

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

**The Westin Alexandria
Alexandria, Virginia
May 7, 2015**

Approved August 2015

Proceedings of the Tautog Management Board Meeting May 2015

TABLE OF CONTENTS

Call to Order, Vice Chairman Adam Nowalsky 1

Approval of Agenda 1

Approval of Proceedings, February 2015..... 1

Public Comment..... 1

Consideration of a Management Response to the Benchmark Stock Assessment 1

 Technical Committee Report..... 1

 Clarification to Selecting Regional Tautog Stock Definition 1

 Discussion on Reference Points..... 6

 Discussion of Technical Committee Report..... 8

Consideration of an Initiation of an Amendment 15

Other Business 28

Adjournment..... 28

INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of February, 2015 by Consent** (Page 1).
3. **Main motion to initiate an amendment to respond to the 2015 Benchmark Stock Assessment for three stock areas, Massachusetts/Rhode Island, Connecticut to New Jersey, and Delaware to North Carolina** (Page 19). Motion by David Simpson; second by Pat Augustine.
4. **Motion to amend to include additional stock area boundaries Massachusetts-Connecticut, New York-New Jersey, Delaware-North Carolina** (Page 19). Motion by Tom Fote; second by John Clark. Motion carried (Page 23).

Main Motion as Amended: to initiate an amendment to respond to the 2015 Benchmark Stock Assessment for both sets of three stock areas; the first being Massachusetts-Rhode Island, Connecticut-New Jersey, and Delaware-North Carolina; the second being Massachusetts – Connecticut, New York-New Jersey, and Delaware-North Carolina. (Page 23). Motion carried (Page 23).
5. **Motion to establish a joint subcommittee of the Tautog Management Board and the Law Enforcement Committee to study problems of unauthorized harvest and sale of tautog, especially the well-publicized live-fish market in local and interstate commerce that likely is contributing to current levels of overfishing. The joint committee is to: (1) determine the feasibility of ASMFC mandating a fish-tagging program for each state that would minimize the unlawful commerce of tautog and provide traceability of all fish in commerce back to the state of origin and harvester; and (2) if feasible, then offer details of such a program to accomplish the two aforementioned objectives.** (Page 25). Motion by David Pierce; second by Pat Augustine. Motion carried (Page 27).
6. **Motion to adjourn by Consent** (Page 28).

Proceedings of the Tautog Management Board Meeting May 2015

ATTENDANCE

Board Members

David Pierce, MA (AA)	Russ Allen, NJ, proxy for D. Chanda (AA)
William Adler, MA (GA)	Tom Fote, NJ (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Dave Simpson, CT (AA)	Tom O'Connell, MD (AA)
Lance Stewart, CT (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Pat Augustine, NY, proxy for Sen. Boyle (LA)	Kyle Schick, VA, proxy for Sen. Stuart (GA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Mike Millard, USFWS
Emerson Hasbrouck, NY (GA)	

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

Ex-Officio Members

Jason McNamee, Technical Committee Chair

Staff

Bob Beal	Melissa Yuen
Toni Kerns	Katie Drew

Guests

Doug Grout, NH F&G	Brandon Muffley, NJ DFW
Cheri Patterson, NH F&G	Eric Schultz, Univ. of CT
Steve Meyers, NOAA	Jack Travelstead, CCA

Proceedings of the Tautog Management Board Meeting May 2015

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 7, 2015, and was called to order at 8:30 o'clock a.m. by Vice-Chairman Adam Nowalsky.

CALL TO ORDER

VICE-CHAIRMAN ADAM NOWALSKY: I would like to welcome you to this morning's meeting of the Tautog Management Board. I am sitting in this morning for Jim Gilmore. This is the only board meeting that we have on the agenda for today. Without any further ado, we'll call the meeting to order.

APPROVAL OF AGENDA

VICE-CHAIRMAN ADAM NOWALSKY: The first order of business will be to approve the agenda. Is there any objection to the agenda as provided? Were there any additions? Seeing no additions and no objections, the agenda is approved as written.

APPROVAL OF PROCEEDINGS

VICE-CHAIRMAN ADAM NOWALSKY: Our next order of business this morning will be to approve the proceedings from the February 5, 2015, board meeting. Is there any objection to approving those proceedings as written? Seeing none; those proceedings are approved as written.

PUBLIC COMMENT

Our next order of business this morning will be for public comment for any items that are not on the agenda. We do not have anyone signed up to speak. It does not appear anyone from the audience is running to get to the microphone. We did receive one item that is in the supplemental materials and Melissa will just briefly go over that item of public comment that was received prior to the meeting.

MS. MELISSA YUEN: We did receive a letter from a recreational fisherman in the DelMarVa region. He wanted to provide some of his experience on the water about how they are seeing a lot fewer tautog in spots that are known to have tautog in the water. Please see his letter that is included in the supplemental material. Thank you.

VICE-CHAIRMAN NOWALSKY: All right, thank you very much. Are there any questions for Melissa on that? Seeing none, we will move on to the meat and potatoes of today's meeting.

CONSIDERATION OF A MANAGEMENT RESPONSE TO THE BENCHMARK STOCK ASSESSMENT

TECHNICAL COMMITTEE REPORT

We will need to consider a management response to the benchmark stock assessment; and leading up to that we will get a technical committee report to get some more feedback on the stock unit definitions that we had reviewed at the last meeting. For that I will turn to Jason.

CLARIFICATION TO SELECTING REGIONAL TAUTOG STOCK DEFINITION

MR. JASON McNAMEE: Good morning, everyone. My name is Jason McNamee. I work for the Rhode Island Division of Fish and Wildlife. I'm going to go through a slide presentation. There are a few slides and I think a lot of them will be kind of a quick flip-through; so hopefully this won't take too long. I don't want to eat into your discussion time.

This is a report from the Tautog Technical Committee, and it focuses in on the regional breakout and the biological reference points from the stock assessment. Just by way of introduction, in February this board approved the 2015 benchmark stock assessment and peer review reports for the tautog stock; and they

Proceedings of the Tautog Management Board Meeting May 2015

approved this for management use. However, at that time there was a lot of discussion on the regional breakouts as well as the biological reference points. This board tabled that section of the report for further discussion.

The technical committee met I believe it was in March, and we developed a report that kind of splits out the regional information as well as the biological reference point information so that we could kind of focus in on that. This presentation will explain the biological and fisheries data used to weigh the strengths and weaknesses of the four stock unit definitions.

There are four we looked at coastwide. We looked at a two-region breakout. Then we looked at two different three-region breakouts. We will hit on all of those at some point during this presentation. It also presents some additional MRIP data analysis that was completed after the assessment occurred, and we will touch on that as well.

Then we will finish up with a look at the overfished and overfishing status for the different regions based on biological reference points as well. I'm going to start off with a discussion about the regions. The technical committee considered all available biological and fisheries data as well as management concerns when determining the regional definitions to assess.

We looked at a whole suite of information during our deliberations during the stock assessment process. Based on the analyses of biological and fisheries information, the technical committee determined that the coast-wide stock unit was not appropriate; and that is what we had been managing with more or less to that point was a coast-wide unit.

We wanted to get away from that. We felt it was not appropriate for tautog. Some of the things that we kind of had as underlying principles were that the appropriate region designations must compromise both tautog's

limited home range – so they don't move very far; they kind of come back to the same areas year after year – with the available data that we had as well as political boundaries.

It is sometimes very difficult to manage things outside of the state breakout that we currently have set up. The technical committee recognized that the proposed three-region breakdowns aren't perfect. They likely contain distinct sub-stocks; but we believe that this structure reduces the risk of overfishing any individual sub-stock and is better in any regard than the previous coast-wide structure that we were using.

We considered two different three-region breakouts. The first was the base model breakout. That had a Southern New England Region that had Connecticut, Rhode Island and Massachusetts all in it. There was an Upper Mid-Atlantic New York/New Jersey Region and then a DelMarVa Region that included Delaware, Maryland and Virginia.

We also looked at an alternative region. For the most northern region, that will comprise just Rhode Island and Massachusetts. There is a Mid-Atlantic Group that has Connecticut, New York and New Jersey; and then a Southern Group that again is the DelMarVa Region of Delaware, Maryland and Virginia. The DelMarVa Region doesn't change in either of those two situations. One additional note; Massachusetts and Rhode Island up to this point had been managing using a separate stand-alone stock assessment.

At least that northern region is in line with that stock unit. Some note on the regions – New York and New Jersey share a fishery south of Long Island; and it is very difficult to distinguish catches from this area from each other. Biological evidence suggests that Connecticut and New York fish from Long Island Sound are more similar to Southern New England fish than to New Jersey fish.

Proceedings of the Tautog Management Board Meeting May 2015

The technical committee believed Connecticut would have a higher degree of connectivity with Massachusetts and Rhode Island than it would with New Jersey. These are all pieces of information that we weighed in our deliberations. The technical committee initially, based on a lot of this information, chose the base model as the preferred regional configuration which grouped Connecticut with Massachusetts and Rhode Island into a Southern New England Region.

I'm going to dig into this a little bit more. At the time the technical committee expressed concern that this preferred regionalization splits Long Island Sound into two stocks and that the data sets contained both Connecticut and New York fish. Therefore, we looked at what we call a highly regarded alternate regional breakdown; and this grouped Connecticut with New York and New Jersey. We looked at that in a pretty detailed way as well.

I'm just going to pause for a minute here. I was at the last board meeting and I listened to the deliberations, and it was very similar, just so you know, to deliberations that we had at the technical committee. It was by no means a slam-dunk to go with what we ended up calling our preferred regional breakout. We had a lot of discussion. We had multiple meetings on it.

It was vigorous yet respectful debate that we had at the technical committee. I just wanted to make you aware that it wasn't just an item of discussion for you. We also discussed this at length at the technical committee. A two-region breakdown of Massachusetts through New York and then New Jersey through North Carolina. A coast-wide model was also considered.

However, the technical committee determined that the finer scale that the three-regional breakdown gave was preferred and was the better breakout to use for status and management information. Again, an important note; the preferred and the alternate highly

regarded three-region definitions were both presented and both were supported for management use by the technical committee and the peer review panel.

At the technical committee we always strive to achieve a consensus. As I just mentioned, there was a vigorous debate that we had over how to make these three-region breakouts work. In the end the way we came to consensus was to call one preferred and to call one highly regarded. I know some folks have chuckled at kind of the language we used there, but it was intentional and it was how we kind of got through the struggle that we were having.

Now I'm going to dig into the specific information that we were looking at when we made our decisions on the regional breakout. The first suite of information we looked at was biological information. There were several key biological characteristics that we examined to make inferences about similarities between the areas.

