

Atlantic States Marine Fisheries Commission

Tautog Management Board

*May 5, 2020
1:45 - 2:45 p.m.
Webinar*

Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

1. Welcome/Call to Order (*W. Hyatt*) 1:45 p.m.
2. Board Consent 1:45 p.m.
 - Approval of Agenda
 - Approval of Proceedings from October 2019
3. Consider Approval of Rhode Island Conservation Equivalency Proposal 1:50 p.m.
(*K. Rootes-Murdy*) **Final Action**
 - Plan Review Team Report
 - Technical Committee Report
 - Law Enforcement Committee Report
 - Advisory Panel Report
4. Other Business 2:35 p.m.
5. Public Comment 2:40 p.m.
6. Adjourn 2:45 p.m.

MEETING OVERVIEW

Tautog Management Board Webinar

May 5, 2020

1:45 - 2:45 p.m.

Chair: Bill Hyatt (CT) Assumed Chairmanship: 11/19	Technical Committee Chair: Coly Ares (RI)	Law Enforcement Committee Representative: Jason Snellbaker (NJ)
Vice-Chair: VACANT	Advisory Panel Chair: VACANT	Previous Board Meeting: October 2019
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, USFWS (10 votes)		

Public Comment – For items not on the agenda, public comment will be taken at the end of the meeting. Individuals that wish to speak at this time should use the webinar raise your hand function and the Board Chair will let you know when to speak. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance, the Board Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2019

3. Consider Approval of Rhode Island Conservation Equivalency Proposal (1:50-2:35 p.m.) Final Action
Background <ul style="list-style-type: none"> • In February, Rhode Island submitted a conservation equivalency (CE) proposal to allow a higher bag limit for the party/charter sector starting in October. (Briefing Materials) • The Plan Review Team (PRT), Technical Committee (TC), Law Enforcement Committee (LEC), and Advisory Panel (AP) all reviewed the proposal in March and April. (Briefing Materials)
Presentations <ul style="list-style-type: none"> • Review of Rhode Island CE proposal by K. Rootes-Murdy • Review of reports from the PRT, TC, LEC, and AP by K. Rootes-Murdy
Board Actions for consideration <ul style="list-style-type: none"> • Approval of the Rhode Island CE proposal

4. Other Business (2:35-2:40 p.m.)

5. Public Comment (2:40-2:45 p.m.)

6. Adjourn

Tautog 2020 Tasks

Activity Level: Medium

Committee Overlap Score: High (Menhaden, BERP, Summer Flounder, Scup, and Black Sea Bass)

Current Committee Tasks:

- TC – Evaluate biological sampling requirements (assess the feasibility of adding pelvic spines as an acceptable ageing structure)
- TC – May 1, 2020: compliance reports due
- 2020: Begin work on 2021 Stock Assessment Update and evaluating revision to MRIP data

TC Members: Alexa Kretsch (VA), Coly Ares (Chair, RI), Linda Barry (NJ), Sandra Dumais (NY), Scott Newlin (DE), David Ellis (CT), Craig Weedon (Vice-Chair, MD), Sam Truesdell (MA)

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

Wentworth by the Sea
New Castle, New Hampshire
October 28, 2019

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

Draft Proceedings of the Tautog Management Board Meeting
October 2019

TABLE OF CONTENTS

Call to Order, Chairman Dan McKiernan	1
Approval of Agenda	1
Approval of Proceedings from August 2019	1
Public Comment.....	1
Progress Report on the Commercial Harvest Tagging Program	1
Adjournment.....	6

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

INDEX OF MOTIONS

1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings** from August 2019 by consent (Page 1).
3. **Move to adjourn** by consent (Page 6).

Draft Proceedings of the Tautog Management Board Meeting
October 2019

ATTENDANCE

Board Members

Dan McKiernan, MA, proxy for D. Pierce (AA)	Tom Fote, NJ (GA)
Raymond Kane, MA (GA)	Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Jason McNamee, RI (AA)	Roy Miller, DE (GA)
David Borden, RI (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Russell Dize, MD (GA)
Justin Davis, CT (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
Bill Hyatt, CT (GA)	Steve Bowman, VA (AA)
Sen. Craig Miner, CT (LA)	Pat Geer, VA, Administrative proxy
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Bryan Plumlee, VA (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Peter Burns, NMFS
Joe Cimino, NJ (AA)	Mike Millard, USFWS

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

Ex-Officio Members

Staff

Robert Beal	Katie Drew
Toni Kerns	Maya Drzewicki
Kirby Rootes-Murdy	

Guests

Leah Baumwell, PEW Trusts	Steve Murphey, NC DMF
David Frulla, Kelley, Drye & Warren	Andrew Peterson, Bluefin Data
Shaun Gehen, Gehen Law	Story Reed, MA DMF
Jim Gilmore, NY (AA)	James Rogers, Richmond, VA
Zack Greenberg, PEW Trusts	Melissa Smith, ME DMR
Jon Hare, NOAA	Kevin Staples, NE Regional Ocean Council
Jeff Kaelin, Lund's Fisheries	Pam Thames, NOAA
Arnold Leo, E. Hampton, NY	Bob Vanasse, Washington, DC
Tom Lilly, Salisbury, MD	Megan Ware, ME DMR
Conor McManus, RI DRM	Renee Zobel, NH F&G
Drew Minkiewicz, Kelley, Drye & Warren	

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

Draft Proceedings of the Tautog Management Board Meeting
October 2019

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Wentworth Ballroom of the Wentworth by the Sea Hotel, New Castle, New Hampshire; Monday, October 28, 2019, and was called to order at 10:45 a.m. by Chairman Daniel McKiernan.

CALL TO ORDER

CHAIRMAN DANIEL MCKIERNAN: Good morning, I'm the proxy for David Pierce. I know you've all enjoyed giving David a sendoff for this great retirement tour, not unlike David Ortiz's retirement tour from one ballpark to another. Thank you for that.

APPROVAL OF AGENDA

CHAIRMAN MCKIERNAN: Today we have a brief meeting, primarily to go over the Tautog Tagging Reports, and the plans for each jurisdiction to implement. First the Approval of the Agenda, is there any requested change to today's agenda? Seeing none, it's considered approval.

APPROVAL OF PROCEEDINGS

CHAIRMAN MCKIERNAN: Second, the proceedings from the August, 2019, are there any requested changes to the minutes of that meeting? Seeing none, we'll consider those approved.

PUBLIC COMMENT

CHAIRMAN MCKIERNAN: Next is there anyone who would like to speak to the Board on any items not on the agenda? I don't think anyone has signed up, so I'm assuming no.

PROGRESS REPORT ON THE COMMERCIAL HARVEST TAGGING PROGRAM

CHAIRMAN MCKIERNAN: All right, let's get into the meat of the discussion today, it's a Progress Report on the Commercial Harvest Tagging Program, with a possible action, and I'll turn it over to Kirby.

