relative to the biomass reference point. The technical committee recommendation is of course indicated as well.

The other issue relates to the fishing mortality rate that we would want to adopt that relates to our rebuilding to whatever biomass target and threshold that we select. That information, those options are shown on Page 14 of our draft addendum.

And then the other part of the addendum I need to point you to would be the table, Page 18, actually Table 8 and Table 9 that show percent reductions in the tautog recreational fisheries for different possession limits and seasonal closures. Those are the options that we have to deal with.

Those were the options we brought forward to public hearing. That is those are the means by which we will achieve our fishing mortality rate reductions. Now, I'll turn to Chris and ask you, Chris, if there is anything else I have forgotten that you feel will be of use to the board as we make our decisions as to what to do with this addendum.

MR. VONDERWEIDT: I guess that's pretty much it. There is the law enforcement angle. There is the advisory panel recommendation and Issue 1 and 2 of the addendum. And there is the black market, you know, that we talked about and the recreational and commercial split. So, from my side I think that you have all the information.

CHAIRMAN PIERCE: All right, thank you, Chris. All right, Board, what is your pleasure? I assume that someone would like to begin our discussions by focusing on the Issue Number 1? Pat.

MR. AUGUSTINE: Mr. Chairman, would it be appropriate to offer up a motion so we could discuss it further if we need to? If it's in order I would move that we select Issue 1, selection of biomass reference point, Option 1 and Option 2.

CHAIRMAN PIERCE: I'm sorry. Which option are you recommending as part of your motion regarding the biomass reference point?

MR. AUGUSTINE: Issue 1, Option 2.

CHAIRMAN PIERCE: Okay, so we have a motion.

MR. AUGUSTINE: Option 2.

CHAIRMAN PIERCE: We have a motion on – I'll repeat it for you. **We have a motion on the floor that the board adopt Option 2 for Issue Number 1 which is the biomass reference point.** Option 2, to remind everyone, is the target reference point of 26,800 metric tons with a threshold of 20,100 metric tons which is 75 percent of the target value. So a motion has been made for Option 2, Issue 1. Do I have a second to that motion?

MR. AUGUSTINE: A point of order, Mr. Chairman.

CHAIRMAN PIERCE: Well, I have a second. Okay, Tim. Okay, yes, Pat, maker of the motion.

MR. AUGUSTINE: Would it be appropriate to include the recommendation for rebuilding or do you want to treat that as a separate motion unto itself? The rebuilding reference point target?

CHAIRMAN PIERCE: My preference is to treat it separately.

MR. AUGUSTINE: Okay. Thank you.

CHAIRMAN PIERCE: Any discussion on the motion? Mark.

DR. MARK GIBSON: Thank you, Mr. Chairman. I will repeat the comments I made when we were drafting the document and adding Option 3. I don't think that the Option 2 biomass target is adequate. What we're doing is selecting a proxy for Bmsy, lacking a direct calculation of that.

And ordinarily when you do that you try to pick a series of years when there is some stability in the population. In my mind it's the first five years of information where the stock was relatively stable at a high biomass. And it wasn't un-fished at that time. There was still fishing going on, both recreationally and commercially.

So you can't assume that about 35,000 is a proxy for carrying capacity or K. It's probably closer to Bmsy. The recommended, TC recommended option has a major reduction in biomass, five years of high levels and five years of intermediate levels. I just don't think that's a conservative of enough estimator or proxy for Bmsy. And I think that this, it ought to be Option 3, although I'll hear some more discussion before I contemplate a motion to amend.



CHAIRMAN PIERCE: All right, thank you, Mark. Any further discussion on the motion? Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Not really discussion, Mr. Chairman, but a question of what Mark just said. So, your point, Mark, if I looked at Page 11 on the draft for public comment there is two graphs there, Figure 5 and Figure 6. And your point is that Option 3 in Figure 5 is taking into account the years '82 to – am I looking at the right page to put your comments into context?

DR. GIBSON: Yes, Figure 5.

EXECUTIVE DIRECTOR O'SHEA: And what in fact is figure, I mean what does Option 2 do?

DR. GIBSON: It takes the first ten years, the first ten data points which you can see the first five are clustered at about 35,000 tons. The other, the remaining five are less than 25,000 to 20,000. So they're clearly not a period of stability there. There is a great change occurring in the population.

In my view averaging across that period of change is inappropriate to do. It's not a measure of, it's not a reasonable measure in my mind of Bmsy. Also I would point out that – while I have the microphone on, the first five years of SSB are the ones that generated the highest five years of recruitment, referring to Figure 3.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman.

CHAIRMAN PIERCE: Any further question? Any further comment on the motion? Bill.

MR. ADLER: Thank you, Mr. Chairman. Apparently it's not overfished; overfishing is not occurring. We've got rules that we probably are much stricter than we had in the past. And are we trying to get back to 1985 when it was up at 40,000 metric tons? Are we trying to go back to a perfect world here?

Is that the aim? And my question is, with what we've got going on already, and I believe that the stock has been improving, even in Option 1 or even as I look at what has been going on, I didn't know that we were under, that we have to go all the way back to a perfect world as long as we're heading in the right direction. And is that where we're trying to go is back to the all-time high on Page 11?

CHAIRMAN PIERCE: Well, the answer to your

question would be, yes, Bill, because with Option 2, I'm sorry, with Option 3 would be the yes to your question in that Option 3 would involve our setting a biomass target that would be from '82 through '86. And as indicated by Mark, when you look at Figure 5 that's when we had the highest biomass levels as estimated by the technical committee, biomass from 30,000 to 35,000 metric tons.

If we pass this motion then we would be extending the years that would be incorporated into the calculation of the average which gives us 26,800 metric tons. That's '82 through '91. And by going the additional five years, by including those in the average we do include biomass estimates that are lower than they were from that '82 through '86.

So, the motion on the floor is the time period '82 through 1991. Option 3, the one that Mark seemed to be favoring, would be the one that sets the higher reference point and that is the reference point based on '82 through '86. Okay, I see no further comment on the motion. If there is – yes.

MR. MARK ALEXANDER: I just have one comment – Mark Alexander, Connecticut, DEP. I think that there is some uncertainty about how much of the decline we've seen since the early '80s is due entirely to fishing and how much of it is due to changes in the environment, the habitat, the tropic regime in terms of predators that I think we should be somewhat cautious in that we might not be able to get back to that level that once existed and that maybe a slightly more liberal biomass target might be appropriate, as in Option 2.

CHAIRMAN PIERCE: Pete, you had your hand up. Did you care?

MR. HIMCHAK: Yes, Mr. Chairman, New Jersey would be in support of Option 2 for some of the same reasons as, are we setting the bar too high immediately on what we're trying to achieve and recognizing, also, that, I mean, the plan, when did the plan get first adopted? In the late '80s? So we had, well, I'll leave it said at that. We would be in favor of Option 2.

CHAIRMAN PIERCE: All right, as a reminder, this is the technical committee recommendation. Everett.

MR. EVERETT PETRONIO, JR.: Thank you, Mr. Chairman. I support the existing motion of Option 2. We've had some discussion already today about people losing confidence in the process and some of our summer flounder discussions are coming to mind

where we said we're working against a number that's high and appearing to be very difficult to attain.

Looking at Figure 5 I see that to even obtain the option that we're working on we have some work to do. We are not there and it looks like we're going to need to constrain fishing effort some to get where we need to go. So I don't at this point support an even more restrictive option than that recommended by the technical committee. Thank you.

CHAIRMAN PIERCE: Further comments on the motion. Vito.

MR. CALOMO: Thank you, Mr. Chairman. I think his name is Mark Alexander. I think he hit that right on the head. And it's not just for this motion. I think it's throughout fisheries. So we're at a different point in this world. And to be, try to bring everything back to the highest point I think is an impossibility at this stage of my time, anyhow.