These included age and length data collected by each state, which we used to look at growth, natural mortality. We looked at estimators for natural mortality from the scientific literature and then compared the different areas with those estimators. Then we looked at migratory behaviors based on tagging studies conducted by state programs.

It is important to note that the data availability varies pretty significantly by region. The northern states have more data in particular from early in the time series when there were more older, larger fish in the samples. The southern states lack data from fishery-independent sources and therefore have limited samples of the youngest, smallest fish.

You would get those fish from fishery-independent information. You can't get those from commercial sampling or recreational sampling because it is not legal to keep those very small fish. The New York samples come from both Long Island Sound and the Atlantic

Proceedings of the Tautog Management Board Meeting May 2015

Ocean, which makes the distinctions between the New York and New Jersey growth rates less certain, so the data are almost confounded.

Further examination of growth rate differences should be explored using data that are more representative of the full-sized age structure of the population. This is just kind of a recommendation of something that we need to be cognizant of moving forward. As we gain more information, as our sampling program continues through time, we should reexamine this information.

The first piece of biological information that I mentioned were these growth curves. Growth curves per state and region were developed using length and age data. These were an examination of Von Bertalanffy Growth Curves. So your maximum size, like your L-infinity parameter and then the growth constant; that is your K parameter from the Von Bertalanffy Equation.

What we found was that growth constants generally decreased along the north-to-south gradient while maximum sizes were higher in the southern portion of the range than the northern portion of the range. This suggests a regional difference in growth sizes. Just to kind of hone you in, Mike, if you'll kind of click, you can see this first grouping here.

For the growth constants, there are similarities in that grouping. If you click again, Mike, you can see there is also similarities in this grouping of the growth constant; and then one more click, Mike, you can see there is this general trend. It is not an exact trend by any means, but you can see that the maximum size estimates go from low to high moving north to south.

You can also see this in the more truncated version; in particular the three-region breakout. Mike, if you click, you can see we go from low to high again in that maximum size estimate; and then click one more time, Mike, and you

can see again there is a grouping here with the growth constant in the Von Bertalanffy curve information.

Another piece of information we looked at was natural mortality. We calculated natural mortality for each region. Area-specific estimates showed higher rates of natural mortality in the northern regions relative to the southern regions. These higher estimates of M for the northern regions came from estimators that rely on growth parameters. We looked at a whole suite.

We did a pretty thorough examination of all the different techniques for examining natural mortality. The ones that looked at growth parameters showed this difference between northern and southern areas. Mike, if you go ahead and click twice, you can see the Southern New England Area had a higher level while there was a lower natural mortality in the southern extent of the range. However, the estimators that relied on longevity data rather than the growth parameters were more similar for natural mortality than these would indicate. Okay, the final piece of biological information is migratory behavior. We inferred migration from tagging data. What this indicated was that tautog have strong site fidelity and move only short distances longitudinally, if at all, during their seasonal migrations. Now, that statement certainly depends on where you are; and the tagging data can be somewhat misleading.

Tautog move; they move in and out depending on where you are in the range. However, they tend to come back to the same areas year after year. Just to orient you to this plot, you can see there is a couple of marathon tautog, those blue dots that are kind of up away from the rest of the grouping; those are certainly outliers.

In general on the Y axis you have distance in miles and along the X axis you have days at large. This is the time from when the fish was tagged to when it was intercepted. You can see the vast majority of the data is grouped down

Proceedings of the Tautog Management Board Meeting May 2015

within ten miles of where they were tagged is where they are picked up. They're sticking around close to home and don't move that far.

The migration information is strong evidence for managing tautog at a finer regional scale and further justifies that the current or what was in place coast-wide stock unit is not appropriate based on the limited home range for this reef-oriented species. Now we're going to move away from the biological information and talk a little bit about the fishery information.

Fishery-dependent data examined during the assessment included recreational and commercial vessel trip reports. The commercial vessel trip reports are a little more obvious, but the VTR data that we looked at for the recreational side is from the party and charter fleet. These are federally permitted party and charter vessels.

The fishery catch-and-effort information from the National Marine Fisheries Service VTR data was evaluated by statistical area to identify state-specific characteristics. Again, these data are a subset of the fishery. They, therefore, may not be fully representative; but we thought that it was worth looking at because it has a lot more definition in it than the MRIP data has at least by way of they have statistical areas recorded.

We can kind of take a look at that and get a better sense of where the harvest is coming from for these different fishery sectors. The results indicated that angler effort from Massachusetts to Connecticut remain primarily within local sounds and bays. The same effort from Delaware to Virginia remain south of Delaware Bay.

The fisheries in New York and New Jersey range from Long Island Sound to Delaware Bay, but they have significant overlap in ocean waters in Statistical Area 612 and 613. This is approximately the Manasquan River, New

Jersey, to Montauk, New York. We've got a little more information and we'll show you a map of where these statistical areas are.

You're looking a couple of tables here plus the statistical areas off on the right-hand side. The top is the commercial information, the top table. The bottom table is the recreational information. The far left-hand side of the table are the statistical areas. What you can do is look at the statistical area and then look over at the map, if you can even read those numbers.

I'll use the fancy laser pointer I have here and try and focus you in on a couple of things. But what you can see; Massachusetts has fisheries in both Cape Cod Bay and then Nantucket and Martha's Vineyard Sounds. Rhode Island tends to be in Block Island and Rhode Island Sounds. Then you get into this Connecticut/New York/New Jersey area and what you can see in these tables is a lot of overlap, so you get this slug of red in the middle here.

You see Connecticut and New York in Statistical Area 611; there is a lot of overlap there. New York and New Jersey have a lot of overlap in 612. 611 is Long Island Sound and 612 is on the other side of Long Island Sound, sort of in the nexus there between Long Island and New Jersey. You can see there is a lot of overlap with kind of New York in the middle of this overlap.

Then as you head down south, there is overlap in Statistical Area 621 between Delaware and Maryland and Virginia, significant overlap. This bears out to different degrees but is similar in both the commercial and the recreational data. The patterns of fishing effort inferred from the VTR data suggests New Jersey and New York are fishing on the same fish in the ocean south of Long Island and that New York and Connecticut are fishing on the same fish in Long Island Sound while Connecticut and New Jersey have very minimal overlap.

Proceedings of the Tautog Management Board Meeting May 2015

Given the overlap of fishing effort between New York and New Jersey in the ocean waters, the technical committee chose to include New York and New Jersey in the same region. We thought it was important because of the amount of overlap between those two states that we keep them together.

The New York and Connecticut fishing effort also overlaps. This is extremely significant in Long Island Sound, and this is why we struggled with this and it is why the technical committee also strongly endorsed the inclusion of Connecticut in that New York/New Jersey Region and preferred the three-region breakdown in general over separating New York and New Jersey into northern and southern regions.

Okay, a little bit more fishery information came forward after you all met in February. There was a request from one of the commissioners to look into the MRIP data. He had his staff really dig into the MRIP to try and glean the information that they could from that data set. The data from Rhode Island through New Jersey were evaluated.

What they did was they evaluated the MRIP data summarizing the harvest and catch by state, site, fishing area and distance from shore. These are all data elements that included in the MRIP data set. They looked at the years 2004 through 2014; so about ten years' worth of data. What you see is it showed a similar pattern to what we saw with the VTR data, with Rhode Island catch coming mainly from Narragansett Bay.

This is the recreational fishery so I probably should have started with the vast majority of the harvest in tautog is from the recreational sector. Commercial is sometimes as little as 10 percent of the harvest, so the recreational information is extremely important. Rhode Island data is coming mainly from Narragansett Bay.

Connecticut catch is coming pretty much exclusively from Long Island Sound. New Jersey catch is coming from open water. New York is split between the two, so it has a lot coming out of Long Island Sound and has a lot coming out of the open water area. Again, this overlap is the uniqueness of New York with Long Island Sound that kind of leads to this very distinct fishery. Now I'm going to move into some of the peer review comments on this information.

We thought we'd split those out just to remind you about this. The peer review panel down-weighted the biological information in assessing regions. There was a lot of discussion at your February board meeting about this ad hoc approach to the regions. I felt it was a little unfair; we did a lot of work. I would refer to it more as a weight-of-evidence analysis rather than ad hoc.

The reason I think the Peer Review Panel Chair characterized it that way is because they down-weighted the biological information. They basically stated that the regional differences could be driven as much by data availability and the differences in that availability rather than the statistics bearing out actual differences. It is a very logical and important note to make.

In addition, they approved finer regional scale assessments; so they also agreed with our interpretation of the more regions the better. They agreed with that, and they stated that the regional-level ASAP assessment – this is the statistical catch-at-age assessment that we put forward as the preferred method – that this region-level ASAP provided the best available scientific foundation for management.

It is also important to note that they did not endorse one regional breakdown over another, meaning they didn't give any guidance as far as which three-region breakout they thought was better than the other. I've got a couple of slide here concluding the regional discussion. The Tautog Technical Committee determined the three-regional approach would provide the best

Proceedings of the Tautog Management Board Meeting May 2015

balance between a smaller geographical scale and the data available, the richness and the reliability of that information.

We also considered both three-region breakdowns to be reasonable from a scientific standpoint. We will note that the highly regarded three-region breakdown avoids the Long Island Sound mismatch, so it doesn't split Long Island Sound into two. A couple of additional notes; Long Island Sound presents a unique challenge to regional management for this species.

That population in Long Island Sound probably represents a sub-stock; and that sub-stock most likely only has a small amount of overlap and recruitment with surrounding areas. There is a genetic study taking place. I believe this is referring to the study of the Virginia Institute of Maine Science. This study may help inform that assumption that Long Island Sound has a distinct sub-stock.

One other very important note is that in recent years harvest from Long Island Sound has accounted for 29 percent of the coast-wide landings. That harvest is significant and is an important consideration for the board. For these reasons, the technical committee acknowledges managing Long Island Sound as a discrete area may be appropriate.

That means a Long Island Sound specific assessment would be needed in that case. Fishery-independent data exists for Long Island Sound. All of Connecticut sampling and most of New York's fishery-independent surveys for tautog come from the Sound; so there is a decent amount of information within the Sound itself.

There are challenges with properly partitioning the fishery-dependent data and harvest estimates for Long Island Sound, especially for New York's harvest. These challenges at the time prohibited us from exploring a Long Island Sound specific assessment. That's why we

didn't do it for the current benchmark, but we do recognize the value in exploring this option in the future.