MR. KIRBY ROOTES-MURDY: I have a brief presentation for you all today. Just give a little bit of background, an update on the tag orders, an update on state implementation based on what the states have responded back, and after those two points this Board can consider management action if they think it's necessary.

In terms of background, as you guys are all very much aware, in October of last year the Board postponed implementation of the tagging program until January 1, 2020. Over the last year there was an effort to pull together some draft implementation guidelines, which this Board discussed at the last Board meeting in August.

Following that August meeting there was a request for states to indicate whether they could implement the tagging program by January of 2020, as well as outline how many tags and how many tag applicators were needed, in order to prosecute this tagging program next year. An update on the tag orders, I want to say first thank you to all the states to getting that information to staff in September, it was very helpful.

We've been working with National Tag and Band over the last month and a half to try to finalize those orders, and get them completed. They were placed earlier this month, and are currently being processed. We're anticipating the tags and applicators will be delivered to the states by the end of November or the beginning of December, and if anything changes on that front we will let you guys know. I'm not sure if any of you had seen up until now what these tags will look like, and I thought it would be helpful for this Board to better understand what the tags on the fish would look like in 2020. This is an example that we have been working with, with National Band and Tag. As you can see at the top, on the far left it has the year.

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

Draft Proceedings of the Tautog Management Board Meeting
October 2019

Underneath the year we have the state abbreviation, and then we have on this slide it's one of the initial prototypes we had, five digits in addition to an alpha-numeric beginning indicator. What we've decided to do is drop one of these digits, so you have four numbers in addition to a letter, and the combination of letters through the entire alphabet and those four digits, can get up to approximately 260,000 unique tag IDs for a state in a given year.

Looking at this image on the screen right now, just imagine it with that scrunched four removed. That is what the tag will look like next year, and the one that you should be receiving, as I said hopefully in about a month's time. In terms of the state implementation of this program, as we requested following the August meeting, states got back to us and outlined what their plan is for 2020.

A number of states are going through the process right now of implementing those regulations so that starting January 1; the regulations reflect a tagging program that the state will implement. A few states though will not be implementing the program as of January 1. That is Connecticut, New York, New Jersey, and Maryland.

In some instances these states aren't able to get the tagging program implemented by January 1, due to the timing of when their commercial fishery begins. For Connecticut and New York it has been communicated to staff that this alternative date is to reflect the end of one commercial fishing season, and implementing it at the beginning of their fishing season in 2020.

For other states, it is due to challenges in terms of implementing these regulations, because they don't currently either have the rulemaking process to allow them to do it, or challenges in terms of identifying participants in the fishery in implementing this new program. That's for New Jersey and Maryland.

Now outside of the management unit, which is Massachusetts through Virginia, the states of Pennsylvania and North Carolina were also of interest to this Board, in terms of the tagging program. Pennsylvania has a commercial fish market, in which tautog are sold live. They have been going through a process to determine if they would be able to enforce the tagging requirements that you all are implementing next year.

I have not received word back yet from Pennsylvania that they intend to enforce that tag requirement in their fish markets. The other state is North Carolina. They have low levels of landings over the last few years, in most years their landings have been at most 100 pounds. Due to the low level of landings they've decided to not implement the tagging program.

Again, they are not a part of the management unit, and are therefore not required to do so. But in speaking with the North Carolina Commissioners, they have indicated that they will communicate to their fishermen that this will present challenges for those fish that are caught and landed in North Carolina, if they are hoping to sell them out of state to those states that have implemented the tagging program. For the Board's consideration today, based on this update, if there is interest in specifying any additional requirements for the 2020 tagging program you can do so, but as I said before there is no action that's required as of now. With that I'll take any questions. Thank you.

CHAIRMAN MCKIERNAN: Tom Fote.

MR. THOMAS P. FOTE: I have two, one is does North Carolina get a, oh they're not sitting at the table. Does North Carolina get an influx of tautog from other states that come in for their live market? In Pennsylvania we've always had a problem also with striped bass, because there is no paperwork trail that goes there, and we know if there are fish that are illegally poached

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

Draft Proceedings of the Tautog Management Board Meeting
October 2019

that wind up in the Pennsylvania market, when it comes to striped bass. I know tautog is the same thing.

We're looking at if they come from our markets are they going to basically be required to carry the tag? Otherwise it winds up any fish in North Carolina or Pennsylvania becomes open season on where you can ship fish that are legally caught, and it creates a market that might not have been there before.

MR. ROOTES-MURDY: Thank you for the question, Tom. I am probably not the best person to speak to North Carolina's commercial fishery, but I will say that we do have in the room Chris Batsavage, Commissioner from North Carolina, and he may be able to speak to some of your questions about how the tautog market in North Carolina currently is, and if there is any concerns about changes in that market demand.

MR. CHRIS BATSAVAGE: In terms of requiring the fishermen to tag tautog in North Carolina, as Kirby mentioned the landings are really low, they're scattered over multiple dealers, multiple fishermen, and multiple counties. Trying to identify the fishermen and how many tags we need would be a challenge.

As Kirby mentioned, we're going to communicate with the dealers and fishermen that any tautog landed commercially in North Carolina can't get shipped north, they're going to have to go somewhere else. Now to Tom Fote's question about the live fish markets in North Carolina, or any fish markets that might purchase tautog from northern states.

We haven't discussed that but we can touch base with ASMFC staff, as far as just what our marine patrol and other inspectors can do, as far as ensuring that we don't see an influx of untagged tautog being sold in our state. In other words, the ones coming from the northern states should have tags from those

states, but we can follow up with you in the coming weeks about that question.

CHAIRMAN McKIERNAN: John Clark.

MR. JOHN CLARK: Thanks for the presentation, Kirby. I had a question about the tag applicators. Because Delaware has the possession limit for commercial fisheries the same as the recreational and we have a bunch of commercial hook and line fishermen. When we did the sign up we had a bunch of people sign up, because even though they've never targeted tog in the past, they didn't want to be left out. We figured what we would do is we can supply tags to them, but we're not buying the applicators, we're telling the fishermen if they want to participate it's up to them to buy the applicator.

But looking at the tag itself, I'm just wondering can it be effectively used. I think you've said, Kirby that pliers probably wouldn't work on this. But is it one of those things where we should require everybody in the fishery to get the actual applicator? Because if we're silent on that I'm sure some will get the tags and just try to use pliers regardless.

MR. ROOTES-MURDY: Yes thanks for the question, John. It's the pleasure of the Board on what you all want to do in terms of requiring what gear to purchase. But I will say that based on our communication with National Band and Tag, and their development of this tag. They have an applicator that is specific to helping get this tag onto the fish.

It is from our understanding the best method to putting the tag on the fish. Trying other ways may create a situation where you break the tag, or it doesn't click and actually hold on the fish, and then that can create problems obviously in terms of a tag getting off when the fish is in the market. Those are just things to consider.

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

Draft Proceedings of the Tautog Management Board Meeting
October 2019

As you and I know, we've communicated back and forth on getting a link available that we would circulate to this Board, so that in other instances where states are not planning to purchase applicators for their fishermen, but would like to have them purchase it through National Band and Tag. There will be a link that they can go to that outlines what the specifications are, how much they cost, and we would make that available to you all soon.