In the public hearings I thought that actually Option 1 was the preferred but I personally could support Option 2. That's just me. I'm not talking for the Commonwealth of Massachusetts. I've got to talk to my cohort here. But I could support Option 2, even though the preferred at the public hearings was Option 1. Thank you, Mr. Chairman.

CHAIRMAN PIERCE: All right, thank you, Vito. Gordon.

MR. COLVIN: Thank you, Mr. Chairman. I'm inclined to agree with Mark Gibson that the most appropriate target consistent with B at MSY would be that which is in Option 3. And I sort of don't think that 1986 is ancient history that represents some mystical, impossible to achieve you know time period.

I don't think things have changed so radically since then other than fishing that we can't get back to that level. At the same time, I'm kind of, you know, listening to what we heard from the public, listening to the discussion today. I think I can support the motion as a first step.

But I would not like to see the board and the technical committee and the management program abandon all future consideration of continuing to rebuild past a level of 26,000 if in fact we do succeed. The fact is that we've been in a rebuilding mode for a long time. And it's evident. It's just, you know, plain as the nose on your face, that since 1994 this stock has been flat at a low level of abundance

and we need to get it growing.

Once we get it growing – and I think 26,000 is a reasonable target – if we get to that we should pat ourselves on the back, celebrate history, enjoy the benefits that this resource has given and keep right on going. But I won't be here probably to help you do that. But I hope that that's what we do. At any rate, I'll support the motion even though I think Mark is probably right in terms of what we can ultimately achieve in this stock.

CHAIRMAN PIERCE: All right, if there are – Jaime.

DR. JAIME GEIGER: Thank you, Mr. Chairman. I am also persuaded by the arguments of Gordon as well as Mark that I'm concerned again that we may be being a little bit too conservative for the status of this stock. However, I would be interested to hear some more background on the technical committee's recommendation and possibly some more discussion from the technical committee of why they recommended Option 2 and some of the reasons and rationales for that. Thank you.

CHAIRMAN PIERCE: All right, thank you, Jaime. We can address that. The chair of the technical committee is here. Jason, would you elaborate.

MR. JASON McNAMEE: Sure. How are you doing? I'm Jason McNamee. A couple of the reasons why we went with Option 2, we wanted to use a large enough timeframe and you know we felt ten years was adequate which stretched out over that period of decline.

Also, at the time when we were developing this was the same time the summer flounder thing was going on. And, you know, we didn't want to run into the same problems with shooting too high. And just a third issue was you know we felt, we used fairly conservative parameters with our estimation so we felt going with that level we may actually achieve rebuilding the stock back to Bmsy.

CHAIRMAN PIERCE: All right, thank you, Jason. If there are no further comments regarding the motion I would call the question and ask the states to caucus for about a minute or so. All right, board members, you've all had time to caucus. I assume that everyone is ready to vote so we will do so.

All those in favor of the motion please raise your hand; all those opposed; any null votes. All right, the motion passes. It is Option 2, SSB target reference

point of 26,800 metric tons with that 75 percent of the target value being the threshold, 20,100 metric tons. And again we're using the first ten years of available data. That's 1982 through 1991. All right, yes, Pat.

MR. AUGUSTINE: Mr. Chairman, are you ready for a second motion?

CHAIRMAN PIERCE: If you care to make one, Pat, certainly. Go ahead.

MR. AUGUSTINE: Absolutely, Mr. Chairman. I **move to adopt Issue 2, Option 3**. That's a fishing mortality rate of 0.15, spawning stock biomass after five years of 15,505 metric tons and so on.

CHAIRMAN PIERCE: All right, so we have a motion to go with Option 3 which is the one recommended by the technical committee.

MR. AUGUSTINE: Yes.

CHAIRMAN PIERCE: Do we have a second to the motion? I see no second. The motion dies – all right, does anyone else care to make a motion regarding the fishing mortality reference point? Pete.

MR. HIMCHAK: Mr. Chairman, I'd just like to back this up with a why we're –

MR. AUGUSTINE: A point of order --

CHAIRMAN PIERCE: Hold on, Pete. I apologize. I didn't see your hand, Mark. All right, well, I'll go with that. You had your hand up there for the motion that has been seconded that we go with Option 3. To remind everyone, the consequences of this option would be that we need to get a 46.4 percent reduction from the current fishing mortality rate. And that reduction would be borne solely by the recreational fishery.

Therefore, as we debate this motion you need to reflect on the tables that I referenced earlier on. And that would be Table 8 and Table 9 indicating the sorts of measures one would have to adopt in order to get that necessary reduction. I only make the point now so that we're all mindful of the fact that that's what we will eventually have to turn to regarding how do we accomplish that sort of a reduction. With that said, Gordon.

MR. COLVIN: I have a question, Mr. Chairman, during the public comment period there was a substantial amount of comment, although certainly

not unanimous but a substantial amount nonetheless, that suggested that the board reconsider the imposition of reductions on, solely on the recreational sector and use, apply reductions to both sectors.

And I would be inclined to support that advice but I'm wondering what mechanism it would take to implement it if – could we simply modify the motion, modify the option in the addendum to apply to both sectors?

CHAIRMAN PIERCE: I have an opinion but I'll turn to staff for the final opinion. Bob.

MR. ROBERT E. BEAL: Well, just my opinion, going back to the annual meeting, the document that was brought forward at the annual meeting had the option of or left the states with the flexibility of implementing any reduction through either the commercial or the recreational fishery or a combination thereof.

At the annual meeting, as the chairman mentioned at the outset of the meeting, there was a motion passed that changed that provision in the plan which required all the reduction to come out of the recreational fishery, solely out of the recreational fishery.

And that's what we took forward to public hearings. So essentially this board brought forward a document that indicated to the commercial industry that there were, there would not be any reductions associated with this addendum or the board is not considering any reductions for the commercial fishery at this time.

So, it looks like we, you know, based on a conscious decision to say it's recreational only, will have to modify the document to notify the public that the board is considering taking reductions from the commercial side and then go back out for public comment.

We don't necessarily have to have public hearings but we have to have a public comment opportunity where we can get feedback from commercial and recreational fishermen and then reconvene in May and then make a decision on, you know, the remaining parts of this document at that time.

CHAIRMAN PIERCE: All right, so the, one of the important parts of that answer I think would be that we would have to reconvene in May to make final decisions regarding what to do with tautog

management for the current year. That's a little late in the game. Gordon, do you – would you care to follow up?

MR. COLVIN: I do. I don't like the timing. I'm not sure what we can do about it because I do feel that we ought to be applying any reductions that we apply across both sectors and would be inclined to offer a motion to amend to that effect. But I think maybe a little more discussion about the timing might be in order.

CHAIRMAN PIERCE: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. If you look at, well, one thing, just in the past when we look at taking addendums out you get advice from the staff to say, you know, think carefully about limiting your options. I'll just put a marker in here. Here is one of the consequences when options are eliminated early on.

But on Page 7 of the public comment document that went out there is a graph that shows recreational and commercial landings. And I think one option that you have would be to take action today consistent with the, with what we out to public hearing with and maybe today commit to initiate an addendum to deal with the commercial fishery and the amount of time it would take to put something together and deal with that.

Given the magnitude of the commercial fisheries if that comes in behind four or five months from now the impact of it wouldn't be, wouldn't seem to be that much.

CHAIRMAN PIERCE: All right, just I need to highlight an important point and that is that you know Bob Beal at the last board meeting did make it very clear to the board that if the board moved to make the measures solely for the recreational fishery that states' flexibility would be severely curtailed. So that was debated. That was discussed. And the board still decided to make it very clear in this addendum that measures would be for the recreational fishery only. That's a consideration, of course.