DISCUSSION ON REFERENCE POINTS

Okay, that's it on the regions, and I'm going to finish up here with a couple of slides on the biological reference points. This was another element from the assessment information that came up at your board meeting. We had developed different biological reference points for the three regions that we had put forward as our preferred regions.

Just a quick up-front statement; the technical committee felt that since we were – each of the sub-regions that we assessed, they're separate assessments, so we were comfortable that we had the flexibility to develop individual inconsistent biological reference points because the information contained in each of the regional assessments is different.

I will outline the logic that we kind of followed in these slides. Longer data time series exists for states in the north; therefore, the assessment used different methods to calculate the reference points for these different regions. Using the ASAP model as our preferred tool; we developed maximum-sustainable-yield-based reference points.

They used a combination of spawning potential ratio, SPR; yield per recruit; and we also used the stock-recruit relationship to calculate spawning stock biomass of maximum sustainable yield and fishing mortality of maximum sustainable yield. The MSY-based reference points were proposed for the Southern New England region mainly due to the longer time series of data.

There were two things in play for the Southern New England assessment. We had a reasonably estimated spawner-recruit relationship that the model produced; and we had data back to when the stock was believed to be at a high

Proceedings of the Tautog Management Board Meeting May 2015

level. The Southern New England information goes all the way back to the early eighties.

SPR-based reference points were proposed for the New York through New Jersey and the DelMarVa regions because of the shorter time series of data. If you would go back and review the assessments for those two areas, they have a shorter time series. For the DelMarVa spawner-recruit curve, it was an easy choice. The model produced unrealistic parameters; the spawner-recruit relationship at a steepness equal to 1. There is no relationship there.

The spawner-recruit curve for the New York/New Jersey Region provided more reasonable parameter estimates; but we didn't use it because the data used in the assessment did not include the peak of the population abundance at the beginning of the recreational time series. It didn't have that very high population abundance we believe was there in the early part of the time series.

The curve that was produced by the model was sensitive to the assumptions in particular about the population levels at the beginning of the time series. With the statistical models you put in a vector of your first-year population, and what we found is the curve would change depending on what we populated that vector with for each of the runs.

MSY-based reference points are generally preferred when they're considered reliable mainly because they address stock productivity by taking into account the relationship between spawning stock biomass and future recruitment. SPR-based reference points don't do this. The technical committee recognizes that there still could be significant uncertainty in the spawner-recruit data for the New England Region. For instance, the Fmsy reference point could change in the future as you add more information in, so we acknowledged this, certainly.

At this time the biological reference point selections of the technical committee are the best scientific information that we have available. We continue to recommend the choices that we made. The peer reviewers also supported the biological reference points that we selected. Just a final note; the MSY development for the New Jersey, New York and the DelMarVa Regions, if that were a choice that we want to make in the future, that will require additional spawner-recruit data. We will have to accumulate this with sufficient contrast in stock size.

It is not that we're suggesting the DelMarVa Region should fish their stock down to lower a number so that we get good contrast for the model; but hopefully you understand the gist of what we're trying to say there. The F-based reference point values by region are not exactly comparable. We wanted to make sure that the board was aware of this.

There are differences in age-specific selectivity due to different regulations in place in the southern extent of the stock and the northern extent of the stock. Tautog are fully recruited to the fishery at older ages in the New England area because we have a larger minimum size. Therefore, more younger fish can contribute to the spawning population before being harvested. This gives a higher F reference point for that area. It was just an important note we wanted to make to the board.

For the Southern New England and the Massachusetts and Rhode Island Regions, whichever version of the three-region breakdown you prefer, where a longer time series of stock-recruit data is available, the MSY-based target reference points were closer to F 50 percent of SPR than the F 40 target proposed for the other regions.

We bring this up just a point of interest or for information for the board. To look at them in the context of each of the three regions, it is difficult to make that direct comparison; so

Proceedings of the Tautog Management Board Meeting May 2015

when you look at it by the numbers, the MSY-based reference are closer to different selections for the SPR information for the DelMarVa and the New York/New Jersey Regions.

If the stock-recruit relationships in New York, New Jersey and DelMarVa are similar to the parameters estimated for Southern New England, the F 30 percent and F 40 percent targets that we selected may exceed the Fmsy for those areas; but again we don't know if that is the case. We just wanted to kind of make that point.

Okay, these are biological reference points. I will leave this table up for your reference, if it even readable. Mike, if you kind of click once, this is the original recommendation for the regional breakout. Southern New England in this case contains Connecticut. Mike, if you click one more time, this is the alternate recommendation; so, again, DelMarVa doesn't change; that stays the same. But then Massachusetts and Rhode Island will be your northern-most region and then the middle region will be Connecticut, New York and New Jersey. That is all I have, Mr. Chair, and I would be happy to take any questions.

VICE-CHAIRMAN NOWALSKY: Thank you very much, Jason. We will turn to the board for questions. Pat Augustine.

DISCUSSION OF TECHNICAL COMMITTEE REPORT

MR. PATRICK AUGUSTINE: Excellent report, Jason. I haven't heard anything that thorough in a long, long time. Back to the Long Island Sound eventually being considered as an area by itself, you talked about the word "harvest". Is it that we have a lack of harvest information, such as illegal harvest that would prevent the technical committee from going further with that? You said it would be worth looking at later. We are concerned with the illegal harvest of tautog. If that is an issue, then I would like to

put that on the table for consideration later, Mr. Chairman. Could you help me with that, Jason?

MR. McNAMEE: Illegal harvest for tautog has been a pretty hot topic of conversation in the past. I will note that we did not talk about that much at all during the benchmark process. I guess what I would offer you is the difficulty with the harvest in Long Island Sound that we were referring to had to do with being able to differentiate New York's harvest into Long Island Sound harvest or ocean harvest. It is not that we didn't know what harvest was, but it was hard for us to determine with a high level of resolution where exactly each of these harvest elements is coming from. That is what we were getting at and we weren't referring to illegal harvest in our deliberations at all.

MR. AUGUSTINE: Just a follow-on, Mr. Chairman. Does the technical committee have any idea of how they could actually get more accurate information? Will it take an effort on the part of our DEC to put together some kind of recordkeeping? Do you have any sense for what might have to be done on New York's part in particular in order to give you better data?

Otherwise, we'll go out of here and tell our constituents that, yes, gee, it would be great if we did that; however, we don't know what mechanism the technical committee might recommend that we use to improve that data collection so you can make that determination.

VICE-CHAIRMAN NOWALSKY: Do you have a response, Jason?

MR. McNAMEE: Yes. I think the exercise that was undertaken after your board meeting by the staff members from Connecticut do a good job of parsing out the recreational harvest as best as we can. You have to make some assumptions, for instance, in particular like around Montauk when they're talking about open water, they're not talking about over towards Block Island, that they're – you know,

Proceedings of the Tautog Management Board Meeting May 2015

there are some assumptions they have to make, but it is probably a decent way to kind of differentiate harvest in New York on the recreational side.

I think the bigger issue is with the commercial data. If your commercial fishermen aren't federally permitted and aren't filling out VTR reports, it is very difficult to figure out where that harvest came from. That is the challenge. There are probably different things you could do to collect that information, some sort of logbook requirement for even a state-waters fisherman or something like that. I won't say that is the only option.

There are probably things that we can do; but it still doesn't solve the issue going backwards in time. Again, assumptions would need to be made that whatever proportions you can glean from any future action you take with your fishery that applies backwards in time, that sort of thing, so that is kind of the challenge.

VICE-CHAIRMAN NOWALSKY: Let me just offer – I did see a couple more hands up – that there are a number of issues this board has discussed in the past, the unreported illegal harvest. I think it is quite clear that the technical committee recognizes Long Island Sound and efforts that need to be made there. We could probably talk about those items ad nauseam today.

I don't think either of those are going to materialistically impact where we are today. We can have those discussions after we get through the management actions we need to take here today, but let's keep the questions focused on the information we have moving forward. Steve, did you have your hand up?

MR. STEVE HEINS: It was just to that last conversation. I just wanted to mention that we do have state reporting in New York for our state-only fishermen. I think it may be a matter of fishermen not filling out their VTRs completely.

MR. TOM FOTE: I want to make sure I understand. When you were looking at the data, you mostly used the party and charterboat fleet and not the private boat fleet in, say, the New York/New Jersey area?

MR. McNAMEE: Yes; the group of recreational fishermen that fill VTRs; that was the data set that we analyzed.

MR. FOTE: Yes; that does kind of create a problem since a lot of the party and charterboats that are still left in the state, that haven't gone out of business, are basically up in the northern area. If you look at the private boats that fish for tautog, they fish from Manasquan south, a lot of them fish the local wrecks or the spots offshore that are not really in the New York/New Jersey waters.

I just was looking at the new state record we have in New Jersey, and that was 25 pounds 5 ounces caught on April 17th, and that was in Cape May. It replaced the record that was caught in Ocean City in 1998, and that was also in southern New Jersey. A lot of the partyboats go up north from, say, Manasquan and the Shark River because that is rock ground and you can basically fish a lot of different areas where the private boats all fish the artificial reefs or all small wrecks or just small pieces of rubble that are out there.

So it is really when you look at just the party and charterboats, you don't get a real picture of how that is being fished. You're talking about 20 miles of a 120-mile coastline, and that is where you're weighting it much heavier. If you look at the statistics, I think the recreational boats make up a large part of the catch, much more than the party and charterboats, like we did when we figured out with summer flounder where they only make up 15 percent of the catch. Your figures might be a little off by just doing it from the party and charterboat logs. That is my concern here. Can you answer that question?

Proceedings of the Tautog Management Board Meeting May 2015

VICE-CHAIRMAN NOWALSKY: The question we heard was, was the information gleaned primarily from the party/charter, and the answer to that was yes; correct?

MR. McNAMEE: Yes.

VICE-CHAIRMAN NOWALSKY: And what was your follow-up question to that?

MR. FOTE: Isn't it possible that this is causing a bias because of all the private boats that fish differently than the party and charterboats for tautog and really a lot of them are further south? When you look at the boats that come out of Barnegat and you look at the boats that come out of Manasquan, they're all private boats; and also like Harbor and Ocean City and Atlantic City, they fish in different areas. There are a lot more private boats in that area than there is up in the northern area.

VICE-CHAIRMAN NOWALSKY: Jason, can you respond to how looking at the for-hire data might have biased the technical committee review?

MR. McNAMEE: I think the table from the MRIP analysis is up behind us here. I will say that we certainly acknowledge that it was in the presentation as well. We understand that it is a subset of the fishing population that potentially doesn't represent everything. I guess an important consideration, though, is we didn't use the numbers in any very specific way.