CHAIRMAN McKIERNAN: John, if I could comment. Our staff helped field test the tag and the applicators, and we had another question earlier in the week about the fact that the tag appears to be bigger than what was first tested. What we discovered was the smaller tag worked fairly well, but the smaller tag applicator was made of materials that would not have held up in the elements.

It was the larger tag and the larger tag applicator, specifically the larger tag applicator that was made of aluminum, and is a stronger tool, and would hold up to salt water. Furthermore, this larger tag does allow more information, in terms of the smaller fonts and more characters. That's why the larger tag was chosen.

From my own experience, I've used the applicator and it works well. It's a little tricky; you have to practice a little bit. But I couldn't imagine using an off-the-shelf set of pliers to do this. I think it would just fly out of the tool. The way this works you sort of snap it in and then you close it. It's a well-designed tool for its use.

MR. CLARK: It sounds like we wouldn't really have to require it, we could just pretty much state in the letter that the only way to really fasten these tags is to use the applicator.

CHAIRMAN McKIERNAN: The only way to do it effectively, we recommend, and I think the applicator costs like \$25.00. Are there any other questions on this? Jay McNamee.

DR. JASON McNAMEE: Kirby, I was wondering a little bit about Pennsylvania. The North Carolina piece of this, I guess, gives me less concern, but Pennsylvania is, kind of in that you know portions of it are in that kind of metro area there. I have concern about tautog ending up in their markets without tags.

You had it up there, it didn't sink in. Do they have a rule that won't allow them? They have not determined that yet. I guess the comment that I will make is I think that is really important. I'm not asking them to tag tautog, or any of that. But a rule requiring tautog to have tags in their markets I think is critical to make this program work.

CHAIRMAN McKIERNAN: Jay, would you like to make maybe a consensus recommendation or a motion that this Board request Pennsylvania adopts the requirements for fish in commerce to bear tags, as opposed to the issuance of tags to commercial fishermen?

DR. McNAMEE: Yes. I hadn't thought about it up until the moment I read the state report in the material. I hesitate to get that official yet. Maybe we could talk with the folks from Pennsylvania first, and maybe it would help them if we did something like that. But I just don't want to go there yet.

CHAIRMAN McKIERNAN: Bob Beal, would you like to comment?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Since Pennsylvania representatives are not here, I would suggest maybe bringing something forward to the Policy Board with the Full Commission in the room. As Jason was saying, have that discussion there. We can let them know ahead of time so they're not blindsided at the Policy Board.

I'm not sure what provisions, or how heavy of a lift it would be for Pennsylvania to adopt a rule that says you know all tautog commercially sold

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

Draft Proceedings of the Tautog Management Board Meeting
October 2019

into Pennsylvania had to have tags in place, and remain in place throughout the chain of custody, or something along those lines. Obviously they have those for striped bass and some others now, but how hard is it to add a species? I don't know, but the Policy Board is probably a good spot to do that.

CHAIRMAN McKIERNAN: Kirby, something comes to mind for me as we go into the new year, some states have open fisheries and some do not, and there may be some fish in commerce that are going to be end tagged, and some of our states, mine included, are going to have codified regulations that mandate a tag.

Maybe at the end of the calendar year staff could prepare a memo for all of the delegations and for the State Director specifically, to advise them on which states might still be putting untagged fish in commerce. There could be advice given to law enforcement within those states to go easy or not enforce that rule until we get a universal standard. It sounds like that may be the April or July. Just something to think about that as each of us comes forward with these rules on our own schedule, we have the interstate commerce issues that we need to accommodate. Are there any thoughts on that? All right great idea, Dan, so anything else? Jay.

DR. McNAMEE: Great idea! Kind of along with that I was wondering, again a question for Kirby. We've got, I think there is a hard date in the FMP, and so we've got some states that are a little bit behind. Are we just going to rely on the, what it the PRTs to say yes they weren't in January 1, but they were in before the fishery started so they're okay. Is that kind of the process we're doing, or do we need to do something more deliberative than that?

MR. ROOTES-MURDY: Again it's the pleasure of this Board on what action you want to take. As I outlined, not all states are going to have this implemented by January 1, which was the motion that was passed by the Board. In a

number of those instances it's a state is trying to implement the regulations before their season starts.

But, there are some states that are implementing it either midyear or not quite lining up with the beginning of their season. Obviously it's been noted there are a number of challenges in implementing this new program. Whether the Board wants to consider that in light of how the motion was crafted and passed before, it's at your guys' discretion.

CHAIRMAN McKIERNAN: Jay, go ahead.

DR. McNAMEE: I would be more inclined to keep it as currently constructed, just to kind of keep the pressure on. I would rather not, so this is our second thing today that we've kind of delayed once and we're on our potentially second round of delays. I think it makes sense to keep the existing January 1 date on there, with some leniency from the Board, you know when it comes to the review for compliance. That would be my preference to not do anything at this point.

CHAIRMAN McKIERNAN: Raymond.

MR. RAYMOND W. KANE: Yes, a question Dan. You brought the ICC. Moving forward with this FMP we understand North Carolina, you know 100 pounds of fish. I don't know how many fish that is in units. But with Pennsylvania, when you start talking about the ICC, so buyers in New York will be able to ship to Pennsylvania. How would those fish in Pennsylvania if they're not tagged be sold in all the states that are comprised in the FMP? How could they possibly ship fish out of the state of Pennsylvania to a state that is part of the FMP tagging fish?

CHAIRMAN McKIERNAN: Good question, Ray. I guess the first question is how would those fish get into Pennsylvania, because all the participating states are going to have a tagging

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

Draft Proceedings of the Tautog Management Board Meeting
October 2019

requirement, so they would already have violated their in-state rules? If they came into Massachusetts and were shipped to Philly, you would already have a violation in Massachusetts for having untagged fish.

I think we just want to shore up the Pennsylvania problem by just having them adopt a rule that says all tautog for sale must bear a tag consistent with the interstate plan. But I think as long as every state has its rule about harvest, and then there is an opportunity to constrain that.

ADJOURNMENT

CHAIRMAN McKIERNAN: All right, anything else? All right is there any other business to come before the Board today? Seeing none, the Board is adjourned. Thank you.

(Whereupon the meeting adjourned at
11:10 a.m. on October 28, 2019)

Rhode Island Tautog Party and Charter Proposal

Introduction

The state of Rhode Island (RI) is submitting a conservation equivalency (CE) proposal in the interest of party and charter industry in RI.

An update stock assessment was completed and approved for management use in 2016. This assessment placed Massachusetts (MA) and RI in a single management region, MARI. The assessment found the MARI region was not overfished and overfishing is not occurring. Other regions within the management area were overfished and experiencing overfishing, therefore, an amendment was drafted to consider management to reduce fishing mortality and harvest in those areas as required, as well as implement a commercial tautog tagging program to reduce illegal harvest.