Now, Vince is providing us with some additional advice, I believe, regarding how we might want to move forward for at least part of the year with initiatives that would address the commercial fishery. I turn to the board to see whether or not that's something you feel, is something you feel we can entertain. Pete.

MR. HIMCHAK: Well, Mr. Chairman, I made that motion before the document went out to public hearing. And the basis of it was that I mean with our regulated lawful commercial fishery I did not want to put them in jeopardy in any reduction scheme. And this has been reinforced not only for the commercial sector but before we start talking about reductions, I'm trying to make a case of why we're here with Addendum IV.

We haven't seen the response in the spawning stock biomass despite our best efforts in reducing fishing mortality. And it's not only – I mean I'm all for establishing a spawning stock biomass target. Why has it flat-lined and why aren't we making any progress? I don't think it's necessarily a reflection of overfishing by the legal recreational and commercial fishery.

And I think today we're starting to identify a number of elements that contribute to the lack of response in the spawning stock biomass. So when I go to a public hearing and we start talking about reductions I see the legal, I see the legal recreational guys going after the legal commercial guys and it's like, you know, I don't think either one of them at that point should have to pay a reduction until we give other avenues, other ideas an opportunity to work.

I'm pushing for a status quo on F as long as we come up with some very significant tactics in addressing this third wildcard fishery that is virtually unaccounted for. And simple measures like you know we could ask Pennsylvania to put in a 14-inch minimum possession limit. They're not obligated to under the plan but that would certainly help reduce the number of sub-legal fish in the Philadelphia market. Right now they can't enforce anything.

We should certainly work through the restaurant trade as far as don't buy fish under 14 inches. And in our case we have the advantage of having every tautog fisherman, you can't sell a fish unless you're one of the 62 that hold a permit. So I'm making a strong case for delaying any reduction in fishing mortality until we have explored other avenues of cutting down on this third or getting better compliance with the fishery.

CHAIRMAN PIERCE: All right, thank you, Pete. You've expressed your preference for Option 1. The motion, however, is for Option 3, the technical committee recommendation, the mortality rate of .15. Any further discussion on the motion? Mark.

DR. GIBSON: Yes, in this case I agree with the

technical committee. I think they have the right number and I'll articulate a couple of reasons why. First, the .15 value is about what we were – it's a period of highest biomass. The fishing mortality rates in Figure 2 were on the order of .3 down to .15.

So that was a fishing mortality rate back then that allowed for the persistence of high, fairly high biomass. We don't know how much higher it would have been in years prior to 1982. I also note that the natural mortality rate is .15 for males and .2 for females. So they have selected, it is widely believed that lacking anything else fishing at the natural mortality rate is a reasonable approach to managing, you know, long-lived species.

They have picked a number which is somewhat less than the average natural mortality rate for tautog so I think they've got the right number to allow for stock rebuilding. And to address some of the comments made by Pete Himchak, the reason why SSB is flat-lining is since, because since 2000 we've been fishing at .3 to .5 if you look at Figure 2.

That is we've been subjecting the stock to two to three times the natural mortality rate. Well, there is no surprise why SSB doesn't grow under those conditions. You're taking more out than the stock can put into it. It had nothing to do with habitat or pollution or any of these kind of things or these boogey men that always come up. So the effort is just simply too high. That's why it's not recovering. Thank you.

CHAIRMAN PIERCE: All right, thank you. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I put the motion on the table because I wanted to get a full discussion on what support was out there for it and so on and I did like the recommendation.

It just seems to me, though, we've now discussed earlier in this meeting what some of the enforcement activities that could go on with various states and I don't believe all states are – maybe they are – quite as active as we are in New York. And I can only believe we're going to get more active.

And from personal experience I believe that we're going to see a very sharp trend in what appears to be an increase in biomass when in fact it's nothing more than fish that aren't being caught illegally and taken out of the biomass. And quite frankly I'd err toward Option 2. And if we recommend, I'm sorry, if we accept Option 3 this would be put in effect when? For January 2008?

CHAIRMAN PIERCE: Option 3, anything we do with this addendum would be for 2007, this year. And that gets us to compliance requirements that we'll discuss later on at this, during this meeting.

MR. AUGUSTINE: Well, my biggest concern, again, is Mark indicated some very strong, a very strong case in view of the fact that it looks like the biomass is straight-lined and not really going anywhere. And with this ugly illegal market rearing its head up there I just, you know, Captain Huss, like the rest of the enforcement people, can only guesstimate as to what that number is. We don't know but we know it's a lot.

And it just seems to me if we curb that again just, I hate to use the term "penalize" one sector or the other, whether it's commercial and recreational or not, to go all the way to the 0.15 now. And I'd like to get some other comments around the board on whether or not the sense is that we could go with Option 2 as opposed to Option 3.

If the technical committee could give – and I think you did make some statements in here about Option 2 and why you didn't select it. But Jason could you give us another clue as to why Option 2 at this point in time with the juncture with the illegal fishing that's going on and again the guesstimate, we have no idea how much impact that's having on the biomass, why would we at this moment go directly to Option 3? Overfishing is not occurring. It's not being overfished.

CHAIRMAN PIERCE: Before I go to Jason I would just reference Figure 7 and Figure 8 for the benefit of the board. And those are the projections based on constant recruitment and also on Beverton-Holt recruitment. In other words, how long would it take us according to the technical committee to get to the different targets that we would establish for ourselves, in this particular case the option?

Okay, so that's the reason why they provided us, I suspect, with their recommendation was we get to the target sooner rather than later. Jason, have I missed anything? Is there any additional logic given by the technical committee?

MR. McNAMEE: No. That's exactly right. And also as Mr. Gibson alluded to earlier that brings us back to the original management plan which had F equal to M which was .15.

MR. AUGUSTINE: Thank you for that clarification.

CHAIRMAN PIERCE: Thank you. And as a reminder, we went to public hearing to get comments regarding the illegal fishery. We did not bring out any specific actions. We did not propose anything specific to deal with that particular fishery. Consequently, we're faced now with this addendum that is, you know, directed solely towards the recreational fishery.

The critical issue now is as part of this motion and what fishing mortality rate do we want to select as part of our, you know, rebuilding towards that biomass target that we have just adopted? Any further comments on this motion? Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. I can't support this motion. I agree more with Pete that I think we need to move more cautiously. First of all, Option 3, a 46.4 percent reduction, my recreational people have done all that they're going to do and should do. They've got 16 inches. They've got a three fish possession limit.

And I just don't think that they deserve with a fishery that's not overfished and overfishing is not occurring and they have these strict rules, that they should have to endure a 46 percent reduction in the mortality rate. You know, we keep hitting everybody with reductions. If they're overfished and overfishing is occurring, then we go after it. Okay, fine.

When we have it not overfished, and granted it's not all the way up to perfect, we still go through the reductions. It's like it doesn't matter; we're overfished or we're not overfished, we still have to cut, cut, cut, cut. And in this case I'd rather see Option 1 so I can't support Option 3. Thank you.

CHAIRMAN PIERCE: Everett.

MR. PETRONIO: Thank you, Mr. Chairman. I agree with some of the comments that Mr. Adler made; however, I don't support Option 1. I am in favor of a cautious approach and a reduction in effort to be sure that we are going in the right direction. But I think that Option 3 is a little too severe in this regard at this point for some of the reasons that Bill mentioned, that we are not in an overfishing situation and overfishing is not occurring. So I do not support the motion. I support Option 2.

CHAIRMAN PIERCE: Bob Beal, do you have a point to make?

MR. BEAL: Yes, just a kind of point of clarification. A number of folks have said different things about

the status of overfished/overfishing, which is occurring, which isn't. In 2005 the F, the F estimate dipped down below the overfishing definition for the first time in about seven or eight year. So technically we are not overfishing but only by you know F of .001 I think is where we are.