Again, it was just an analysis that we did looking at information to see if we could tease out some distinctions that we could make to say, oh, yes, this area goes with this region and this area goes with this region. We didn't use it in a mathematical way, I guess. It was used as descriptive information to help us parse this information. Just a final point; this MRIP analysis bears out what you said. Everything you said is accurate.

MR. MARK GIBSON: Would you go back to the table where we were? I think it was reference point table. A couple of things here are confusing me. First, I thought I heard you say that MSY-based reference points were only estimable for the Southern New England Region and yet they appear in this table for all the permutations.

Second, it looks to me as though the first two rows of the bottom table might be transposed because Fmsy is the overfishing limit but in all cases 75 percent of that is greater, which I'm assuming the Fmsy is the overfishing limit and 75 percent of that is proposed as the target, but they're all greater. The targets are all greater than the threshold.

DR. KATIE DREW: To clarify, the F 75 percent MSY is not supposed to be 75 percent of Fmsy. It is the fishing mortality that will bring your biomass down to 75 percent of SSBmsy; so it is expected to be at a higher F value. I can see how it is confusing and we maybe should have clarified that better in the presentation.

To your first question about why the MSY-based reference points are – they're estimable in the sense that you can plug the numbers in and come up with a number, but they rely on the stock-recruit relationship.

We felt that the stock-recruit relationship was more reasonable or reliable in the northern region than it was in the southern two regions. While you can put those numbers in and get a number out, we don't feel that those are accurate representations of what SSBmsy or Fmsy would be in those two regions, but we presented them because the board wanted to see all possible biological reference points.

MR. GIBSON: The other thing that I remain concerned about is the apparent discrepancy between the percent SPR level that is associated with Fmsy in the northern region. I think you said it was 50 percent; and yet the proxies for the SPR proxies in the other regions

Proceedings of the Tautog Management Board Meeting May 2015

at 30 and 40 percent levels implies that the northern stock is much less productive on the terms of recruits per spawner.

I think you mentioned the caveat about what if that wasn't true. I'm just wondering what the logic was that if you get a reasonable stock-recruit curve and that relates to 50 percent SPR at Fmsy, the overfishing limit, what was the rationale to drop the 30 and 40 percent in the other regions; those proxies for the Fmsy that you didn't think was reliable.

MR. McNAMEE: This was another pretty significant debate that we had at the technical committee level. In answer to your question, the comparison that we were making was the MSY calculations for Southern New England relative to the other regions – and, again, we didn't necessarily have a good way to say that they are the same; and so when we picked the SPR calculations for the other areas, we fell back to, again, a meta-analysis of other similar types of species. In general, those other species that have similar life histories to tautog use 30 and 40 percent metrics rather than something higher. To go with something higher was unprecedented from what we were able to review and we weren't comfortable that we had the information to justify that.

VICE-CHAIRMAN NOWALSKY: Next up for more questions on the report, we will go to Dave Simpson.

MR. DAVID SIMPSON: I think, Jay, the report was great. I really appreciate the technical committee taking the extra time between our two meetings to bring some clarity to the issue of Long Island Sound and the importance and implications of keeping that together or splitting it apart. I did note in the report that we received unfortunately Table 5 was missing, so the table that represented – there was a heading there for it but the table itself that shows the MRIP data broken out by area wasn't available.

I think your figure was the first time that folks around the table have seen that. I think probably in their preparation they were looking again at VTR data. Of course, you explained, especially in response to questions, some of the concerns. I just wanted to reiterate that vessel trip reports are coming from federally permitted party and charterboats and some state-waters fishermen.

If you look at the MRIP data, that only represents about – all party and charterboats represented about 6 percent of the landings; 94 percent coming from private boats and shore anglers. If you take a rough guess that half of those party and charterboats are federally permitted, your sample is 3 percent of the total. Unfortunately, it is not representative.

I think this is important; because, as you say, the technical committee and stock assessment didn't quantitatively use this, it created an impression – the strong impression of where fish are coming from that I think the MRIP data provides a different perspective on, and you see some flips in proportions. For New York, it is actually a flip that it is not 40 percent coming from Long Island Sound; it is 60 percent. If I could, with the board's indulgence, I did provide Melissa with a table and a couple of figures that helps support – is this the figure I gave you, Melissa?

VICE-CHAIRMAN NOWALSKY: Well, what is the question you're getting to here, Dave? Perhaps this will filter into the discussion on motions for management action.

MR. SIMPSON: Well, I want to share with the board, to answer some of the questions and concerns that were expressed, the basis for the assessment. You heard that the technical committee or the peer review, actually, was downplaying the importance of the biological distinctions in stock areas – the big break being between New York and New Jersey – and instead was emphasizing the distribution of the

Proceedings of the Tautog Management Board Meeting May 2015

species and the distribution of harvest and landings.

I think we need a clearer understanding, which MRIP data provides, of that sort of thing. Another issue, when we choose stock areas, is this idea that, well, it is the Connecticut survey, so Connecticut goes with Southern New England and New York and New Jersey can go together; so we've provided this graphic to show that indeed the Long Island Sound Trawl Survey covers both New York and Connecticut waters equally.

This is depicting the distribution of tautog based on our trawl survey over 30-some years; so you can see we sample equally in New York and Connecticut waters and the distribution of the catch very closely reflects the geology of Long Island Sound, which is to say the structure being predominantly in Connecticut waters.

Because of the last Ice Age, that is where the rocks were dumped at the end to create the reefs and the islands in comparison to basically the beach front – the bluffs that you have in the western two-thirds – eastern two-thirds of Long Island, rocks and structure again to the west, which you can see reflected in tautog distribution. Some of our most important sites are in New York waters. All of our biological data reflects that, so I think that is important for people to see. There were two more slides.

VICE-CHAIRMAN NOWALSKY: Well, again, I'm trying to get to what the question is at this point.

MR. SIMPSON: It is actually not a question. It is supplementing the information that the board I think really needs; and that is from an MRIP perspective what the distribution of catch actually looks like. That is what this shows. Jay actually slipped, I'll say, when he was describing Rhode Island's catch, saying based on VTRs the catch comes mostly from Rhode Island Sound and Block Island Sound.

Later he refined his comment to say, well, mostly it comes from Narragansett Bay. That is what MRIP reveals is that the VTRs mislead people to believe because when you hear Area 612, for example, off of New York and New Jersey, you think there is a common fishery going on between New York and New Jersey out in ocean waters; and the fact is there is not. That is not where the predominant –

VICE-CHAIRMAN NOWALSKY: I'm going to ask that you hold the comments at this point and let's stick to questions about the report, because I think that statement that was just made is not one that is strongly backed up by information we have at this point. I certainly want to give you the latitude to offer your comments. If you have a question on the report, please ask the question at this time.

MR. SIMPSON: We do need to cover this. It is not a question but this is the fundamental problem I have; and this is why we're talking about this in May and we couldn't settle it in February. This information does need to be shared with the board so that we can make the right decision today.

VICE-CHAIRMAN NOWALSKY: Great; and I will certainly give you the latitude to continue with that discussion, but let's finish with questions on the technical committee report. I had John Clark's hand up.

MR. JOHN CLARK: Thank you for the very informative report, Jason. I just was a little confused. You said at one point that the peer review thought that some of the regional differences may be due to almost like a data artifact, like there was more data from some area, and yet they strongly recommended going with the regional approach. I believe just now when you were talking about this – again, I may be misunderstanding – I thought you made it sound like as more data became available, maybe the Fmsy's would be similar for the different regions. Will more data, do you think, bring a stronger argument for the regional

Proceedings of the Tautog Management Board Meeting May 2015

management approach or will the biological characteristics start to look more similar?

MR. McNAMEE: Just to clarify, as we looked at the information, I think it is important to remember the sequence here. We had a benchmark process, lots of meetings, lots of math going on and all this sort of thing. Then the peer review happened and then all the things after the peer review happened.

At the time we were looking at the biological information and using it to kind of split our regions apart. That was before the peer review. During the peer review the reviewers said, "Well, we appreciate the work that you did; however, we believe the information you're looking at is confounded due to differences in the amount of data for each of the regions that you're looking at. Therefore, you can't statistically say that they are in fact different from each other."

So what we were using and what we used to kind of begin to tease apart this information, the peer review did not weight that very highly. Hopefully, that clarifies the first part of your question. It was just a matter of sequence. They more or less dismissed or down-weighted the biological information with the exception of the migratory information.

In that case I think they looked at the information that we had provided that we had looked at, and they said, "Even though you can't necessarily find a smoking gun to say this region should be together and this region should be together, what you're doing is the right approach. Go as small as you can that the data will allow you to entertain." That is the approach; so they supported finer-scale assessment and management. However, they did not say Region Breakout A is better than Region Breakout B.

MR. CLARK: So in conclusion, then, as more data becomes available, it might be possible to

make even finer regions like you were saying about a Long Island Sound Region and so forth?

MR. McNAMEE: Yes; I think in particular different kinds of information might be very valuable, things like genetic analyses. There have been some studies, but I think the one that is going on at the Virginia Institute of Marine Science is pretty comprehensive. Now you can start to quantitatively and not – you know, what we did was look at all of the information we had available and we tried to build a case.

It is always preferable if you can do something that can quantify more specifically these fish go together in this area, these fish go together. It may in fact be the resolution that a genetic analysis comes up with this too fine for us to be able to analyze, but it is still good information. Yes, I think as we progress through time where we're doing a better job of sampling this fishery and things like that all throughout the range, I think the information will improve and so will our ability to differentiate regions from each other.

DR. DAVID PIERCE: Thanks, Jason; again, a great report. I have a question about Table 6B on Page 8 of the report; and this is with regard to the three-year average of fishing mortality rate in Massachusetts and Rhode Island. The number that is provided is 0.38. Now, Massachusetts and Rhode Island, for a number of years, collectively have established quotas for the tautog fishery, the commercial fishery in our waters.

I know that the recreational fishery takes most of the fish; but nevertheless did you and the technical committee have an opportunity to evaluate, look at whether the hard quotas we put in place were effective in constraining the fishing mortality rates – and also our recreational fishing measures, for that matter – were they effective in constraining the fishing mortality rate to the targets we've been working with for so many years?

Proceedings of the Tautog Management Board Meeting May 2015

In other words, we haven't been working at 0.38 as a target or 0.16. It had been another number and I can't recall exactly what it was. But, to what extent were the restrictions in our two states effective in keeping us to the mortality rate target that we've been living with as a region? You've got 0.38 here so I'm just wondering why is it so high.

MR. McNAMEE: It is a good question. I think the first and most important thing to remember is when we were doing the Rhode Island/Massachusetts assessment using a VPA to perform that, it is a completely different technique. It is much more deterministic with how it treats harvest information.