Amendment 1 of the tautog fishery management plan was approved in October 2017. This amendment created management measures for the MARI region, including setting new recreational management for each state. Since MARI region is not overfished, and overfishing is not occurring, the goal when setting recreational regulations was to align MA and RI recreational regulations as closely as possible for consistency within the management region. The amendment does allow for changes to the management measures, it does require the changes be approved by the Board and indicates states should agree with any changes to the measures. Any changes should also attempt to keep the regions regulations consistent when possible. While the amendment established similar recreational regulations in both states, there is an inconsistency, namely MA has a 1 fish bag limit during the RI spawning closure (June – July). It is on this difference RI is basing a conservation equivalency proposal for the party and charter industry.

Prior to the amendment, the RI recreational measures allowed for a 6 fish bag limit in the fall season (October 15 – December 31) and a 10 fish/vessel limit. The party and charter industry is exempt from the 10 fish vessel limit due to mandatory reporting requirements. The vessel exemption and bag limit combination were a feature the party and charter industry used to market fall tautog trips to perspective customers. Under the new recreational measures, the 6 fish bag limit has been reduced to 5 fish, and the party and charter fleet is still exempt from the 10 fish/vessel limit due to mandatory reporting requirements. The reduction in bag limit has impacted the industry's ability to competitively market trips in the fall season. The number of trips targeting tautog by the industry has shown a decline from 2018, the first year under the amendment to 2019 (Table 5). From 2014-2017 the number of tautog trips taken by the industry was variable ranging from ~400 trips to ~4,000 trips but was over 2,000 trips annually in the most recent years. Total trips in 2018 totaled 1,530, a slight decrease, however there has been a large decrease in 2019 to only 443 trips.

The party and charter industry also primarily only targets and harvests tautog during the fall season. From 2014-2019 there were 3 years (2016, 2017, 2019) that harvested tautog outside

of the fall season, 75 trips (0.75% of all trips) total across the three years. Due to this, the decreased bag size impacted the party and charter industry disproportionately to the rest of the recreational community as the private recreational sector harvests tautog year-round.

Between the seasonality of the party and charter industry resulting in higher impacts from the reduced bag limit, and the decrease in trips taken, there is an economic impact to the industry that needs to be addressed. A small inconsistency to MARI recreational regulations should be considered to help the RI party and charter industry. It is important to note that the MARI recreational regulations are already inconsistent due to the MA open season for all recreational fishermen against the aim of the amendment. The amendment also indicates any proposed management changes should prevent the shift of fishing effort into area with more liberal regulations. The proposed regulations would impact a significantly smaller user group than the existing inconsistency (MA open season). Due to this, any potential shift in fishing effort would be minimal, as only RI licensed party and charter vessels would be allowed the 6 fish limit.

The party and charter industry is a small percentage of the total RI recreational catch, ranging from <1% to 4% of RI’s total recreational harvest from 2014-2019 (Table 1), therefore a small increase in their harvest would not have a significant impact on RI’s total recreational harvest.

The impact on fishing mortality (F) is also likely to be minimal. Since the MARI region was not overfishing, no action was needed per the amendment to lower F (0.23) as it was below both the target (0.28) and the threshold (0.49). The proposed regulations would likely not result in overfishing, as the proposed regulations are still more conservative than the regulations prior to amendment 1 while F was below the target and threshold. The regulations prior to the amendment allowed all recreational anglers in RI a 6 fish/person limit.

It is requested that this change be made with no end date. RI will continue to monitor the recreational tautog landings and investigate any significant increases in recreational harvest. If the recreational harvest numbers increase to a level that impacts the stock, new regulations will be considered and enacted as required. In addition, RI party and charter industry continues to have mandatory reporting, and in fact has been increased in the past year to require electronic submission of all trips within 48 hours of the trip.

Summary of Proposed Measures

Current Recreational Fishery Regulations MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	1 (Massachusetts)	June 1 – July 31
	0 (Rhode Island)	
	5 fish (up to 10/private vessel)	Oct 15 – Dec 31

Proposed Recreational Fishery Regulations MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	1 (Massachusetts)	June 1 – July 31
	0 (Rhode Island)	
	5 fish (up to 10/private vessel Massachusetts)	Oct 15 – Dec 31
	5 fish private sector (up to 10/private vessel Rhode Island)	
	6 fish Party/Charter (Rhode Island)	

RI Recreational Fishery Proposal

RI conducted an analysis comparing the MA harvest during the 1 fish bag limit season during RI’s spawning closure (Jun 1 – Jul 31) to the anticipated increase in harvest if RI’s party and charter industry was allowed a 6 fish bag limit in the fall seasons (Oct 15- Dec 31).

- Our proposal uses final 2014-2018 MRIP data and preliminary 2019 MRIP data. The preliminary data is not finalized and is only included as a reference to support the 2018 harvest under the new regulations promulgated in accordance with amendment 1 to the tautog fishery management plan.
- State specific landings for MA and RI were generated from the raw MRIP data.
- MA total landings in 2018 for the 1 fish season were calculated (114 fish), however the PSE for the season were high (Wave 3 PSE 57.3, wave 4 PSE 66.3) due to low intercepts, as there were only 2 intercepts of tautog. Preliminarily 2019 data shows a harvest of 318 fish during the closed season. Due to the uncertainty in the 2018 data, the average harvest from 2014-2017 assuming 100% compliance with a 1 fish bag limit was calculated (6,228 fish) to estimate what harvest could have been if the 1 fish limit was in effect from 2014-2017. This value is likely a higher estimate of potential harvest. A summary of the data is available in table 2.
- RI average party and charter landings for the fall season were calculated for 2014-2017 under the prior regulation of a 6 fish bag limit (5,456 fish). The total party and charter harvest for the fall 2018 was calculated to be 2,280 fish, and preliminary 2019 data shows a harvest of 1,482 fish during the fall. This puts an anticipated increase in RI party and charter fall harvest to 3,176 fish (based on 2018 harvest), within the calculated harvest range (114 – 6,228 fish) for the MA 1 fish season during RI’s closure. The potential harvest increase based on 2018 landings accounts for <1% of RI’s total recreational harvest in 2018 (330,373 fish). A summary of the data is available in table 3.
- Number of trips taken for RI party and charter industry were generated from the MRIP data query tool and analyzed to see how the amendment impacted in ability for captains to market their trips. While 2018 showed a small decrease in trips, 2019 showed a large

decrease in party and charter tautog trips taken. A summary of the data is available in table 5.

Timeline for Implementation

If approved the technical committee and board, RI would move forward with a spring/summer public hearing process for implementation of late summer/early fall, in time for the new bag limit to effective in October 2020.

