

# Atlantic States Marine Fisheries Commission

## Tautog Management Board

*August 3, 2021  
1:30 – 3:00 p.m.*

### 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 ( <i>W. Hyatt</i> )   | 1:30 p.m. |
| 2. Board Consent   | 1:30 p.m. |
| • Approval of Agenda   |           |
| • Approval of Proceedings from September 2020  |           |
| 3. Public Comment  | 1:35 p.m. |
| 4. Progress Report on 2021 Stock Assessment Update ( <i>K. Drew</i> )  | 1:45 p.m. |
| 5. Review and Discuss Risk and Uncertainty Decision Tool for Tautog ( <i>S. Murray</i> )   | 2:00 p.m. |
| 6. Consider Fishery Management Plan Review and State Compliance for the 2020 Fishing Year ( <i>K. Rootes-Murdy</i> ) <b>Action</b> | 2:15 p.m. |
| 7. Review Implementation of Commercial Tagging Program   | 2:30 p.m. |
| • Technical Committee Report ( <i>K. Rootes-Murdy</i> )  |           |
| • Advisory Panel Report ( <i>K. Rootes-Murdy</i> )   |           |
| • Law Enforcement Report ( <i>J. Snellbaker</i> )  |           |
| 8. Other Business/Adjourn  | 3:00 p.m. |

# MEETING OVERVIEW

Tautog Management Board

Tuesday, August 3, 2021

1:30 - 3:30 p.m.

Webinar

Chair: Bill Hyatt (CT) Assumed Chairmanship: 11/19	Technical Committee Chair: Coly Ares (RI)	Law Enforcement Committee Representative: Jason Snellbaker (NJ)
Vice-Chair: Mike Luisi (MD)	Advisory Panel Chair: VACANT	Previous Board Meeting: September 1, 2020
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, USFWS (10 votes)		

**Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. 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 September 1, 2020

### 3. Progress Report on 2021 Stock Assessment Update (1:45-2:00 p.m.)

#### Background

- The Stock Assessment Subcommittee (SAS) met monthly via webinar from March through June to review progress updating each regional stock assessment model. The SAS has worked to incorporate commercial and recreational data through 2020, as well as age and length information for each region.
- The Stock Assessment Update is scheduled to be completed later this year.

#### Presentations

- 2020 Stock Assessment Update by K. Drew

### 4. Review and Discuss Risk and Uncertainty Decision Tool for Tautog (2:00-2:15 p.m.)

#### Background

- In February, the ISFMP Policy Board indicated support for using Tautog as pilot case for the Risk and Uncertainty Policy. The pilot case is to be developed in conjunction with the

2021 Stock Assessment Update in order to use the most current information to help inform management decisions.

- The TC and SAS met jointly in April to learn more about the process to develop the Risk and Uncertainty Policy. Following the meeting, TC members provided feedback on elements of a risk and uncertainty decision tool that will be completed later this year.

**Presentations**

- Risk and Uncertainty Decision Tool for Tautog by S. Murray

**5. Fishery Management Plan Review (2:15-2:30 p.m.) Action**

**Background**

- State compliance reports were due May 1, 2021
- The Plan Review Team reviewed each state report and compiled the annual FMP Review.
- Delaware and Maryland have requested and meet the requirements of *de minimis*

**Presentations**

- Overview of the Tautog FMP Review by K. Rootes-Murdy (**Briefing Materials**)

**Board Actions for consideration**

- Accept 2020 FMP Review and State Compliance Reports
- Approve *de minimis* requests for Delaware and Maryland

**4. Review Implementation of Commercial Tagging Program (2:30-3:00 p.m.)**

**Background**

- The commercial harvest tagging program was implement in 2020 for all states with the exception of New York and Connecticut.
- The TC met to provide feedback on how implementation had gone in each state and provide recommendations for the Board's consideration (**Briefing Materials**)
- Questions were provided to the Advisory Panel (AP) and Law Enforcement Committee on the tagging program and a report from the AP is forthcoming (**Supplemental Materials**)

**Presentations**

- Technical Committee Report by K. Rootes-Murdy
- Advisory Panel Report by K. Rootes-Murdy
- Law Enforcement Report by J. Snellbaker

**6. Other Business/Adjourn**

## **Tautog 2021 Tasks**

**Activity Level: High**

**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)
- Review implementation of commercial tagging program
- TC – May 1, 2021: compliance reports due
- 2021: Complete stock assessment update process including analysis of revised MRIP data as well as develop risk and uncertainty decision tool as part of pilot case of the Commission’s Risk and Uncertainty Policy

**TC Members:** Alexa Kretsh (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), Kirby Rootes-Murdy (ASMFC Staff)

**SAS Members:** Coly Ares (RI), Linda Barry (NJ), Aexei Sharov (MD), Sam Truesdell (MA), Jacob Kasper (UCONN), Katie Drew (ASMFC Staff), Kirby Rootes-Murdy (ASMFC Staff)

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

**Webinar  
September 1, 2020**

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 Webinar  
September 2020

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**INDEX OF MOTIONS**

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

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**ATTENDANCE**

Board Members

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

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

**Ex-Officio Members**

Coly Ares, Technical Committee Chair

Jason Snellbaker, Law Enforcement Representative

**Staff**

Robert Beal  
Toni Kerns

Kirby Rootes-Murdy  
Katie Drew

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

**CALL TO ORDER**

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

**APPROVAL OF PROCEEDINGS**

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

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

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

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

**COMMERCIAL TAGGING PROGRAM UPDATE**

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

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

consider potential management action by this Board.