And as far as overfished, the plan currently doesn't have a biomass reference point so we don't know if we're overfished or not. By assuming this reference point is implemented that, the previous motion that passed, the stock is overfished pretty substantially. We need to more than double the population to get out of the overfished condition. So just so everybody is kind of talking on the same currency, I just wanted to clarify that.

CHAIRMAN PIERCE: All right, thank you for that clarification, Bob. I will note, however, that the addendum does use the word "overfished" in the context of the F values so it's, the addendum needs to be corrected regarding the fact that when we brought this to public hearing with everything said in the document we were not overfishing. But you're right, new biomass target, consequently how do we know whether we're overfished or not. Jack Travelstead.

MR. JACK TRAVELSTEAD: Thank you, Mr. Chairman. I think Everett took the words right out of my mouth. Option 3 will result in some very draconian measures on the recreational fishery, far too stiff than I can support. I would prefer Option 2. And if you'll let me I would like to **move a substitute motion to adoption Option 2 for Issue 2 for fishing mortality reference point.**

It seems to me fishing mortality has declined in recent years. If we can take it this step further and look at how the stocks respond over say the next two or three years, if at the end of that time period things aren't moving in the right direction, you know, then I would be the first one to come back here and recommend that we take another step to further reduce fishing mortality. But for right now I can't support going to that severe of a measure.

CHAIRMAN PIERCE: That's a motion to substitute by Jack Travelstead to go with Option 2 which is the fishing mortality rate of .20 as opposed to .15 in Option 3. Is there a second to the motion? Vito Calomo has seconded the motion. All right, we have a substitute motion. Of course we can entertain debate on either of these motions. Who cares to engage? Any comment on the substitute motion?

UNIDENTIFIED: You could just call the question.

We've had the debate.

CHAIRMAN PIERCE: All right, we'll, I have a couple of hands up in the audience. I'll entertain those. Yes, I'm sorry, I can't recall your name. Yes, you.

MS. WAGNER: Denise Wagner from New Jersey. I haven't heard any discussion about something that is in the draft and that's under the commercial fisheries 4.1.2. I would like to see that omitted. It says "while states are not required to take reductions in the commercial fisheries to reach the plan targets, states may implement more restrictive regulations in the commercial fishery."

I don't understand if we're talking about recreational reductions why this is in here. I'd like to see that taken out because clearly if you look at the charts on Page 6 and 7 and you compare the recreational landings to the commercial landings there is no problem here. And, therefore, I'd like to have discussion to have that omitted from the document.

CHAIRMAN PIERCE: All right, thank you, Denise. Tom, you had your hand up. And, again speak specifically to the motions on the floor regarding the fishing mortality rate targets, actually they're F-rebuild values.

MR. FOTE: Tom Fote, Jersey Coast Anglers Association. You know this, the taking out of the recreational or the commercial option was done at a meeting in North Carolina which the only two people representing the recreational fishing community at that meeting was myself and Phil representing the United Boatmen of New York/New Jersey and the RFA.

The three people in the audience, the three groups in the audience basically opposed that at that time. You went out to public hearings and overwhelmingly said that's not what they want. Even in New Jersey some of the commercial people at these meetings said we should be equal and across the board if we're going to do any type in a sign of unison as we basically did not support closing the live market at that hearing.

You know, 90 percent of your comments are basically that. We were talking about law enforcement before and the problem with enforcing this. Well, when you look at what's going on with summer flounder – and nothing is done in a vacuum – and you look at now a 46 percent reduction in the tautog recreational fishery, this will have a dramatic economic impact to this industry that can ill afford it.

I mean New York right now is like going to two fish at 19 inches. And now the one fish where they can actually make some money on, they're going to shut that down and reduce the bag limit probably to three or four fish. I mean and the same thing will happen in New Jersey is we're going to basically raise our size limit.

You know there is not a big recreational or even a commercial presence sitting here in the audience because you're in D.C. in the middle of January. And I feel that, you know, what you have is a public comment record and if I looked at that chart it was 98 percent against doing this and yet we're moving forward with this.

I don't think this is the time or the place to do this. I support, you know, the status quo. I mean that's what everybody said at the public hearings. You see the record and yet you're doing something entirely different. So, it means that we, you know, we basically blamed on summer flounder that the commission basically punted because they basically acquiesced to the National Marine Fisheries Service.

And now we see in tautog you're changing the rule about what is overfishing and overfishing with one motion and the next thing you're going to do is a 40 percent reduction. And it's only going to affect the recreational sector which we feel that it's an illegal commercial fishery not the commercial fishery that is allowed under the state statutes. We support that.

But the illegal commercial fishery is now going to have consequences on the recreational sector only and that's really not the right way to do this if you're going to have support from the public out there. Thank you very much for your patience.

CHAIRMAN PIERCE: All right, thank you, Tom. Any further board comments on the motion to substitute or the original? Yes, Mark.

MR. ALEXANDER: Mark Alexander. I just have a question for Jason. The F values that came out of the VPA, do those factor in the illegal small fish live fishery or no?

CHAIRMAN PIERCE: Jason, are you in a position to respond to that question?

MR. McNAMEE: Only to say that there is no number associated with that so no.

MR. ALEXANDER: So quite likely there is an additional F ascribed to that fishery that's just not accounted for?

MR. McNAMEE: If the reports are correct about this illegal fishery, then, yes.

CHAIRMAN PIERCE: Vito.

MR. CALOMO: Mr. Chairman, it's not a comment – you missed one young lady out here that had her hand up in the public comment period. You took two. This woman has been raising her hand and I think you just missed her.

CHAIRMAN PIERCE: Okay, thank you, Vito. If you care to.

MS. JOAN BERKO: Joan Berko, a commercial potter from New Jersey, and I just wanted to say there was the one slide that said about giving the states flexibility to reduce the commercial or recreational fisheries. I don't believe they should be given the flexibility to reduce the commercial.

As far as this, the fishing mortality reference point, I guess you need to get some sort of a reference. I would go with something like the status quo or Option 1 actually. But I think you ought to get a handle on just how many fishermen, recreational fishermen there are out there. I think that's underestimated.

We have a limited entry in our state for the commercial. The recreational, if you had a salt-water fishing license or something, you always hear about when they're going to cut the fluke or cut something that there is millions of people that are going to be affected but then when it comes to how many caught blackfish or how many went out for blackfish, all of a sudden there is not too many.

Maybe you ought to do something like they've done in the Gulf where they have put a moratorium on charter/headboats because we have them, just they show up every, another year they can come. The guys, they have 60 people on that boat. They get their, the paper says they all have their eight fish limit. That's a lot of fish.

Plus you have a lot of recreational people. Everybody is getting boats with the GPS now widely accurate and available. You have more people able to target the fish than there were you know in past years. I also kind of resent the fact that we keep going back and forth about who is recreational and who is commercial.

I believe that the people that are illegal, they call them recreational. I think they're nothing more than

recreational people breaking the law. If we were out there and we were pulling our pots and we caught a striper or if we put our pole out and we caught a striper and brought the thing in to eat, the fish cops are going to tell us.

They're going to say you're, you know, everybody is going to say you're going to hang us. They're going to say you illegally caught that commercial fishing. They're not going to say, oh, well, you were with your rod and reel and you were a recreational fisherman.

So, I believe that it's these people with the center consoles that are just doing it for the extra money or whatever that are a part of the problem, plus just a lot of people targeting the fish now. And that's it. Thank you.

CHAIRMAN PIERCE: All right, thank you very much for those comments. All right, we're not ready to vote yet. Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. I cannot support the substitute motion. I think we have to be very conscious of the step forward we're taking with our previous vote where we did establish finally a roadmap forward where we can work toward a biomass level that approximates a healthy fishery in the past.