Table 1: Total RI Recreational Harvest (in numbers and percent) from 2014-2019. 2019 data is preliminary

Mode	2014	2015	2016	2017	2018	2019
RI Total Recreational Harvest	238,596	295,674	343,781	140,778	330,373	365,967
Party/Charter Harvest	1,952	3,250	12,752	4,648	2,281	1,506
Party/Charter Percent	0.82%	1.19%	3.71%	3.30%	0.69%	0.41%

Table 2: Summary of Massachusetts Data Used for Analysis (June-July MRIP Data)

Year	Number of Fish	Number of Positive Intercepts	Total Number of Intercepts
2019	318	4	3107
2018	114	2	2537
2017	9411	3	2081
2016	2079	5	2013
2015	3859	9	2543
2014	9563	7	2228

Table 3: Summary of Rhode Island Data Used for Analysis (Oct 15 – Dec 31 MRIP Data)

Year	Number of Fish	Number of Positive Intercepts	Total Number of Intercepts	Intercepts at Possession Limit
2019	1482	81	131	23
2018	2280	72	136	27
2017	4534	66	192	9
2016	12388	69	128	13
2015	3519	27	67	2
2014	1382	19	68	4

Table 4: Count of Massachusetts tautog trips during waves 3 and 4 (May – August). Number of trips represents the number of trips targeting tautog or trips where tautog were harvested. 2019 data is preliminary.

Year	Wave	Number of Trips	PSE
2019	3 (May/June)	46,293	49.2
	4 (July/Aug)	6,379	86
2018	3 (May/June)	36,240	54
	4 (July/Aug)	1,547	77.7
2017	3 (May/June)	141,769	83.9
	4 (July/Aug)	no data	-
2016	3 (May/June)	13,581	55.8
	4 (July/Aug)	79	56.2
2015	3 (May/June)	7,951	42.4
	4 (July/Aug)	44	63.2
2014	3 (May/June)	38,560	573
	4 (July/Aug)	46	66.5

Table 5: Count of Rhode Island party and charter tautog trips by wave. Number of trips represents the number of trips targeting tautog or trips where tautog were harvested. 2019 data is preliminary.

Year	Wave	Number of Trips	PSE
2019	3 (May/June)	8	3.5
	5 (Sept/Oct)	195	55.5
	6 (Nov/Dec)	240	14
2018	5 (Sept/Oct)	403	55.1
	6 (Nov/Dec)	1,127	81.8
2017	3 (Mar/Apr)	37	-
	5 (Sept/Oct)	579	37.5
	6 (Nov/Dec)	1,383	25.5
2016	3 (Mar/Apr)	7	-
	4 (Jul/Aug)	23	-
	5 (Sept/Oct)	2,625	55.4
	6 (Nov/Dec)	1,787	25.6
2015	5 (Sept/Oct)	510	57.9
	6 (Nov/Dec)	577	-
2014	5 (Sept/Oct)	437	-
	6 (Nov/Dec)	no data	-



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

April 15, 2020

To: Tautog Management Board
From: Kirby Rootes-Murdy, Senior FMP Coordinator
RE: PRT Review of Rhode Island 2020 Conservation Equivalency Proposal

This memorandum serves as a summary of the review undertaken by the Tautog Plan Review Team (PRT) of the Rhode Island Conservation Equivalency (CE) Proposal. The proposal outlines a request for a separate bag limit by fishing mode, specifically a seasonally higher bag limit for the Party/Charter sector to be implemented in fall 2020.

Overall the PRT found that the proposed measures will increase harvest compared to current recreational measures as outlined in Amendment 1. The proposal also did not address all of the information as outlined in the Commission's CE Guidance Document. Given this, most of the PRT viewed the proposal as a change to the MARI regional measures rather than a conservation equivalency proposal.

The PRT requested feedback from the Technical Committee, Advisory Panel, and the Commission's Law Enforcement Committee on the proposal. Summaries of each group's review are included in the subsequent pages.

M20-43



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

MEMORANDUM

March 24, 2020

Tautog Plan Review Team Meeting Summary

Attendees: Kirby Rootes-Murdy (Staff; Chair) Coly Ares (RI), Lindy Barry (NJ), Sabrina Lovell (NOAA), Nichola Meserve (MA), Bill Hyatt (CT; Board Chair)

Public: Mike Waine (ASA)

The Commission's Tautog Plan Review Team (PRT) met via conference call on Monday, March 23 to review a Conservation Equivalency Proposal from Rhode Island (RI) for the Party/Charter sector. The following is a summary of the group's discussion.

Call Summary and Recommendations

Review of Conservation Equivalency Policy

ASMFC Staff provided an overview of the Commission's Conservation Equivalency (CE) Policy, highlighting criteria the proposal should be evaluated against by the PRT; process for a CE proposal to be considered; and which committees beyond the PRT could provide feedback on a CE proposal.

Relevant criteria for evaluating the proposal are the following:

- 1. Rationale: Why or how an alternate management program is needed in the state.**
- 2. Description of how the alternative management program meets all relevant FMP objectives and management measures (FMP standards, targets, and reference points).**
- 3. Description of: a) available datasets used in the analysis and data collection method, including sample size and coefficient of variation; b) limitations of data and any data aggregation or pooling; c) the length of time the state is requesting conservation equivalency and a review schedule for the length of the program**
- 4. Each proposal must justify any deviations from the conservation equivalency procedures detailed in the FMP.**
- 5. Include a plan describing the monitoring schedule, reporting requirements and documentation process of evaluating the impacts of the conservation equivalency measures.**

Additionally ASMFC Staff highlighted specific guidance for CE proposals and regional management program revisions as outlined in the Tautog FMP (Amendment 1). Relevant

sections are included below (language specific to changing measures bolded):

4.2.1 Procedure to Develop Regional Management Measures (pg 68)

Compatible regulations between adjacent states are desirable to prevent the shift of fishing effort to areas with more liberal regulations, or to an area with an open season. If a region is considering consistent measures across for all states within a region then a regional working group will be developed to discuss appropriate alternatives. A regional working group consists of representatives from each member state within the region. It is recommended that the regional working group decisions are made by consensus.

If a state within a region wants to implement different management measures than those within the region, the general procedure within *Section 4.11, Conservation Equivalency* will be followed. It is recommended that the state convene the regional working group to discuss and review the proposed management measures.

All modifications to management measures (e.g., bag limit, minimum size, seasonal closures, quota, etc.) will be reviewed by the TC and approved by the Management Board (Board). Once approved by the Board, the management measures can be implemented.

4.2.2 Massachusetts-Rhode Island (pg 68)

Historically, tautog management measures in MARI have been state-specific. In response to the 2016 stock assessment update, managers proposed regional management options for the public to consider, and final measures were approved by the Board (Table 14). **If the regional management measures are modified at a future date, all states will agree to the new regulations prior to regional implementation** (See Section 4.2.1)

4.11 Alternative State/Regional Management Regimes/Management Program Equivalency (pg 78)

Once approved by the Board, states are required to obtain prior approval from the Board of any changes to their management program for which a compliance requirement is in effect. Other measures must be reported to the Board but may be implemented without prior Board approval. **A state can request permission to implement an alternative to any mandatory compliance measure only if that state can show to the Board's satisfaction that its alternative proposal will have the same conservation value as the measure contained in this amendment or any addenda prepared under Adaptive Management (Section 4.12). States submitting alternative proposals must demonstrate that the proposed action will not contribute to overfishing of the resource. States may submit alternative region/state proposals under this section following the procedures outlined in the Commission's Conservation Equivalency Policy and Technical Guidance Document.**

Rhode Island Proposal

Coly Ares (Rhode Island DEM Staff) presented the Rhode Island proposal. The proposal outlined a request to allow for a separate bag limit by fishing mode, specifically a seasonally higher bag limit for the Party/Charter sector. The requested revision is highlighted in the summary of current and proposed regulations below.