There are two things that kind of play into this. That is the commercial quotas, because of the magnitude of the recreational fishery, are not going to have a strong influence. The commercial quotas kept the harvest of the commercial sector within that kind of 10 percent realm it had historically been in. I think Massachusetts is a bit higher, but in Rhode Island it is about 10 percent.

It is effective in keeping it within its sort of historical proportions. Overall for the harvest, though, the recreational sector overwhelms it. With regard to the recreational side, we have put in a lot of different procedures over the years. We have been pretty proactive increasing the minimum size, putting in spawning closures in Rhode Island, very low bag limit in Massachusetts.

However, it is just an artifact of the sampling of this fishery by MRIP as well as the magnitude again of the recreational side that the harvest would be low for a year or two and then it would jump up dramatically, over a hundred percent in one year. Again, I think it is more an artifact of the MRIP sampling than of what actually happened.

But to loop back around to your question, according to the VPA that we were managing

with, we were doing a decent job of staying within the bounds of what we thought the fishing mortality was. However, with this new analysis using the statistical model, the information changed; and so we have not been doing a very good job of constraining our fishery when using the statistical framework.

DR. PIERCE: If I may, Mr. Chairman, one follow-up question. Is it also possible that the reason why the mortality rate is higher than where we thought it would be is this illegal harvest? We have many examples in Massachusetts, certainly, of illegal harvest, closed seasons not being adhered to, fishermen not reporting properly.

We have enforcement actions that have been revealing this problem; so could that be one reason Massachusetts has that problem and Rhode Island would have that problem, too. Is that possibly one reason why the mortality rate is higher than expected?

MR. McNAMEE: I will answer in two ways. It was a number of years ago that we actually looked at – we were seeing that we appeared to be meeting our fishing mortality targets and we were not getting a response in biomass. We weren't getting this increase in biomass. So an exercise – it was Genny Nesslage who did the exercise, but she tried to determine what the difference would be between where we think F is and why we're not getting the response that we expected.

She turned that into a mortality gap and then applied that up to the population to see how many fish that would actually equate. It was a huge amount of fish. Maybe that is realistic and maybe it is not. It seems at the time that it would need a large infrastructure to be able to secretly move these fish around; and maybe that exists, I don't know.

The second part of what I will say is that really doesn't play into the fishing mortality estimate because we don't know what that harvest is. It

Proceedings of the Tautog Management Board Meeting May 2015

doesn't play into our calculation. Could it be the reason why we're not seeing a rebound or any biomass rebuilding; yes. Does it impact the calculation of these terminal year estimates; no, because we don't know what that harvest is.

VICE-CHAIRMAN NOWALSKY: Okay, I have not seen any other hands, so do we have any other questions? One more from Pat Augustine; question on the technical committee report.

MR. AUGUSTINE: A question on their request, Mr. Chairman. Do we need to make a motion to adopt their biological reference points or did we do that in our previous meeting? I don't believe we did.

VICE-CHAIRMAN NOWALSKY: The next order of business will be considering an initiation of an amendment to address stock units and the reference points contained therein, a rebuilding program, so we don't need a motion with regards to accepting the technical committee report or anything at this time.

MR. AUGUSTINE: Follow-on, Mr. Chairman. We have a motion on the table that was tabled at our last meeting, Item Number 5 under Index of Motions. It says, "Move to substitute to develop an addendum with three regions, northern, southern, and DelMarVa, with management measures in each region to end overfishing and rebuild overfished regions to target biomass levels." Were you going to take that or could we take that from the table, please?

VICE-CHAIRMAN NOWALSKY: Well, hang on and let me check with staff on that. My initial consultation with them this morning indicated that the table was clear, but let me double-check on that. I'm getting the word from staff that the slate is clean and that we do not need to bring a motion back from the table.

MR. AUGUSTINE: Point of correction, Mr. Chairman.

VICE-CHAIRMAN NOWALSKY: Let me turn to Toni for clarification.

MR. AUGUSTINE: It was moved to table at –

VICE-CHAIRMAN NOWALSKY: This is something I'm getting from staff, so let me give them a moment. Here is what the issue is. That motion that you're contemplating contemplates initiating an addendum. Staff has indicated as per the agenda that in order to accomplish what is required at this point for a rebuilding program; that it would require an amendment. We're working to figure out the right way through that. Are there any other questions on the technical committee report at this point?

CONSIDERATION OF AN INITIATION OF AN AMENDMENT

All right, seeing none I think that moves us on to Agenda Item Number 5 with a potential board action for board action to consider initiation of an amendment to propose the two stock unit definitions and a rebuilding program. Before we get to that point, let me turn the floor back over to Mr. Simpson, who can conclude his presentation and the information he wanted to present to the board to feed into that discussion.

MR. SIMPSON: I appreciate that. Melissa, could you put up that last slide that we had or Mike? It is the slide of the MRIP data. We covered the Long Island Sound Trawl Survey. This is the Marine Recreational Information Program data, a bubble plot of the expanded harvest. The center of each of those bubbles is the sample site, the interview site, the intercept site.

It shows a lot of detail that you don't get it a table, and that is why I thought it was a great supplement. As I started to say, you can see how Rhode Island's harvest is really concentrated up in Narragansett Bay. The color coding, to be clear, green indicates that the fishermen that were interviewed indicated they

Proceedings of the Tautog Management Board Meeting May 2015

were fishing in inland waters of one type or another.

Yellow indicates shows that they indicated they were fishing in ocean waters less than three miles from shore. Generally speaking, they were fishing in state waters. That red line – they're fishing less than three miles from shore; red indicates that they were fishing greater than three miles from shore. You can see there is an overwhelming tendency for tautog fishing, not surprisingly, to occur in nearshore waters.

It helps to begin to understand the degree of overlap in New York between the neighbor to the north, Connecticut, and their neighbor to the south, New Jersey; that there really is a fair amount of separation. There is clearly overlap in the New York Bight Area, in New York Harbor. They're probably going back and forth.

I'm sure they are, but I think this helps a lot in understanding where the fishery is occurring. I thought it would be really important for the board to see and kind of bring life to the table that the technical committee put together. I appreciate the moment on that. If people have questions, if you don't mind.

VICE-CHAIRMAN NOWALSKY: Go ahead, Mr. Clark.

MR. CLARK: Dave, this is suggesting that pretty much all your tautog landings are coming from the eastern half of Connecticut?

MR. FOTE: John, pull the mike closer.

MR. CLARK: Sorry about that; I was just asking whether that indicates that your tautog landings in Connecticut are overwhelmingly coming from the eastern half or a third of the state there?

MR. SIMPSON: Yes; that was a really interesting thing in doing this graphically. You can look at tables all day long and look at summaries; but when you put it on a map, it did open our eyes.

We do know that there is a very substantial fishery to the east; but based on the information they gave us fishing in inland waters, we can see there is very little overlap. There is some, but there is very overlap with Rhode Island.

I was talking with Dr. Van Voorhees last night about this a little bit, weighting on sites and so forth; and as we look ahead to doing the MRIP Survey, we're certainly going to take another look. We've already had clues of this, but take another look at the weighting of our sites to the central and west because there are certainly fisheries. Where it starts to get there is New Haven.

New Haven and west; there is a lot of great tautog fishing. If you remember from our trawl survey index, there was a lot of catch down that way. Those things complement but don't map one to one because our trawl survey is picking the fish up during the spawning season when they're out on open bottom, where they're available to the trawl. We'll catch 500 pounds of tautog in a tow in Connecticut or Rhode Island or we used to when the stock was bigger. But, yes, it is great insight as all the states, frankly think about their MRIP surveys. Looking at these things graphically I think is really insightful.

VICE-CHAIRMAN NOWALSKY: Jason, you did not want to make a comment on that? We'll take a couple of comments or questions on this information. I saw Tom Fote's hand.

MR. FOTE: I'm having real difficulty with this table that Dave just put up there. If I'm looking at this right, it says most of our landings in New Jersey come from within state waters. Truthfully, just the opposite is true. If you think about we fish on a lot of our artificial reefs and wrecks off there; and so they're all outside of three miles. We only have two reefs inside of state waters.

Proceedings of the Tautog Management Board Meeting May 2015

The rest of the 13-1/2 – actually 13-1/2 are all in federal waters and that is where a lot of that – plus a lot of the wrecks are all further off than that. This thing doesn't show me really anything. What it shows me is that we have poor data that is going into this, because we're not fishing inshore except for a few areas like Point Pleasant Canal, which most of those fish are illegal. I'm trying to figure out how this table works.

VICE-CHAIRMAN NOWALSKY: Yes, I think that's a fair question, Tom. I mean just on a personal note I can let you know that where most of my fishing occurs out of Atlantic City – and I know I'm one of the few people submitting VTRs from there – this reflects no fishing activity for tautog beyond three miles, and that is about all that there is for boat fishermen there outside of the shore-based fishermen. Emerson, did you have a comment?

MR. EMERSON C. HASBROUCK, JR.: Yes, thank you. Mr. Chairman. It relates to the issue that Tom just raised. Dave, when you started your presentation, I think what you said – and please clarify for me – was that the circles are relative to intercept sites; is that correct?

MR. SIMPSON: Yes.

MR. HASBROUCK: Okay, so where the base of the circle is, is the intercept sites; and then the diameter of the circle is based on did you say the number of people that they spoke to or the amount of catch or both?

MR. SIMPSON: It is the expanded harvest estimate.

MR. HASBROUCK: Okay, but that doesn't mean that is where the harvest took place? It is where the fish were brought ashore. It is the intercept point; it was where the fish were brought ashore. It is not where they were harvested; so the harvest area, for instance, may reflect more your trawl survey data. This, again, doesn't really show where the harvest

took place; just where they were landed and the amount of fish that was landed at that intercept site?

MR. SIMPSON: Exactly, and then you draw an inference of what water body they may have been fishing in, but it doesn't mean they were fishing – you know, it is a boat so they may have gone and very commonly do go across the Sound to fish, but then they returned home. The whole point is we do that a lot especially with tautog. Connecticut goes to New York and New York goes to Connecticut. You're exactly right, but it is brought ashore at the indicated point.

VICE-CHAIRMAN NOWALSKY: Okay, so where we are is we've got two items of business that we need to address before we move into further discussion about potential management response. One, we have the question of tabled motions that we need to address.

The second item that I'm also going to turn to Toni for is to address what we specifically need to do through amendment of addendum so that we're clear on what our actions here today would need to be. Let me first turn to Toni for that and then Mike is going to bring up the index of motions from the last meeting and we can figure out what we need to clear from there, how we can address that and move forward today.