If this motion that's on the board now were approved I think we have to be very cognizant of Figure 7 that, Number 1, the motion certainly would not be supported by what we've heard from the report from the technical committee and, furthermore, we'd be on a road where we'd never, ever, based on the best information available, ever achieve a rebuilt stock. And not only that, we would never prevent overfishing.

If you look at the line in Figure 7 that approximates .2 with the Xs, it never even reaches the threshold, never mind the rebuilt stock. So once again while we're taking a small step forward – it's an important step forward with the previous vote – this clearly is not the type of measure we should be considering now. We should be serious about trying to rebuild this stock we've been trying to rebuild now for over five years. Thank you.

CHAIRMAN PIERCE: Peter.

MR. HIMCHAK: Mr. Chairman, I just have one final comment on the options on fishing mortality. And again I, my whole purpose was to avoid this



infighting amongst the legal fisheries and to address other issues that could enhance the tautog stock that we really haven't been concentrating on in the past.

I lost my train of thought. I'm sorry. But, oh, the other point I wish to bring up is that this is a revisit of Addendum III. What's going to happen, despite what the peer review said on all the states stock assessment or VPA, whatever their estimates of fishing mortality, the next technical committee is going to be a real battle.

You'll have eight separate stock assessments coming out of the woodwork. And the peer review panel essentially is saying that, you know, your coastal VPA estimates are about the best you can do. So I'm trying to prevent another infighting session of who is going to reduce by what and who doesn't have to reduce. We went through this with Addendum III and it was not pleasant.

CHAIRMAN PIERCE: All right, thank you, Peter. If there are no further board comments, and I see none, let's now caucus on the motion to substitute. I'll give you about 30 more seconds. All right, board members, would you please take your seats.

All right, the, we are now ready to vote on the motion to substitute. All those in favor please raise your hands; all those opposed; are there any null votes. All right, the motion to substitute passes. Now we have to vote on the main motion which is basically the same motion.

All those in favor please signify by raising your hand; any opposition. I assume there are no null votes. The motion therefore passes. We have a fishing mortality rate reference point of .20 which will call for a percent reduction from the current fishing mortality rate of 28.6 percent.

All right, that brings us to management program implementation, Page 17 and on regarding the different means by which we as individual states much achieve these or this percent reduction for 2007. I turn to staff now for some guidance as to how we should proceed relative to states offering up specific proposals to achieve these, this target.

MR. BEAL: Sure, thank you, Mr. Chair. I think if you look at actually the back of the document, Page 20, you will see a series of dates that are not indicated there. That's really what the board needs to decide on now. The first date is when the states are obligated to submit their proposals.

Assuming that the board wants to take action on those proposals in May so the states can implement something this summer, you know, we could, a date in early April is probably reasonable. April 6 is a Friday. It's just something I had come up with. You know I don't know if that gives the states sufficient time.

You have essentially all of February and all of March to come up with your proposal and submit that to the commission staff on April 6. That will give the technical committee about a month before the May meeting to review those proposals and following the May meeting if we give states about six weeks or so to implement those that would be about July 1<sup>st</sup>, 2007.

So, those are the dates that I came up with based on the discussion today which indicated that folks, you know if we're going to a fishing mortality rate reduction, wanted to go ahead and get that implemented for the majority of the '07 fishing season. So, again, those dates are April 6 to submit proposals, July 1 to implement the new regulations.

CHAIRMAN PIERCE: All right, those are the two dates suggested by staff. Any comments regarding those dates? Jack Travelstead.

MR TRAVELSTEAD: Just a practical question, since you're talking about having to implement the plan in the middle of the calendar year and half of what the states are going to be submitting are closed seasons, are we expected to meet the full – what is it? – 28 percent reduction in the second half of this year? Or are we simply providing a season somewhere on the full calendar year that when you calculate it would achieve that reduction, even though it may not have been implemented until July 1<sup>st</sup>?

CHAIRMAN PIERCE: My understanding would be that unless directed otherwise, unless we decide to do something different, we would have to take the entire cut for this year and determine how to do that with the, with each individual state's specific schedule for implementing you know regulations.

In other words, we would have to have by July 1 as individual states measures that we would implement to get us the necessary 28 or so percent reduction. So you're right. There would be, as it stands now, the necessity for a state to make sure that it would be perhaps – well, we'd have to account for the fact that there would be no individual state restrictions from now until the implementation date of July 1.

MR. TRAVELSTEAD: It seems to me that puts you in a situation where you'd have to come up with a plan for this year and then a plan for future years where you could spread the closed seasons over the entire calendar.

CHAIRMAN PIERCE: That is true. I should highlight for the benefit of the board that Massachusetts has already moved forward to schedule public hearings to address addendum provisions. We've given ourselves enough latitude to, well, address whatever decisions were made here today.

So we will be in a position to implement something for this spring that will put us in a position to get the necessary percent reduction for 2007 involving restrictions in the spring as well as in the fall and of course throughout the summer. Also, for your benefit we are going to, we're proposing some restrictions for the commercial fishery as well.

The plan, the addendum does not prohibit us from doing that if we care to do so. We can be more restrictive for the commercial fishery. So, we're going to be proactive regarding the commercial fishery in our waters. And one reason for that is that, as already has been noted, tautog don't move around that much.

Consequently what we do in each of our individual states can have a rather significant effect on the tautog that are off our shores. So, for Massachusetts it won't be a problem. For the other states, you'll have to make your own call regarding that. Tim.

MR. TINSMAN: Mr. Chairman, that requirement to take the full 28.6 percent reduction for 2007, it really doubles the amount of work. We would have to change regulations with one set of measures for 2007 for which we have no guidance.

These tables here are not aimed at giving us a reduction in Delaware for part of this year. So that's a major problem. It also doubles the administrative work of changing regulations for this year and then immediately changing them again for 2008. Is there no relief from this requirement?

CHAIRMAN PIERCE: Well, board members it's your pleasure as to, you know, what you want to do. As it stands right now the entire 28 percent would be for this year. Pat.

MR. AUGUSTINE: Thank you, Mr. Chairman. I think if we do this now we're bordering on taking a

ludicrous move that absolutely doesn't make sense. We're slam-dunking one group, which is recreational. In the state of New York our season opens October 1<sup>st</sup>. It goes to the following year of May 31<sup>st</sup>.

So, therefore, from October 1<sup>st</sup> to the end of the year we take 28 percent. That's ludicrous. That doesn't make sense. To Jack's point, how do you go ahead and start a regulation in the middle of the year? And, again, across the way over there, how do you go ahead and set up a dual set or change in regulations in the middle of the year?

It just logically doesn't make sense. I don't think ASMFC does that. And this is a case where the work has been done. We moved along rather quickly. We've had a lot of comments from the public on it. We debated to quite a degree where we should go and what we should do. I'm not going to speak for the other states but I look at this chart that talks about seasons and so on and the impact I think is a dual impact.

We're going to give them a 28 percent. Many of the states are going to be having difficulty just trying to meet the 28 percent in one year, let alone do it in six months. So, I would recommend that we seriously consider implementing this January 1<sup>st</sup> of 2008. Let's do it right and get it right the first time so we don't have to go back and move along that way. That's my sense on it. My counterparts might have a different sense on that but that's my point.

CHAIRMAN PIERCE: Gordon.

MR. COLVIN: I just, Bob, going back to the dates you suggested, the due date suggested for submission of proposals of April 6 I think is not unreasonable. I think that's doable. I think the second date here in 6.1.2 would be the date of the management board meeting in May which would need to be specified. I'm not sure what that is. Is that early May or late May?

MR. BEAL: Gordon, that's the week of May 7<sup>th</sup>.

MR. COLVIN: So it's early.