Summary of Proposed Measures

Current Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA & RI: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31

Proposed Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31
	RI private/shore: 5 fish (up to 10/private vessel)	
RI party/charter: 6 fish		

The rationale cited for the proposal is that the RI Party/Charter sector has been negatively impacted by the measures implemented under Amendment 1, specifically the sector’s ability to competitively market fishing trips during the fall season. Prior to implementation of Amendment 1, RI recreational measures allowed for a 6 fish bag limit for the Party/Charter sector in the fall season. Additionally, the proposal indicates the Party/Charter sector makes up a small percentage of the total RI recreational catch, ranging from <1% to 4% of RI’s total recreational harvest from 2014-2018.

Analysis

Using 2014-2017 MRIP data, the RI proposal outlines that average landings for the RI Party/Charter sector during the fall season under the previous 6 fish bag limit regulation was 5,456 fish; with the current regulation in place, 2018 fall harvest for the Party/Charter sector was 2,280 fish. Based on this information, the proposal indicates the anticipated increase in the Party/Charter fall harvest could be approximately 3,176 fish (difference between avg 2014-2017 harvest and 2018 harvest), and that this increase would be less than 1% of RI’s total recreational harvest in 2018 (330,373 fish).

The proposal does not include another regulatory revision in RI meant to offset this projected harvest increase. The proposal compares the projected harvest increase in RI with estimates of the harvest occurring in Massachusetts during June/July, when MA is at a 1-fish limit and the RI fishery closed. These estimates range from 114 fish in 2018 (when the 1-fish limit was in place) and an assumed average harvest were a 1-fish limit in place during 2014-2017 (when a 3-fish limit was in effect) of 6,228 fish.

PRT Review

The PRT considered the proposal and evaluated it against the standard criteria to be included in CE proposals (see below):

1. Rationale: Why or how an alternate management program is needed in the state.

The PRT found that while the rationale was outlined, the proposal lacked additional information to support the need for the proposed measures. For example, information on how the number of tautog fishing trips has changed (increased or decreased) since the implementation of the measures under Amendment 1 could improve the rationale.

2. Description of how the alternative management program meets all relevant FMP objectives and management measures (FMP standards, targets, and reference points).

The PRT found that the proposal did not include a description of how the proposed measures would achieve the FMP goals and objectives. Specifically, the proposal appeared to go against one of the objectives of the FMP and the intention of regional management measures:

- Section 2.3 Objectives (Amendment 1, pg 49), an objective of the FMP is to *'adopt compatible measures among states within a regional management unit'*.
- Section 4.2.1 Procedure to Develop Regional Management Measures (Amendment 1, pg 68) it states that *'compatible regulations between adjacent states are desired to prevent the shift of fishing effort to areas with more liberal regulations or to an area with an open season'*.

3. Description of: a) available datasets used in the analysis and data collection method, including sample size and coefficient of variation; b) limitations of data and any data aggregation or pooling; c) the length of time the state is requesting conservation equivalency and a review schedule for the length of the program

The PRT indicated that while information on the datasets used were included, as well as limitations of the data (specifically the likely variability and range of potential harvest due to high PSEs), preliminary data from the 2019 fishing season should have been used in the analysis. The PRT indicated that two years of data under the same measures would have been more helpful to evaluate the impacts, rather than relying only on 2018 data.

Lastly the proposal did not indicate an end date for the proposed measures; RI DEM staff noted that the measures, if implemented, would remain in place until otherwise modified by the Board. As the measures would be a component of annual recreational measures, the state would evaluate them annually similar to other fishing regulations.

4. Each proposal must justify any deviations from the conservation equivalency procedures detailed in the FMP.

The PRT indicated that the proposed measures are a deviation from traditional conservation equivalency measures in that they do not result in a projected harvest that is conservation

neutral (i.e. the same harvest level as the current measures). The proposal indicates that while minimal, recreational harvest would likely increase. The proposed addition of an increased bag limit during the fall season was not offset with a reduction in the season length; increase in the size limit; or reduction in the bag limit elsewhere during the fishing season. The PRT noted that the proposal would benefit from analysis that evaluated the impact of the proposed measures on the regional Fishing Mortality rate (F) as an alternative to the change in harvest. Given the MARI region was not experiencing overfishing or overfished based on the SPR reference points in the 2016 Stock Assessment update, an evaluation of whether the measures impact the regional F may strengthen the proposal's argument for the proposed measures.

5. Include a plan describing the monitoring schedule, reporting requirements and documentation process of evaluating the impacts of the conservation equivalency measures.

Similar to PRT comments relative to item #4 above, no additional information was included on the monitoring schedule, new or different reporting requirements, or process for evaluating the impacts of the proposed measures after implementation.

Summary and Recommendations

Based on the PRT's review of the proposal, a number of suggested edits and additions were offered to RI DEM Staff on how to improve the proposal. The PRT recommended that the Technical Committee (TC), Law Enforcement Committee (LEC), and Advisory Panel (AP) all review the proposal and provide feedback for the Board's consideration of the proposal. RI DEM Staff will revise the proposal to incorporate feedback from the PRT and the revised proposal will be made available prior to the reviews by the TC, LEC, and AP. Specific to the LEC review of the proposal, the PRT noted the LEC should comment on how enforceable the proposed split mode bag limit could be in shared waterbodies of MA and RI.

Overall, a majority of PRT members expressed concern that the proposal does not meet the traditional definition of a Conservation Equivalency proposal, as the proposed measures based on the presented analysis will increase harvest. Additionally, in its current form the proposal did not address all of the relevant information outlined in the Commission's CE Guidance document as noted above. Given this, most of the PRT viewed the proposal as a change to the MARI regional recreational measures rather than a conservation equivalency proposal. It was noted that a regional working group of MA and RI representatives had not yet met to review any changes to the regional regulations (as recommended in Amendment 1, Section 4.2.1) nor had all states in the region agreed to the new regulations (as specified in Amendment 1, Section 4.2.2).

The PRT also noted concern on whether the proposed change in measures could pose issues for the upcoming stock assessment update in 2021, which will use a 3-year average of data (2018-2020) to evaluate against the previous assessment. Changing measures during the third year of implementation may pose issues for evaluating the impact of regulations on Tautog in the MARI region. The PRT noted that the TC should consider this concern in their review of the proposal.