MS. KERNS: The board was considering changes to the stock unit definitions, and changes to the stock unit definitions, through the plan, need to be changed via amendment. Tautog is one of the first management documents that was completed by the commission. It has a very limited adaptive management section.

There are very few things that you can do through adaptive management in tautog. This is one of those things that we need to do through an amendment. If the board wants to take out more than one set of stock units to public comment, we can do that. The

Proceedings of the Tautog Management Board Meeting May 2015

amendment would, at minimum, contain a rebuilding schedule for those units that are overfished and overfishing is occurring.

If we take out more than one, we'd have a couple of different rebuilding time frames or rebuilding schedules for each of the compartments that we took out for comment. In terms of the motions that are on the table, if the board has no objection, you don't have to take those motions – you can decide not to take them off the table. You could deal with it that way, Adam, in its simplest form. Otherwise, if there is an objection, then we would need to vote them up or down.

VICE-CHAIRMAN NOWALSKY: Okay, so if I'm understanding clearly, we could take multiple stock unit options out for public comment or we could include one option; but either way they have to go through the amendment process, and we just need to decide today whether we're going to take one or multiple out for public comment?

MS. KERNS: Correct; and the board would also need to give staff direction if you want them to also address rebuilding in that amendment; so do we want to also consider management controls to address those areas that are overfished and overfishing is occurring.

VICE-CHAIRMAN NOWALSKY: Okay, let me turn to the board for questions or clarifications on that matter. While we're doing that, Mike, if you could bring up those past motions and then we can decide how to address those or dispense with them. Dave Pierce.

DR. PIERCE: Mr. Chairman, I suggest in the interest of simplicity and keeping us focused; that in response to the presentation that was just given to us by the technical committee, by Jason, as to the options for a stock definition – as to the options they feel make the most sense, we can agree, the board can agree to not consider the motion that was tabled or

postponed until today because that motion, first of all, references an addendum.

You've already addressed the issue it should be an amendment. It also states that we should consider a northern and region breakdown. The northern and region breakdown is irrelevant now because of that particular breakdown being shown in Table 6C; and that is not anything that the technical committee said we should be considering. I think we can start fresh and not get bogged down by that motion that I had made at the last meeting that was tabled until today.

VICE-CHAIRMAN NOWALSKY: All right, let me finish with the rest of the comments. I'm somewhat hopeful that is the direction the board will head. Dave Simpson.

MR. SIMPSON: At this point I had a motion if that's appropriate.

VICE-CHAIRMAN NOWALSKY: Let me finish with dispensing these first. Pat Augustine.

MR. AUGUSTINE: Mr. Chairman, I can assume according to Roberts Rules of Order if we just don't touch it, it goes away automatically at the end of the meeting and we don't have to do anything more.

MR. RUSS ALLEN: Mr. Chairman, I just want a little bit more clarification on the addendum/amendment process. I thought I heard Toni say that in order to change reference points you to go through the amendment process; but we did not do that for striped bass. The last time we did Addendum IV. I was kind of confused on that because I've seen the precedent already set; so I just wanted to make sure.

VICE-CHAIRMAN NOWALSKY: Toni, can you clarify for Russ, please.

MS. KERNS: It is the stock unit boundaries.

Proceedings of the Tautog Management Board Meeting May 2015

VICE-CHAIRMAN NOWALSKY: I don't know if that helps you, Russ.

MS. KERNS: Thanks, Toni; that is what I thought, but when I heard you say reference points and not stock unit boundary – I think you said them both, but I just wanted to make sure that was clarified.

MR. HASBROUCK: To follow up on what Russ said, and not to pick on you, Toni, but I thought you said that we need to decide what stock definition we want to include in the amendment and do we want to include a rebuilding strategy. That rebuilding strategy is going to be based on new reference points; isn't it?

MS. KERNS: Well, when you have a stock unit boundary, then you would have reference points that go along with that stock unit boundary, and then those reference points would then lead to a rebuilding plan; and then the rebuilding plan would potentially lead to management measures, depending on how you are performing up against your reference points. Logically, since you can't change the stock unit boundaries without an amendment, we would incorporate all of these parts into the same amendment at the desires of the board.

VICE-CHAIRMAN NOWALSKY: Okay, that brings us back to these motions that are here. It sounds like we have two possible courses of action. One course of action is to simply not address these at all and they will simply disappear at the end of this meeting unless the board would like to formally withdraw them.

Let me just simply ask is there any objection at this point to withdrawing and not moving forward with these motions today? Okay, seeing none from the board, I will then turn to Dave Simpson, who indicated he had a motion to address the stock unit and rebuilding program amendment, and we'll start fresh from there.

MR. SIMPSON: I provided a motion to Mike; and with a little help from them and getting clear that we do in fact need an amendment, **I move to initiate an amendment to respond to the 2015 Benchmark Stock Assessment for three stock areas, Massachusetts/Rhode Island, Connecticut to New Jersey, and Delaware to North Carolina.**

VICE-CHAIRMAN NOWALSKY: I'll just first ask staff does this address the concerns about the need for defining stock units in the FMP?

MS. KERNS: Yes.

VICE-CHAIRMAN NOWALSKY: Okay, so that would be a valid motion. I will look for a second to that motion, and I see one from Mr. Augustine at this time. Discussion on the motion.

MR. FOTE: Because of the problem and putting New Jersey up with Connecticut, we would have two entirely different fisheries. We got moved into summer flounder and put a regionalization; and at least we knew the fish migrated between Connecticut, New York and New Jersey. This fishery is not a region. This fishery basically prosecutes the fishery in a different pattern.

We don't have the same structure that Long Island Sound does. It has nothing to do – the fish do not migrate from Long Island Sound to New Jersey. I can't see any valid reason for putting New Jersey in with Connecticut in this; so I would like to include the other option in for public hearings that would basically include the option of Massachusetts, Rhode Island and Connecticut; and New Jersey and New York; and Delaware through North Carolina.

We're going to public hearings and I need something to take out to public hearings that at least makes sense. This does not make sense from New Jersey. **I'm looking to amend the motion to at least consider that when we go out to public hearings.** I mean, truthfully, if you look at our fishery and the hundred miles of it,

Proceedings of the Tautog Management Board Meeting May 2015

we belong in the southern region and not in the northern region at all. We should really be in the DelMarVa if you look at where we catch our big fish and where our private boats actually operate at. That is what I'm looking at right now. I would like to get a second for that.

VICE-CHAIRMAN NOWALSKY: So is that a motion or are you looking for someone else to make the motion?

MR. FOTE: No, I'm looking to make motion.

VICE-CHAIRMAN NOWALSKY: Okay, and your motion is?

MR. FOTE: **That it basically include the other options that were in the technical committee report as valid.**

VICE-CHAIRMAN NOWALSKY: **And that would be the one other option of Massachusetts through Connecticut; New York, New Jersey; and Delaware through North Carolina, but not include the two regions nor the one coastwide; would be that correct?**

MR. FOTE: That would be correct.

VICE-CHAIRMAN NOWALSKY: Let's give staff a moment to get that up. Do I have a second for that; John Clark. Okay, we now have another motion before us. We can go ahead and continue the debate on these. Mr. Simpson.

MR. SIMPSON: Is it my turn or was somebody else ahead of me? If it is my turn, then –

VICE-CHAIRMAN NOWALSKY: Okay, I've got Mark Gibson down on my list so let me turn to him and then I'll come back to you.

MR. GIBSON: I was prepared to support the initial motion. On the amendment, I guess I'm probably not in support of that at this time. I think the stock area definitions is a decision for the board as to what to go out with and not so much for public input. They're simply going to

cherry pick where Connecticut should go based on the amount of reduction they need to take in the regions that doesn't receive Connecticut. I don't think you're going to get objective public input on that matter, and I think we're better suited to make that decision here and narrow the scope of the action. I guess I don't support the amendment.

MR. SIMPSON: Similarly, I think the original motion is stronger. To Tom's concern, I do share that concern. It is always difficult to figure out where to draw a line. Unfortunately, we have only the options that were evaluated at this point. There has been a lot of discussion, including in Jay's presentation the discussion that down the line a Long Island Sound Assessment would be the preferable way to go. That would be my intention moving forward.

As I mentioned yesterday at the Policy Board Meeting, the University of Connecticut – and the commission is well aware of this – is already beginning work on a Long Island Sound Stock Assessment. I would envision that if we pass the original motion that we would begin to work almost immediately to recognize the difference between the South Shore, Long Island and New Jersey area versus Long Island Sound.

The essential thing in my mind is that splitting the Long Island Sound is a fatally flawed decision or pathway to go down; because as the assessments were done, it missed the realization that the Long Island Sound Trawl Survey is sampling both New York and Connecticut; and the Long Island Sound Trawl Survey is used as an index for a Massachusetts to Connecticut assessment but wouldn't be the New York/New Jersey assessment.

I use the analogy of trying to fill a bucket full of holes. We're going to keep losing fish to a southern region that won't be reflected in their stock assessments; and we'll be perpetually cutting our catch to no avail. It is fatally flawed to break Long Island Sound in half. It is not just

Proceedings of the Tautog Management Board Meeting May 2015

an issue for Connecticut and New York. For the board that is considering the stock, it is 30 percent of the total harvest, so it is a trivial area. I don't support the amendment and I support the initial motion.

DR. PIERCE: We have a very good report from the technical committee; and we have advice that is not going to change. I'm going to go with that advice, recognizing that there is some uncertainty with regard to what is preferred from the technical committee. However, after listening to all of the discussion and the answers to the questions that were posed to Jason, I think it makes a lot of sense for us to go with the original motion and not to go with the motion to amend; that is, to include that additional stock area.

The reasons to me are quite clear; and David Simpson has already touched on two of them. Number one, we really do need a Long Island Sound stock unit, but we're not going to get there; not yet. We have to start off with a stock unit that makes the most sense. The one that makes the most sense is the one that does not split Long Island Sound.

We've heard this argument about the Sound and not splitting the Sound at our last meeting and now here as well. We really should not be splitting the Sound. The other reason why I strongly prefer the original motion is one comment that was made by Jason in his presentation, and that is that the technical committee strongly endorsed the New York-New Jersey-Connecticut Region with caveats, but nevertheless strongly endorsed it. We have to take action on this. I don't want to prolong further debate after public hearing on basically what the technical committee has provided. I'm ready to go with that particular recommendation and advice from them. The original motion is the one that I will be supporting.