MR. BEAL: Relatively early.

MR. COLVIN: Seven to ten. So, I mean I don't know how it works in every other state but I've certainly heard this discussion an infinite number of times over the years. Each state's administrative procedures act is different. Each state will need to

implement these measures by regulations by rule making.

In some states that process takes some time. And that time is not flexible unless we go to emergency rule making. And I don't think any two states' standards for what's eligible for emergency rule making is the same, either. I'm just not sure, frankly, that for all of us that July 1<sup>st</sup> is a reasonable deadline for completing rule making under normal rule making process for an action that will be approved circa the 10<sup>th</sup> of May.

I know for us it is absolutely a just about, drop-dead minimum of six months from the time we initiate, formally initiate rule making and receive internal executive clearance to proceed until the time the rule becomes effective. And we can certainly initiate rule making before the board's action, as soon as the technical committee completed review but not before. So, July 1 isn't going to work.

And if you push it back any further, then you exacerbate the problem that has been under discussion that Jack brought up. I just wanted to kind of lay that out for folks to think about. I honestly don't know whether unless we want to proceed on the assumption that the states will use emergency rule making authority that we can actually implement this addendum this year, that's, so if we're going to stick to May as the kick-off date for approvals.

CHAIRMAN PIERCE: Well, I'm looking for some guidance from the board regarding, you know, when these measures would have to be in place. We have nothing specific at this time. We have some suggestions from Bob Beal but no motion on the floor. Peter.

MR. HIMCHAK: Mr. Chairman, this point that Jeff Tinsman brought up is, I mean the tools for demonstrating the recommendations or the reductions, rather, are based on a 12-month period. And if we devise a program for a reduction of 28 percent and it's, we're not going to realize that entire percentage between July 1<sup>st</sup> and the end of the year.

The way we would have to write a proposal would be that you would demonstrate your reduction between July 1<sup>st</sup> of '07 and June 30<sup>th</sup> of 2008 so that you're not writing regulations for this year and then re-writing them next year.

CHAIRMAN PIERCE: Mark.

DR. GIBSON: I understand some of the difficulties

we have but it seems that the easiest way to get at this percent reduction is to target this late season fishery which I'm having trouble understanding why anybody at this point, knowing what you have to do in terms of a percent reduction, wouldn't be looking at these huge numbers in the Waves 5 and 6 and be thinking about making a restriction in your fishery then which would be the same for the following year as well.

CHAIRMAN PIERCE: Bill.

MR. ADLER: Thank you, Mr. Chairman. Can I throw this out as a **motion, that the implementation would not be until January 1<sup>st</sup>, 2008**, based on everything I've been listening to?

CHAIRMAN PIERCE: All right, we have a motion, January 1, 2008 as the implementation date. Do I have a second? I do have a second from Erling. All right. So there is a motion on the floor. Any discussion regarding this motion? Gordon.

MR. COLVIN: Well, I kind of reluctantly support the motion but there is another thing that just hit me and I'm concerned about it, too, and that is this year has been such an unusual year. We've seen things that we haven't seen before. And one of them is substantial landings of tautog in Wave 1. And we have no data.

I'm not sure how that plays in but we may need to think about the implications of an unknown quantity of harvest going on in Wave 1 and it may be growing. And I'm not sure how that plays into all this other than to kind of make folks aware of the need to think about it and how it fits in the timing.

But the other point is, you know, I sort of agree with Mark. You know, 100 percent of New York's harvest takes place in Waves 5 and 6. So if it takes us six months to do rule making beginning in July we'll get there this year and we can. And I think it would be better to do that if at all possible.

I just, I mean, I'm looking at Wave 6 here on Table 9. Just about every state can deal with their reduction in Wave 6. And I think most of them, you know, I think we ought to have some discussion about whether or not we want to try and do that, you know, whatever rule making mechanism it takes, emergency, regular rule making, or otherwise, before we put everything off a whole year.

CHAIRMAN PIERCE: All right, Gordon has expressed concern that we put it off a whole year.

Yes, Vince.

EXECUTIVE DIRECTOR O'SHEA: Yes, Mr. Chairman, just one thing. You know a few minutes ago you opted to set an F that was higher than what the technical committee recommended. So, as bad as or as difficult as it seems to implement the .20, what the technical committee had recommended was .15 so, which was the 46 percent reduction throughout the entire rebuilding period. So, coming to grips with the 28.6 is, while it may be painful it's not as rigorous as what the technical committee had suggested.

CHAIRMAN PIERCE: All right, any further comment on this motion? Well, I'll offer some comments. As chair I know this addendum has been in development for quite a long time now and certainly each and every one of us individual state directors have known that there would be some difficulties time wise in getting in place in 2007 you know all that might be required through this particular addendum.

Nevertheless, I think we all moved forward with an understanding that we'd do our best to get those measures in place for this year in light of the fact that it was time to act. And we made that very clear through the addendum, a need for us to get back to a much higher biomass. We don't have a particular time table to get there and I think that's good.

But we do have a fishing mortality rate now to be guided by, an F-rebuild value. So taking no action now this year does indeed create a situation where the fishery pretty much operates as it has operated, in some cases quite unfettered.

And the illegal fishery, to whatever extent it may exist, will continue to operate. And then we'll find ourselves, of course, we'll find ourselves with another year of no further restrictions on the fishery region-wide unless, of course, an individual state does decide to act on its own to implement the addendum provisions.

And in light of the fact, as I said, you know, that the tautog that's found off of our states does tend to be fairly local, certainly in Massachusetts and Rhode Island, limited movements. All right, again the motion is there to have January 1, 2008, as the implementation date for measures that would create a 28 percent reduction.

And let's get a clarification. That would be a reduction in catch relative to what year? I'm

refreshing my own memory here. That's relative to '05? I should have this on the tip of my tongue and excuse me for it not being there. A percent reduction from the current fishing mortality rate. And the current rate that we're working with right now is for 2005. Correct? Okay, so 2005.

Therefore, 2006 has gone by. We don't know what the mortality rate was then. If it was higher than 2005 than our situation is a bit worse than we realize. And now of course we'll have 2007 going by so two more years of the fishing, fisheries operating as they have. So 2005 is basically the baseline that we will be using to get this necessary percent reduction. So just bear that in mind. Any further comments on the motion? Pat.

MR. AUGUSTINE: Before I cast my vote on the motion, I just went back here and reviewed those states that could take a cut and New York is included, as all the others, but I was wondering in the case of Massachusetts – and I know you're very active in this, Mr. Chairman – if we were to implement a 28 percent reduction in 2007, and assuming that turns out to be, let's say you implement it July 1<sup>st</sup>, that would take half of your Wave, July-August, Wave 4, and you've got 24 percent.

So let's say you take 12 percent there and in Wave 5 you've got 5.57 percent so let's say that's 6 percent. Then you've got 2 percent in November-December. So if I read this correctly it looks like you're going to have about 30 percent reduction. So it would seem to me that in this example Massachusetts would have to close about the end of the first week in July. I mean that's just an example.

I'm trying to figure out what the impact would be on all of us and the rest of the states, same, with the exception of Virginia where in the fifth wave they've got a 7 percent and 43 percent and 28 and half of that is a pretty big hit. But, in your example, I know you're very aggressive and active in your fishery with the commercial and recreational but would that be how you would address this concern to implement a 28 percent reduction in 2007? I don't mean to be presumptuous but could you give us an idea of which way you go with that?

CHAIRMAN PIERCE: Well, right now we're proposing to cut up to the 41 percent, actually not 41, it's the 40, Option – hold on a second – yes, right now we are going to public hearing with a set of proposals that would enable us to get the higher percent reduction which would be Option – where the heck is it here – Option 3, right.