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

MEMORANDUM

April 8, 2020

Tautog Technical Committee Meeting Summary

Attendees: Coly Ares (RI; Chair), Sam Truesdale (MA), Dave Ellis (CT), Sandy Dumais (NY), Lindy Barry (NJ), Alexei Sharov (MD), Alexa Kretsch (VA)

Staff: Kirby Rootes-Murdy and Katie Drew

The Commission's Tautog Technical Committee (TC) met via conference call on Tuesday, April 7 to review a Conservation Equivalency Proposal from Rhode Island (RI) for the Party/Charter sector and discuss current timeline of the next stock assessment update. The following is a summary of the group's discussion.

Summary

Overview of Conservation Equivalency Policy and Rhode Island Proposal

ASMFC Staff provided an overview of the Commission's Conservation Equivalency (CE) Policy, highlighting criteria the proposal should be evaluated against by the PRT; process for a CE proposal to be considered; and which committees beyond the PRT could provide feedback on a CE proposal.

Next, ASMFC Staff presented the Rhode Island proposal. The proposal outlined a request to allow for a separate bag limit by fishing mode, specifically a seasonally higher bag limit for the Party/Charter sector. The requested revision is highlighted in the summary of current and proposed regulations below.

Summary of Proposed Measures

Current Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA & RI: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31

Proposed Recreational Fishery Regulations in the MARI Region

Size Limit (inches)	Possession Limits (number of fish/person/day)	Open Seasons
16"	MA & RI: 3 fish (up to 10/private vessel)	March 1 – May 31 Aug 1 – October 14
	MA: 1 fish	June 1 – July 31
	RI: 0 fish	
	MA: 5 fish (up to 10/private vessel)	Oct 15 – Dec 31
	RI private/shore: 5 fish (up to 10/private vessel)	
RI party/charter: 6 fish		

The rationale cited for the proposal is that the RI Party/Charter sector has been negatively impacted by the measures implemented under Amendment 1, specifically the sector’s ability to competitively market fishing trips during the fall season. Prior to implementation of Amendment 1, RI recreational measures allowed for a 6 fish bag limit for the Party/Charter sector in the fall season. Additionally, the proposal indicates the Party/Charter sector makes up a small percentage of the total RI recreational catch, ranging from <1% to 4% of RI’s total recreational harvest from 2014-2019.

Updated Analysis

Using a combination of final 2014-2018 and preliminary 2019 data from the Marine Recreational Information Program (MRIP), the RI proposal outlines that average landings for the RI Party/Charter sector during the fall season in 2014-2017 with the previous 6 fish bag limit regulation was 5,456 fish; with the current regulation in place, 2018 fall harvest for the Party/Charter sector was 2,280 fish and preliminary fall 2019 data shows a harvest of 1,482 fish. Based on this information, the proposal indicates the anticipated increase in the Party/Charter fall harvest could be approximately 3,176 fish (difference between avg 2014-2017 harvest and 2018 harvest), and that this increase would be less than 1% of RI’s total recreational harvest in 2018 (330,373 fish).

Additionally, the proposal compares the projected harvest increase in RI with estimates of the harvest occurring in Massachusetts during June/July, when MA is at a 1-fish limit and the RI fishery closed. These estimates range from 114 fish in 2018 to 318 fish based on preliminary 2019 data (in both years a 1-fish limit was in place). Due to uncertainty with data in 2018, the average harvest from 2014-2017 assuming 100% compliance with a 1 fish bag limit was calculated (6,228 fish) to estimate what harvest could have been if the 1 fish limit was in effect from 2014-2017.

Regarding the impacts of the proposed measures on the resource at the regional level, the proposal highlights that the regulatory change will likely have a minimal impact on the regional fishing mortality (F). Since the MARI region was not experiencing overfishing, no action was needed per Amendment 1 to lower F (0.23) as it was below the target (0.28) and threshold (0.49) on the 2016 SPR reference points.

Lastly, the proposal does not include another regulatory revision in RI meant to offset this projected harvest increase. If approved, the measures would be implemented this year.

TC Review of RI Proposal

In evaluating the analysis outlined in the proposal, it was pointed out that mandatory reporting is a requirement of the Party/Charter sector and a question was raised as to why this data wasn't used. RI staff indicated that the requirement has only been in place for 1 year and that it only provides trip level reporting for effort and harvest (no discards/live releases).

It was highlighted that in considering whether any additional data should have been analyzed, a comparison of Massachusetts Party/Charter trips to Rhode Island Party/Charter trips may have been helpful; in the revised analysis, total MA recreational trips targeting Tautog during June-July were compared against Rhode total recreational trips during October 15-October 31.

In discussing the potential impacts, the TC provided feedback on changes to harvest and potential regional impacts. Specific to how the proposed measures will increase harvest, TC members disagreed on the extent to which a 1 fish bag limit may increase participation and effort in the RI Party/Charter sector. It was noted that when similar differences in bag limits were implemented between New York, Connecticut, and Rhode Island, that these changes had affected not only angler behavior but also in which states Party/Charter boats based their operations. In particular, if the proposed measures were to be implemented there would be a 3 fish bag limit difference between RI, CT, and NY. One TC member highlighted that this discrepancy in measures could be a significant reason for people to shift effort out of the Long Island Sound to RI during the fall season. If this were to happen, it could result in an economic impact on CT and NY Party/Charter businesses.

That being said, there was concerns raised about how much changes in harvest could be tied specifically to regulatory changes and normal inter-annual variability. The fact that anglers could target other species at the same time, such as black sea bass and summer flounder, may potentially increase effort, but it's unclear if that would ultimately result in significantly higher harvest. As noted by TC in previous analysis, MRIP data on Tautog is highly variable, with PSEs varying significantly year to year. One TC member expressed skepticism that a 1 fish bag limit increase would not significantly motivate participants on Party/Charter boats to increase harvest.

Specific to the potential impact of the regulatory change to the regional F, the TC was in agreement that given the stock is considered to not be experiencing overfishing nor is overfished at the regional level based on the 2016 SPR reference points, the proposed regulatory change does not pose a significant threat to changing the stock status. In considering the potential change to regulations for the next stock assessment update and whether this would complicate analysis of the 3 year average of (F) it was highlighted that given the current challenges in conducting the MRIP survey due to work disruptions from COVID-19 this spring, data from 2020 will be difficult to evaluate overall and that the regulatory change will likely have a less significant impact on assessment than the disruptions to data collection this year.

Conclusions

Overall, the TC agreed that the analysis was acceptable and that the proposal contained enough information to effectively evaluate it. As mentioned, there was discussion about the extent to which harvest would increase under the proposed measures and that while the analysis was appropriate, it is

difficult to predict how accurate the estimated increase in harvest will be given the high PSEs associated with Tautog harvest. This is further compounded by adjusting measures at the fishing mode level and evaluating data at that scale, which increases the uncertainty in the estimates, ultimately making it difficult predict the changes in harvest.