MR. FOTE: I can understand why Massachusetts and Rhode Island want to go

with the original motion because they manage to push Connecticut down on us. New Jersey, which has no fishery that compares – I mean, truthfully, we fish – as was put out in the document and report, we get larger fish in New Jersey than you do in Connecticut, Rhode Island and Massachusetts.

They are more similar on the growth patterns of those fish and the aging patterns of those fish. Also, if I come out with just this proposal, you're going to get the same as what happened in the last regionalization. You're going to get no support whatsoever from New Jersey and from any of the public hearings that happen there; and so we just get another plan jammed down New Jersey's throat.

I mean, this is supposed to be done in a fair manner; and sometimes it just looks like because we're stuck in the middle we get caught in the middle of this. We really belong in the southern region. Just because when you did the stock assessment, you didn't put forward that we should be down in the DelMarVa and basically where we started out from, and all of a sudden got basically moved up north now. I have real problems with the process that we go through that basically kind of gives us the short end of the stick just because we're in the middle.

MR. CLARK: As the seconder of the amendment motion; I'm very much in favor of taking it out to the public with both options. The technical committee endorsed both options. I understand the arguments on both sides.

Being from a state that has a shared body of water, we have many regulations that differ between Delaware and New Jersey; and we handle that. It is not that big a deal. I think the public should have the opportunity to comment on both of these because they were strongly endorsed by the technical committee. Thank you.

Proceedings of the Tautog Management Board Meeting May 2015

MR. ALLEN: John hit on many of the points I was going to talk about. In listening to Jason talk and going through the technical committee report, there were a few things that stood out to me. That was the biological evidence from New Jersey is different than Long Island Sound. When I hear people use that double standard as this is the best way things should be, I'm not so sure about that when you get that kind of information.

The growth constants are not consistent between New Jersey and Connecticut; another thing that came out of the technical committee report. The key thing was the technical committee and the peer review agreed that either three-region option was okay to move forward with and not one or the other looks better. They supported both of those options.

I think we'd be doing a disservice to the public not to have those two options out there. I don't really understand why we would want to go with one option. I can agree with Mark if we wanted to have the conversation now and decide, okay, this is what we're doing in the future. Then there is no need for public comment. I'm comfortable with the amended motion and I'm not comfortable with the initial one. Thank you, Mr. Chairman.

VICE-CHAIRMAN NOWALSKY: Let me apologize for not following an order of taking comments in opposition and in favor in alternating order. I let it go in for and against in groups there, so let me try to get back to the idea of for and against. We just heard a comment that I believe was in favor of the amendment. The next speaker I had on the list was Emerson. Are you for or against the amendment?

MR. HASBROUCK: In favor of the amendment.

VICE-CHAIRMAN NOWALSKY: All right, let me go to Pat Augustine. Are you for or against the amendment?

MR. AUGUSTINE: Opposed.

VICE-CHAIRMAN NOWALSKY: All right, go ahead, you have the floor, Mr. Augustine.

MR. AUGUSTINE: Two of the previous speakers hit it right on the head. Jason's presentation said they could go with either one. Option 1 would have certain advantages; Option 2 would have other advantages. To deprive the public – I supported the first one because I wanted to see us focus on what we were trying to accomplish here; but I think we're denying the public an opportunity to see it. We're kicking the can down the road. It doesn't matter –

MR. HASBROUCK: I thought you were going to speak in opposition.

MR. AUGUSTINE: I'm speaking in opposition of Amendment 2. I would actually move to table both of them and create one more motion that encompasses both the alternatives. I'm opposed to the amendment.

VICE-CHAIRMAN NOWALSKY: Well, if you're making that motion, I am going to rule that out of order. It is my belief that exactly what the amendment does is that it creates the two options to go out to public comment. The amendment, as it is posted, does not only take that one option out for public comment; it would create a main motion that takes two options out for public comment.

MR. AUGUSTINE: I stand corrected.

VICE-CHAIRMAN NOWALSKY: Okay, I will next turn to Emerson, who was in favor. I know Mr. Augustine said he was opposed; but I think after that clarification, he may have actually been in favor. Mr. O'Reilly, were you in favor or against the amendment? Okay, I've got two speakers that are in favor of the motion to amend. Do I have anyone who hasn't yet spoken who is opposed to the motion to amend? Okay, seeing none, I'll turn to Emerson and then Mr. O'Reilly.

MR. HASBROUCK: Supporting the amendment doesn't mean that we can't choose in the future

Proceedings of the Tautog Management Board Meeting May 2015

to go with Massachusetts and Rhode Island and Connecticut through New Jersey and then Delaware through North Carolina; nor does it commit us to Massachusetts through Connecticut and New York and New Jersey. We still have those options going forward. I would like to hear what fishermen in New York have to say about these two options. I would like to get their input.

I'm also interested in what fishermen from Connecticut, Rhode Island and New Jersey have to say. Before I make a final decision, I'd like to get public comment on these two options; and particularly since both of these options are – well, they're not both preferred, but they're both supported by the technical committee. One was preferred and one was whatever we called it. Since they both have the support of the technical committee and are supported by the latest stock assessment, my suggestion is let's give ourselves the option here of what the public has to say before we make a final decision.

MR. ROB O'REILLY: I'm falling out in that camp myself. I think if it were a little more clear-cut around the board, it would be one thing; but it seems that we spent a lot of time debating both situations on where Connecticut will end up. We do have a situation to look forward to. It seems to me for Long Island Sound; that is going to take a little time, obviously.

I think we still come back; we may have some of the same debates. I also think probably when we start the rebuilding, based on getting all the 2014 data in and looking at that, it may be that the rebuilding looks different even in the way it looks now. I would suspect that is going to be the important here. I also wish to see both these options. We have gone back and forth last meeting. There was a lot of discussion this meeting. There is more discussion. I think that means that we're not quite ready, and I do want to see both go out.

VICE-CHAIRMAN NOWALSKY: Okay, seeing no further hands on this topic, I will give the board a moment to caucus and then we will call the question. That is then going to need to be followed by – once we dispense with these motions, we will need to address direction to the PDT. **Let me clarify what you're caucusing on right now is the motion to amend to include the additional stock area boundaries of Massachusetts and Connecticut, New York/New Jersey, Delaware and North Carolina. Motion by Mr. Fote; seconded by Mr. Clark. I'll give the board a moment to caucus.**

(Whereupon, a caucus was held.)

VICE-CHAIRMAN NOWALSKY: Okay, is the board ready for the question? All those in favor of the motion to amend please your hand. It was seven in favor. All those opposed, three opposed; null votes, zero; abstentions, zero. **The motion carries seven to three, zero to zero. The amended motion will now become the main motion.** Bear with us a moment while we get that amended motion up.

The motion before the board: **move to initiate an amendment to respond to the 2015 Benchmark Stock Assessment for both sets of three stock areas; the first being Massachusetts through Rhode Island, Connecticut through New Jersey, and Delaware through North Carolina; the second being Massachusetts through Connecticut, New York and New Jersey, and Delaware through North Carolina.**

Is there a need to further caucus on that motion? Seeing none, we'll call the question. All those in favor raise your hand. I count nine in favor. All those opposed, 1 opposed; null votes; abstentions. **The motion carries by a vote of nine to one to zero to zero.** Okay, I've got a couple of hands going up. This is relevant to the direction we're going to give the PDT to move forward. Mr. Simpson.

Proceedings of the Tautog Management Board Meeting May 2015

MR. SIMPSON: It is always awkward to offer up a plate of salad or steak to the public and ask them to choose which they'd like to dine on. I think it is important that they know the nutritional value. To be serious, the important issue for the public to understand and clearly to me for the board to understand deeper; it is not where to put Connecticut.

It is where to put the Long Island Sound Trawl Survey. That is the heart of this. What I think we'll need from the PDT is a better understanding of what it will mean for New York and New Jersey to be managed absent the information from the Long Island Sound Trawl Survey that is being conducted in an area where more than half of New York's harvest is coming from.

The flip side of that, I think the public will need a better understanding of what it will mean for Massachusetts through Connecticut to be managed where the Long Island Sound Trawl Survey is included but New York's harvest and exploitation on that stock is not. I think we will all need a better understanding of that so that we can make an objective, intelligent decision at the end of the day on this.

VICE-CHAIRMAN NOWALSKY: To that point, let me put Toni or Katie on the spot here. Maybe you can just provide some direction to the board on some questions you'd like specifically answered today from the board as we move forward with this draft amendment before it comes back to the board.

MS. KERNS: Well, recall that the first step in an amendment process is a PID. The PID is typically more general unless the board would like us to be more specific within the document. We ask general questions and I think one of those questions would be should the stock be managed using the first stock area boundary option or the second stock area boundary option. There wouldn't be specific rebuilding time frames or anything following that.

We would ask if the stock is overfished and overfishing is occurring, how much time should we give to rebuild the stock, general questions of that sense, what types of management measures should we consider to rebuild the stock. In the background section, David, I'm hearing from you that you would like more specifics than maybe we normally would do in a PID document.

We can provide that information and we can work with you and maybe Greg in order to pull that information together so that it is understandable for the public. I think that is going to be the hardest part is simplifying it enough so that folks really can grasp what is going on. We can work with Katie in doing that as well and Jason and other folks. If there are other more specific things instead of a more general set of questions that we typically do in a PID, it would be great for the board to let us know that today.

VICE-CHAIRMAN NOWALSKY: Okay, so we're taking the comments of what will go into the PID. From a timeline perspective, are we likely to see this in August or not until the annual meeting?

MS. KERNS: We'll shoot for August for this. We are going to looking to do some interviews soon for a new coordinator. The new person that we hire will take the species on; so there will be a learning curve there. This is a place where other staff can step in and help someone along the way, myself included. I will not make any guarantees for August, but that is what we will shoot for. The other thing that we will need to get from the board is members of the PDTA because I don't believe we have done a management document in a while, and so that PDT needs to be restaffed.

VICE-CHAIRMAN NOWALSKY: And is that an additional item you need done here today or is that something that could be put forth moving forward in the next couple of weeks?

Proceedings of the Tautog Management Board Meeting May 2015

MS. KERNS: We can do that in the next couple of weeks. You don't have to have it today but just to get it on your minds thinking about individuals that would be helpful for a PDT.

VICE-CHAIRMAN NOWALSKY: Okay, so next on the list to speak I had Dr. Pierce and then Dr. Daniel.

DR. PIERCE: Okay, I'm glad to hear what Toni had to say regarding the next step; PDT, discussions about the rebuilding time frames and the management measures that would be considered for us to achieve the different targets for each option. With that said, regardless of the outcome of the public hearings and the comment that we get back and regardless of the outcome that will result from this board eventually having to make a decision as to what stock unit to adopt, we have another major issue to address.