So we prepared to do the worst case scenario so we turned the wheels to get things in motion in order for us to be prepared to adopt whatever ASMFC decided to adopt here today. So at our public hearings we'll be discussing numerous options and those options range from a one fish possession limit for the recreational fishery to that limit and something else.

We also have some measures proposed to impact the commercial fishery such as shutting down the spring fishery entirely and modifying the fall fishery in such a way that we would deal with our own specific concerns about the ratio of commercial versus recreational landings, something we haven't discussed here today but still it is an issue.

Whether it's illegal commercial landings or whether it's legal commercial landings we're all trying to work together to keep a 90 to 1 a 9 to 1 ratio of recreational versus commercial. That's the plan's strategy. And I think we may have deviated from that ratio region-wide. So in our state we're working to try to recover or at least get back to the ratio that we've had in our state for so many years, at least an 80/20.

So we're doing a lot more in our state for tautog because, again, it's tautog that off of our shores, a resource that we share with Rhode Island. So Mark and I and others will be, you know, debating what to do for this year for tautog after this meeting has concluded, especially if now we're going to go with May 1, I think with a January 1, 2008, implementation date. So it's kind of up in the air right now as to how this is all going to shake out, especially if we go with this later date for implementation.

MR. AUGUSTINE: Thank you for those insights, Mr. Chairman.

CHAIRMAN PIERCE: Jeff.

MR. TINSMAN: Mr. Chairman, I'm trying to decide whether to vote for this motion and I'm not sure what my options are as alternatives. If we were to go to a date like September 1<sup>st</sup>, could we do it in a way where each state could make a reduction of 28.6 percent annually rather than having to reduce 28.6 percent from the first of September to the end of the year? If that's not an option, I'm prepared to vote for this motion.

CHAIRMAN PIERCE: I don't believe that the technical committee is in the position to advise us, or Bob Beal for that matter, regarding how we would

implement the strategy that you just described, some sort of a pro-ratio or a portion of the 28-some-odd percent for the balance of the year. We don't have that – Bob does have an insight. Bob.

MR. BEAL: Well, it seems like there is essentially three concerns around the table. One is January 1, 2008, is too late; July 1 is too early; and there is uncertainty about Mr. Travelstead's point of, you know, do we need to achieve all this 28 percent in this calendar year of '07.

But I think if we kind of split the difference between all three of those points and end up with September 1 or October 1 but the states, but have the states come up with annual plans based on the calendar year – and this may mean that New York only achieves 18 percent this year while Massachusetts achieves the full 28 percent and Virginia only achieves 12 percent in 2007, but at least it's moving the states toward where they want to go with this reduction.

And then in 2008 the plans will be in place for the entire season. You know the fishermen will know what it will be on January 1 for the entire year. I think if we have states implement a program for the end of '07 and then change it in '08, I think that's a, you know, a lot of confusion for the fishermen and a difficulty for enforcement folks.

So, I mean I think there is a hybrid that could be implemented, September 1 or October 1 with the realization that states are coming up with annual programs not just the remainder of '07 program but a, you know, something that will be implemented for the next three or four years as we monitor the progress of this stock.

I mean it's definitely allowable under the plan. It may mean a little bit of a different impact under the, you know for different states. But overall we're moving in the right direction and then we'll have the full 28 percent by January 1, 2008, for all the states.

CHAIRMAN PIERCE: Thank you, Bob. I'm not sure what kind of guidance that was, though, because if we have to have in place some kind of compliance criteria for 2007 it has to relate to a specific percent reduction. And if 28 percent will not be feasible because of late implementation in the year, then what percent is feasible and fair for us collectively as a group of states? Therein lies our problem.

MR. HIMCHAK: But, again, I'm coming up with a 12-month plan that would demonstrate the 20-some reduction that Jeff is alluding to. A lot of the support

for reduction is going to come from, you know, cutting back on our spawning season fishery, both, you know, recreational and commercial.

I'm not under the impression that the entire 28 or the reduction has to be experienced between now and December 31<sup>st</sup> of this year and then we go another full reduction in 2008. We don't have the tools because all the seasonal possession limits or the tables are all designed on an annual basis, not just for Wave 5 or 6.

CHAIRMAN PIERCE: I hear you, Peter. It's a dilemma. The addendum is very specific regarding the percent reduction we need. It's relative to the mortality rate in 2005 so that's January 1 through the end of the year. So, like it or not, that is the benchmark that we're working with. Jeff.

MR. TINSMAN: I guess I said it all before. In that case then we have no alternative unless we want to do double regulation changes to vote against this motion or vote for this motion, excuse me.

CHAIRMAN PIERCE: Mark.

DR. GIBSON: Are the other dates fixed relative to this motion? If this motion passes is there going to be an extended time period for submission, board action? I mean that would make some sense to me. If we're going to extend the entire implementation deadline states and board ought to be afforded more time for development of these proposals and review of them and so on. I don't see why we'd stay on a crash course for submission if this is going to be a January 1<sup>st</sup> implementation time.

CHAIRMAN PIERCE: Bob, would you have any suggestions as to when the specific plans for 2008 should be submitted to ASMFC for review?

MR. BEAL: Well, I think it's a balancing act, Mark, between the accelerated schedule and also allowing or providing enough feedback to the states so that they can start their rule making process. You know, Gordon indicated that New York takes about six months. And May, the May meeting week would be the last time that the board could give New York that signal of approval or disapproval of their program for an implementation date of January 1, 2008.

So, you know, I'm not sure if states can start the rule making and, you know, have a final read from the management board sort of as that process moves on or if the states do need a full six months after the board has approved their proposal, in which case

May would probably be the latest date we could use.

CHAIRMAN PIERCE: Using that does the board feel comfortable with that guidance, that the May meeting would be the date by which the states would submit their plans for implementation on January 1, 2008? That would certainly give New York and other states a time to deal with the concern that might be there about Wave 1 being significant, possibly being significant now.

All right, if I hear no objection then we'll make that the schedule for us to follow. The May date again was what, again, Bob? May, May what? So May 7<sup>th</sup>, the week of May 7<sup>th</sup> that would be the date for submission of state proposals to achieve this 28 percent. No?

MR. BEAL: The date for submission that I originally proposed was April 7<sup>th</sup> so the technical committee could have about a month to review those and report back to the board and the board would deal with those – April 6<sup>th</sup>, I'm sorry; 7<sup>th</sup> is a Saturday. So, April 6<sup>th</sup> the proposals would be due and then the week of May 7<sup>th</sup> the board would take action on those proposals.

CHAIRMAN PIERCE: All right, thank you for reminding me that the technical committee is involved in this discussion. Those are the dates. Without objection to those dates we will use them, then, as the time table for us to follow to ensure that we get in place by January 1, 2008, these measures to achieve the 28 percent reduction in mortality relative to 2005.

All right, we have a motion on the board. I've clarified it, added a little bit to it so with all that said if there is no further discussion on the motion – I don't see, I suspect there is no need to caucus on this.

All those in favor of the motion please raise your hand; any opposition, all those opposed; any abstentions; okay, we have two abstentions. All right, that I believe brings us through the addendum. However – the motion did carry, yes. It's 10:28. We have a bit more time. Therefore – Bob.

MR. BEAL: Just, the board also needs to make one final motion saying that, approving Addendum IV based on the options selected today or as modified today, something along those lines.

CHAIRMAN PIERCE: Does anyone care to make that motion?

MR. CALOMO: **So moved.**

CHAIRMAN PIERCE: Okay, Vito Calomo has made the motion. Gordon Colvin has seconded it. Move to approve Addendum IV as modified by today's board decisions. All right, yes, Gordon.

MR. COLVIN: Sorry, Mr. Chairman, after the vote.