A number of TC members noted they did not see the proposal as truly 'conservation equivalency' given there was not corresponding adjustments to season length, size limit, or bag limit at other points in the season to offset the likely harvest increase. Given this, the group was in agreement that the proposal was not 'conservation neutral'.

Discussion of the Assessment Update in light of current events

Next, the TC discussed the timing of the Assessment Update and whether the current COVID-19 pandemic is affecting fishery dependent and independent data collection. Overall, the states indicated that with the exception of the commercial tagging program, many of the fishery independent surveys will be carried out at some point this year, but that many spring survey schedules have already been adjusted; more details can be found below. A number of states are still attempting to carry out ageing work as well. The biggest impact so far appears to be the collection of MRIP data, as staff at the state level across the coast are currently not allowed to intercept anglers or boats. This work disruption will likely have a significant impact on data from 2020, though the extent is unknown currently. Additionally, data from 2019 will likely not be available by May 2020, which will affect the timeline for data submission. In spite of the potential issues with MRIP data in 2020 and work challenges due COVID-19, the group was in agreement with maintaining the current plan for the assessment update to be completed in 2021, with data through 2020. ASMFC Staff will develop an assessment timeline and plan to circulate it in the summer, including a revised date for when data would need to be submitted.

Regarding potential SAS membership, the following TC members have indicated they will participate as SAS members for the 2021 Assessment Update:

- Sam Truesdell (MA)
- Coly Ares (RI; TC Chair)
- Lindy Barry (NJ)
- Alexei Sharov (MD)

Staff: Katie Drew and Kirby Rootes-Murdy

David Ellis indicated that Jacob Kasper (UCONN)- who participated in the previous assessment- may be available and interested in being a part of the assessment update. ASMFC staff will follow up with him to verify.

State Updates on Current Data Collection and Tagging Programs

MA: no MRIP update, no FI indices been cancelled, but nothing confirmed; no update on commercial tagging

RI: not enforcing tagging requirement until May 1; tags issued by mail; MRIP is still running; surveys are still going forward; commercial landings for other species completely tanked

CT: no MRIP sampling, LISTS cancelled for April, likely May; implemented tagging program with mail-out tag distribution; no surveys for another month

NY: tagging program suspended; still accepting orders; MRIP suspended; no FD sampling; FI sampling on hold; P/C industry non-essential, but P/R still can go; closed until April

NJ: tagging implemented in Jan, tags already distributed; no MRIP sampling; FI & FD sampling on hold; expect landings to remain low with lockdown

MD: FD tautog sampling completed; MRIP suspended; FI fieldwork suspended

VA: tagging program implemented; considering suspending enforcement of program; no MRIP sampling, no FD sampling; monitoring effort at dealers, sites; interest in acquiring tags, but questions about where/who they'd sell to



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asafc.org

MEMORANDUM

April 13, 2020

To: Tautog Management Board
From: Kirby Rootes-Murdy, Senior FMP Coordinator
RE: Law Enforcement Committee Comments on Rhode Island Conservation Equivalency Proposal

In preparation of the Tautog Management Board's consideration of the Rhode Island Conservation Equivalency Proposal in May 2020, the Law Enforcement Committee (LEC) reviewed the proposal via email in April. LEC member re-affirmed summary points made in the previous LEC memo from January 2020 regarding differing regulations by fishing mode and enforcement of shared water bodies or neighboring states. Summary points from that memo are included again below.

Differing Regulations by Mode

- The more divided recreational fishing modes are (for-hire vs private), the more difficult it is to adequately enforce any restrictions.
- A single size and bag limit for all recreational anglers is preferred to ensure the greatest enforceability on the water, dockside or on land.
- Creating separate size or bag limits for the for-hire and private mode presents significant additional enforcement challenges at marinas or dockside where the two types of anglers are likely to co-mingle.
- For a field officer making observations from land, having sector-specific regulations is difficult to enforce because officers often don't know if a boat offshore is private or for-hire.

Enforcement of Shared Water Bodies or Neighboring States

- Enforcement is not an issue, but compliance in closely adjoining states would be greatly enhanced if the regulations are consistent. Different regulations between two neighboring states (e.g., NY and CT) presents special enforcement challenges, and are often confusing to anglers.
- Officers tend to enforce strict possession, i.e., anglers are held to the regulations in force at the location where they are stopped by an officer.
- Catching a fish in one state's waters and traveling through another poses problems in possession enforcement.
- Consistency of regulations for shared water bodies is important for enforcement, e.g. consistency within the Chesapeake Bay among the jurisdictions of MD, VA, PRFC and DC would greatly enhance enforceability and compliance.

M20-42



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asafc.org

MEMORANDUM

April 13, 2020

To: Tautog Management Board
From: Kirby Rootes-Murdy, Senior FMP Coordinator
RE: Advisory Panel Comments on Rhode Island Conservation Equivalency Proposal

In preparation of the Tautog Management Board's consideration of the Rhode Island Conservation Equivalency (CE) Proposal in May 2020, Tautog Advisory Panel members provided the following comments via email in April. Two were opposed to the proposal and one expressed concerns more specific to commercial management.

Gregory Jackson (DE): Although this proposal doesn't currently effect DE, I do not support it. I am opposed to different limits for the Charter/Party sector and the recreational sector and I don't want to see this setting a precedent for a similar proposal in DE. Additionally, as pointed out by the PRT, it fails to meet the definition of CE by a reduction in season or larger size limits for the Charter/Party sector. The PRT pointed out it fails to meet other measures required by the Tautog FMP.

Jack Conway (CT): I'm against the concept (the Rhode Island CE proposal), the PRT comments are "spot on". I don't think a 1 fish change to the bag limit will really generate more business and the issue of course is that it will increase landings. In addition, the for-hire fleet in CT and NY will likely want some regulatory relief as well.

Jim Dawson (VA): Protecting the spawning stock is imperative. The "mandatory reporting" is ONLY as good as the enforcement that we all cannot see as to how much these individuals have been checked at the docks etc. to ensure that the call-in actually is working. When unchecked, are they actually reporting? This is the unknown we deal with as I personally see within the black sea bass February opening in Virginia, we HAVE a LOT of illegal fishing going on; law enforcement is not there. I also am seeing hooks and fresh bait coming from these fish as a commercial fisherman understanding that pressures are in fact being placed on ALL species because the people are just not all being "honest". No offense to anyone, being a mathematician, it is another factor that MUST enter the equation of "unreported" tautog being caught.

We also should consider each region if we are considering just one! Why isn't each region being allowed to adjust its particular fisheries much in the same way? Here in Virginia, we have commercially lost our complete fishery due specifically to over-regulation based from old data 1988-1993 that did not consider the hook and line fishermen and ONLY used data from a trawler poundage within those dates. With now over 20 years of VTR data we could review our region's fisheries in the southern regions to allow us to fish once again. Currently, our fisheries management has put us completely out of business in more ways that I could expand on, but my personal number will explain themselves quite well.

Fairness and equality should be for all. So, as long as we consider everyone up and down the coast, I have no problems if fisheries considers everyone involved and not just some.

M20-41