I have already alluded to it early on in my comments; and that is looking at the first option that is going to be going to public hearing, we're assuming the mortality rate – this is Massachusetts, Rhode Island and Connecticut – we're assuming the mortality rate is 0.48; the F target is 0.15. That is a big difference; a long way to go to get to that particular F target. If we go with the other option, we'd be at 0.38.

That's the three-year average that we're working with now for fishing mortality and we have to get to a target of 0.16; again a big difference. A lot will have to be done. The recreational fisheries and commercial fisheries are going to be subjected to some rather dramatic changes, I suspect, in the management measures that will have to be considered and then adopted by this board.

This is a very big deal. With that said, I would like to make a motion that relates to a necessary step this board should take in concert with the Law Enforcement Committee. It is a motion that pertains to illegal harvest, to unauthorized harvest that we discussed in the past at previous board meetings and still as far as we're concerned in Massachusetts and I

think other states as well is a burning issue that needs to be addressed.

This is what I would offer, then, as a motion. **I would move to establish a joint subcommittee of the Tautog Management Board and the Law Enforcement Committee to study problems of unauthorized harvest and sale of tautog, especially the well-publicized live-fish market in local and interstate commerce that likely is contributing to current levels of overfishing. The joint committee is to: (1) determine the feasibility of ASMFC mandating a fish-tagging program for each state that would minimize the unlawful commerce of tautog and provide traceability of all fish in commerce back to the state of origin and harvester; and (2) if feasible, then offer details of such a program to accomplish the two aforementioned objectives.**

It is work to be done; but if we don't control the market, so to speak, in other states, any particular measure taken in the northern region, let's say Massachusetts, Connecticut and Rhode Island, those measures will be likely undercut and ineffective because of the availability of markets in other states and the untraceability of the fish to those markets.

This is not exactly the same thing as striped bass tagging, but it is similar to it. It is going to involve some work but necessary work as we prepare for whatever will be in store after we're through with this amendment. That is my motion, Mr. Chairman.

VICE-CHAIRMAN NOWALSKY: And a tremendous job by Mr. Waine in reading your mind to have that prepared. (Laughter) No, but thank you very much for providing that ahead of time due to its length. Do I have a second for that? Seconded by Mr. Augustine. Let me first turn to Dr. Daniel who had his hand up before and then we'll come back for further discussion on this motion.

Proceedings of the Tautog Management Board Meeting May 2015

DR. LOUIS B. DANIEL, III: Thank you, Mr. Chairman. I'm in travel mode and didn't know I was on this board. I am on this board and I kind of asked the question why am I on this board? I don't have any tautogs. We see one every now and then; it is a rare event. I can't find any landings of tautog for us. It just dawned on me when I was sitting in the back thinking about southern flounder; that North Carolina was listed in the motion as an area for stock assessments and stuff. I don't know what you're going to get from us; and I don't know exactly what is expected of us for tautog.

I really don't think we should be on the board. I don't know what the process is for that. If somebody can give me some indication as to what this may mean for North Carolina by being included, maybe nothing, but I just don't want there to be some requirements of my state, particularly for a staff person to have to help with this assessment, if we don't have any fish.

VICE-CHAIRMAN NOWALSKY: And I will turn to staff to address your concern.

MS. KERNS: Louis, they can request to be removed from the board. It is part of the declaration of interest of whether or not your state wants to be part of the management board. There is a small occurrence of tautog down south in North Carolina, so we'd still likely include North Carolina as part of the stock unit boundary.

That does not necessarily mean you have to be a part of the management unit, per se, that specific measures to reduce F. Biologically speaking, the tautog do occur so therefore we include it as part of the stock unit boundary; just like we still include you in the stock unit boundary for North Carolina in lobster, but you're not on the management board.

DR. DANIEL: These northern fish have caused me a lot of problems this week, so I just am trying to avoid any additional problems. I agree; we have seen them in North Carolina. It

is just a rare event and I just want to make sure that we're not getting calls for data on tautog and mess you up in any way. I appreciate the clarification.

VICE-CHAIRMAN NOWALSKY: Okay, thank you very much. That brings us back to the motion here before us. Mr. Augustine, did you want to speak as seconder on the motion?

MR. AUGUSTINE: Well, Dr. Pierce did an excellent job of capturing what my concern was when we had the ISFMP Board yesterday. It is a little wordy, but it covers everything. The only thing it doesn't have is a date to report back to us. If Dr. Pierce wouldn't mind, could we add in there maybe report back to the board at the annual meeting. Would that give the committee time enough to be formed and then address the issue?

VICE-CHAIRMAN NOWALSKY: Well, let me again turn to staff for some feedback on their thoughts about what could be accomplished moving forward.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think the question to the board would be do you expect the results of this or want the results of this to be included in the PID? I think we can easily come up with some general discussion points and things to bring out to the public for the PID about illegal harvest and other things that they feel like they should inform the board of.

Getting this work done and including it in the PID will not allow the PID to happen at the August meeting. It is really up to the board. I would recommend some general concepts go into the PID so that document can move forward talking about illegal harvest and basically what we do and don't know about that and have the public comment on that in general during the first round of scoping hearings and PID hearings. Then have this workgroup or joint subcommittee, I guess we're calling it, respond

Proceedings of the Tautog Management Board Meeting May 2015

to the board at the annual meeting probably makes the most sense.

VICE-CHAIRMAN NOWALSKY: Based on the previous actions of this board, we know there is some additional information out there that the law enforcement has provided before; so I think that information could be included; but in order to date stamp this at this time with the expectation it would be included in the PID would likely delay that process. Everybody is comfortable, then, that we would move forward with this, put what information we have available in the PID but would not be waiting on the PID pending completion of this task. Mark Gibson.

MR. GIBSON: I appreciate Dr. Pierce's fine motion, very well written. My question is for the technical folks. We use words in there such as "unauthorized harvest", "well publicized"; is there diagnostic evidence in our stock assessment, a diagnostic anemology that could be attributed to missing catch?

VICE-CHAIRMAN NOWALSKY: They're debating who is going to tackle this one, and it looks like Jason is the winner.

MR. McNAMEE: Katie and I were just discussing – I have looked at probably, I don't know, a thousand retrospective analyses over the past couple of weeks. I was trying to figure out which one this was. There is a small retrospective. It is not in the grand scheme of fisheries. It is not a severe retrospective at all; so I guess diagnostically we're not seeing anything where we're missing vast quantities of catch.

That being said, we could be aliasing it in the natural mortality or something like that. We're accounting for the mortality just not appropriately; so anything we can point to and say, oh, there is missing catch, there is a diagnostic that indicates that. There is nothing very dramatic that we can point to.

MR. GIBSON: Just a follow-up, Mr. Chairman, I'm just trying to get a sense of how many fish we're chasing here that we think are missing versus how many we have in hand and what the cost benefit of doing that is. I don't necessarily oppose the motion. I just don't have a sense or any kind of evidence to really hang my hat on that this is a big enough problem to undermine the stock assessment. I guess we don't know or maybe that will come out in the –

VICE-CHAIRMAN NOWALSKY: I think that's the hope is that we get more information to inform us about that. Mr. Fote.

MR. FOTE: As with other species, the Philadelphia area is basically a harbinger of a lot of illegal fish in size limits and everything else. I know Pennsylvania doesn't sit on this board, but maybe they should be part of the discussion. I know we had that problem with striped bass illegally coming out of New Jersey and going to the Philly market. We should basically look at how that affects there and try to get some – when we checked them a number of years ago, we actually checked out the market and we found a whole bunch of illegal fish coming into those markets.

VICE-CHAIRMAN NOWALSKY: Okay, seeing no further hands up, let me ask is there any objection to this motion? **Seeing none; the motion carries.** All right, that brings us to the conclusion of the agenda. Mr. Simpson, you'd like to add something?

MR. SIMPSON: Yes; so, again, for the PID, it seems we've talked about Long Island Sound issues and stock assessments. The board is aware that there is work beginning on a Long Island Sound stock assessment. I think if that is the inclination of the board to entertain at a future date, in the next year or two, perhaps a Long Island Sound assessment, I think knowledge of that would be important to have in here and maybe get some reaction from the public.

Proceedings of the Tautog Management Board Meeting May 2015

I think it helps inform decisions about where you stick Connecticut as the problem has been portrayed. My effort in the motion was to minimize disruption. If we're with New York and New Jersey, then we've minimized disruption among states. If we're with Rhode Island and Massachusetts and then we have to be lumped with New York, we're disrupting more states. I think just that notion of a stock assessment coming – and I'm getting the sense that the board is okay with that – if that were included, I think it would help the amendment process considerably.

OTHER BUSINESS

VICE-CHAIRMAN NOWALSKY: Anything else the board wants to bring to the PDT?

MR. FOTE: Thinking of what Dave just said, whether you disrupt one end or the other, disruption is basically not the real problem. The real problem is whether we should have a separate management zone for Long Island Sound. Maybe that is an answer to the question. I always sit around here and say we should have these regions based on what it is; and, of course, there is a lot of consternation by the state directors to actually split up states.

Maybe we should ask the public how they feel about if Long Island Sound should have special regulations that is based on the stock assessment of Long Island Sound. That is a great starting place to do that. I've lived on Long Island; I've fished on Long Island and realize that it is a whole different ecosystem, whether it is lobsters or whether it is menhaden, whether it is tautog. Maybe we should ask that question because it is the perfect place to do that.

VICE-CHAIRMAN NOWALSKY: Okay, and again just a reminder that Toni has requested members for the PDT as well. We also need to discuss moving forward population of this subcommittee in the coming weeks, correct?

MS. KERNS: If it is okay with the board, we can work with Adam and Jim, as chair and vice-chair of the board, and I will work with the Law Enforcement Committee on who to populate this subgroup with, and we'll move forward.

VICE-CHAIRMAN NOWALSKY: Seeing no objection and just a couple of thumbs-up around the table, it sounds good. Let me also thank Melissa for all her help here on this board. This will be her last board meeting. I appreciate all her help both as a fisherman and as acting chair. (Applause) We wish you the best.

MR. FOTE: I would also like to thank Steve for all the time he has put in, because this is his last official meeting on any of the boards of the Atlantic States and wish him well in his new endeavors and just have good time in retirement. (Applause)

ADJOURNMENT

MR. STEVE MEYERS: Mr. Chairman, move to adjourn.

VICE-CHAIRMAN NOWALSKY: Any objection? Seeing none; the board is hereby adjourned. Thank you very much.

(Whereupon, the meeting was adjourned at 10:35 o'clock a.m., May 7, 2015.)