CHAIRMAN PIERCE: Okay, all right. That is the motion. All those in favor please raise your hand; is there any opposed; no opposed; any abstentions; we have one abstention. All right, now the addendum has been, the motion has carried. Thank you.

Now there was quite a bit of discussion today relative to the public hearing comment and of course reactions to the report provided by law enforcement as to the illegal fishing. Does the board care to continue that discussion or perhaps make a motion that would address that particular issue? Gordon.

MR. COLVIN: Thank you, Mr. Chairman, that was indeed what I had raised my hand to earlier. I think there are a couple of loose ends, one earlier in our discussion about the prospect for addressing commercial fisheries.

Now I think you know that there is text in Sections 4.1.2 and 4.1.3 of the addendum just approved that addresses both the options for states to you know improve management or increase management of the commercial fisheries voluntarily. It also addresses the importance of enforcement.

And I think in light of the extraordinary amount of public comment and concern expressed on the enforcement issue I'm not sure that adoption of the addendum is as far as we want to go with this. I think something further would be in order. I'm not quite sure what.

The, I was tempted at one point to introduce for consideration a measure whereby the board would call on through the addendum process you know as a required provision a report on enforcement strategy and including everything from regulations to law enforcement and penalty schedules to you know provide some reportage to the board, to the commission's management program, on how we intend to intervene and improve compliance with our current regulations as vis-a-vie both the live fish trade and some of the other problems that Captain Huss described to us, including this perplexing issue of recreational anglers who insist on using under-sized regulated species as bait which, you know, I,

it's almost unfathomable to me why they do it. But obviously they do because they get caught at it, at tournaments, no less.

So, I'd like to throw out there the option of at least at a minimum having the board contact the states in some way through perhaps a letter from the chairman highlighting the concerns and the issues of the public and the report of our Law Enforcement Committee representatives to us on the illegal activity and asking the states to report back to the board what their reaction, response and to the extent possible any strategic initiatives they may be considering or implementing in their states to address this problem.

I'd point out to the board that too often our fishery management programs begin and end with regulating catch. Our fishery management programs can and should at times include other parts of management. We've talked about it, everything from data collection to protection of habitat to issues of this nature that focus entirely on enforcement.

And I wouldn't rule out in the future in my own mind some additional actions through an addendum to contemplate specific measures that are to be implemented through regulations in states to impede the illegal live market trade. I will not call on the board to take action to ban the live market. I think that's premature and unwarranted at this time.

But I do think that there are many things that many of us can do to, including changes in our regulations to help us get at it better. And as Tim Huss pointed out, we're talking about it actively in New York, measures that are not focused necessarily on reducing fishing mortality of tautog but they are focused on making it harder for the criminals to continue to operate as they have been. I don't know if a motion is needed, Mr. Chairman. I just wanted to throw that out there and see if there was support for the idea.

CHAIRMAN PIERCE: Is there support for the idea described by Gordon? Jeff.

MR. TINSMAN: Yes, I was thinking along the same lines and wondering whether measures could be added to the annual tautog compliance report that address measures and penalties that are in place in each state. In other words, we cover regulations and landings but that line where you go over into the enforcement side is not covered there.

Discussion of some of the penalties in New York sound a lot higher than, I don't even know what the penalties are in our state. But I think if we, if we saw

that information on a coast-wide array it would be eye-opening in regards to the amount of effort and the amount of arrests from one state to another and the penalties that are imposed from one state to another.

It may spur those states that are on the low end penalty-wise to bring themselves up to speed and that sort of thing. But I hear people talking about, Pete Himchak talking about reading enforcement reports. You know I'm not aware of our enforcement staff making reports. So, it's an issue of concern to me regarding not the live market so much as just the potential for bycatch in the pot fishery.

Our commercial regulations limit harvest to the recreational measures. It's supposed to be no more than 10 fish per person on the boat. And the potential is there to land thousands of pounds, so I think it's something we need to look into more and I was wondering whether the compliance report might be or something like that might be valuable on an annual basis.

CHAIRMAN PIERCE: Vince, you had a comment?

EXECUTIVE DIRECTOR O'SHEA: Yes, I did, Mr. Chairman. Thank you. While I, you know I think the annual compliance report is a good idea I also think that you know given the public comment on this and the amount of time the board spent that waiting a whole year to deal with it may not be as effective as making it a routine part of this board to get an enforcement report.

And the second thing is we have a Law Enforcement Advisory Committee. And I think if it was the sense of this board to sort of task them with taking a look at this whole problem and get them to give us some suggestions of a report that they could give periodically to this board to get a better handle on it might be a good way to use the resources of our Law Enforcement Advisory Committee. Thank you, Mr. Chairman.

CHAIRMAN PIERCE: If the board has no objection I will work with staff to put together a letter that would go out to the states that would identify our specific concerns consistent with the points that Gordon has made as well as that Jeff has made.

And if the board has no objection we'll explore the suggestion, the chair and the staff will explore the suggestion made by Vince regarding our utilizing the Law Enforcement Committee to increase our understanding of the extent of this problem region-

wide. Do I see objections to that approach? Okay, fine. So we will move in that direction. Gil.

MR. POPE: And, also, just as importantly to measure it, to try and come up with some kind of number that we can add to it, then maybe the technical committee can get together and somewhat come, you know, come up with an estimate as to a number that we can use.

CHAIRMAN PIERCE: Thank you, Gil. Mark.

MR. ALEXANDER: I think it might also be helpful, too, if we could utilize the expertise of the Law Enforcement Committee to provide suggestions for regulations that are easily enforceable, that will have a desired effect and that have a high, you know, degree of success for or a high probability for success for prosecution.

I mean, they're out there. They know what will work and what won't work. I think that might be helpful, particularly in our corner of the northeast where there is going to be interstate issues. It might help also to have compatibility between states which might enhance the, you know, the possibility we may truly solve this problem.

## OTHER BUSINESS

CHAIRMAN PIERCE: All right, good. We'll incorporate those as well. We're about ten minutes over so we should end this board meeting so the next board meeting can begin. Is there any other business that will take about one minute worth of time? Pat.

MR. AUGUSTINE: I'll do 30 if you'll let me do it, Mr. Chairman. I would also recommend the board consider taking a position on live fish being onboard for recreational anglers. That would be a distinct deterrent, live fish sell for a buck and a half or two bucks a pound. I'm sorry, dead fish sell for a buck and a half or two bucks a pound so those people doing it legally would, I think, also reduce any, eliminate high grading which happens, although blackfish can live very well in very little water as long as it's saline.

Now, in commercial I think we should consider a tagging program of some sort. That would again distinguish immediately whether it's a commercial fish or not. So I think the board should take those under consideration. You may want to recommend them as two things that the states could consider in your letter. Thank you.



CHAIRMAN PIERCE: Thank you, Pat. Federal perspective, Harry, you have the last word.

MR. MEARS: A comment for the record, Mr. Chairman, as a result of approving Addendum IV I'd like to make a comment similar to the one I made when we approved Addendum III. There is a section of the addendum for recommendations to the Secretary. I'm not sure what those recommendations are specifically in light of our conversation during the last hour.

But for that to formally be considered the appropriate way I might suggest would be a letter from the commission to the Secretary with that recommendation and to be, include as many specifics as possible. Thank you.

CHAIRMAN PIERCE: All right, thank you for that guidance, Harry. I'll work on that end of it with ASMFC staff. Thank you. All right, before I close I'd like to thank Chris for all of his efforts serving as staff to the board, handling the public hearings, putting together an excellent summary for us to consider.

Of course, thanks to law enforcement as well, New York law enforcement, for its input and as always the assistance from the technical committee itself. Well, with all that said if there is no objection we'll bring this meeting to a close. Thank you.

(Whereupon, the Tautog Management Board meeting adjourned on Tuesday, January 30, 2007, at 10:42 o'clock, a.m.)

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