**UPDATE ON 2020 PROGRESS**

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

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

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

Rhode Island has seen an increase in a need for tags from their initial order last fall, and in turn have already gone forward with placing

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additional tag orders this year. New Jersey has seen a lower market demand and activity in the spring, but will be planning to reopen their commercial fishery later this month.

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

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

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

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

Overall, to ensure the tags are delivered in enough time, we're asking that states be ready to send their order in to the National Band and Tag Company no later than October 1. That is a date by which to ensure that those tags are received before the end of this year. Just to be clear, the plan for the design of the 2021 tags is that it would be almost exactly the same as the tags that were used for this year, just with the date updated from 20 to 21.

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

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

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

Overall, the LEC members noted the following: that with early enough notice to state and federal law enforcement staff, they don't anticipate this being a problem. This request by New York should be considered as a one-time

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exception rather than precedent setting. As part of the tagging program, state accounting of unused tags will be important to ensure the 2020 tags from other states are not in circulation.

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

**DISCUSSION ON 2021 IMPLEMENTATION**

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

MS. KERNS: Yes, John Clark.

CHAIRMAN HYATT: Go ahead, John.

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

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

looking for one state to be using previous years tags.

CHAIRMAN HYATT: Kirby, correct me if I'm wrong, but wasn't that a specific comment by the Law Enforcement Committee that they were comfortable with this, so long as it was only New York.

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

CHAIRMAN HYATT: I'm comfortable with anybody answering.

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

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

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

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

MR. CLARK: Oh, I understand that Mr. Chair, but I'm just saying that the tags were distributed in 2019, and like many other states we distributed them before the pandemic really took hold, you know Delaware. I mean it

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wouldn't have been impossible for them to distribute tags.

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

MS. KERNS: You have Maureen Davidson.

CHAIRMAN HYATT: Go ahead, Maureen.

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

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

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

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

CHAIRMAN HYATT: Go ahead, Eric.

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

CHAIRMAN HYATT: Maureen, could you respond to that?

MS. DAVIDSON: Yes, so inclusive of both bodies of water. It opens April 16, and continues through January 25 of the following year. We were discussing tagging originally, we said that you would not see tagged New York state tautog until April.

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

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

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

MR. REID: Yes, thank you.

CHAIRMAN HYATT: I believe Adam is next.

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

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

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

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

MS. KERNS: Yes, Dan McKiernan.

CHAIRMAN HYATT: Dan, go ahead.

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

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

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

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

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

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

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

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

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

CHAIRMAN HYATT: Dan, I don't think that entirely answers your question, but I think it's safe to say that that is something that folks are thinking about. Is there anyone who wants to add additional comment from any of the states?

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Okay hearing none, Toni, does anybody else got their hand up?

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

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

MS. DAVIDSON: Yes, I do.

CHAIRMAN HYATT: Okay, go ahead.

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

CHAIRMAN HYATT: Is there a second to that motion?

MS. KERNS: Dan McKiernan has his hand up.

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

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

tags for New York State to be able to participate in the tagging program of 2020.

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

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

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

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

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

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

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

CHAIRMAN HYATT: Dan, you good?

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

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

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

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

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

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

This gives us actually a period of time where there is no harvest of tautog, and we can ensure that only one year's tags will be in use and will be in the market. That was one of the

things that we also wanted to make sure, because this way the tags you're using in December are the tags you're going to use three weeks into January. Then our fishery season is closed, and we will use that period of time to eliminate all the previous year's tags, and start up new in April, with that current year's tags. At the time when we discussed this in, I think it was 2019. At that point it seemed like it was alright with everyone. If there are still questions about it, we can talk about it. But it really does make it a very clean season for us. When the previous year is over near the end of January, we have until April. We tell the dealers they can't have fish with that on it. We tell the fishermen they can't use them, and we start fresh in April.

CHAIRMAN HYATT: Mike, does that answer your question?

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

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

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

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

How do we work from home? Right now, we have so many tools for working from home. We have the schedules. I think I'm foreseeing something really horrible, which I don't want to talk about. I believe right now we are definitely much better prepared to deal with making sure our tags are out in time for April 2021.

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

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

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

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

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

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

CHAIRMAN HYATT: Go ahead, Tom.

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

New Jersey would have to have tags on a fish before you can sell it, so you can't close that market deal. I'm trying to figure out how you're doing this in New York and Connecticut. Really, are you turning down fish in the market that have no tags, just by saying they're from New York or from Connecticut?

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

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

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



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

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

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

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

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

season. Toni, is there, I believe Adam was in the queue. Go ahead, Adam.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN HYATT: Tom.

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

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

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

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

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

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

CHAIRMAN HYATT: Absolutely.

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

But we're really no worse off than we were before. I guess that's the reason we're having the tagging program is to make the system better. But I just want to put out there, there is still going to be enforcement. We can still look at records. Is it fool proof? Is it bomb proof?

Absolutely not, but there is still a sense of enforcement. You know we'll eventually five months from now hopefully get to the point where we'll have a fresh start with 100 percent tagging across the board.

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

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

MR. MCKIERNAN: From Massachusetts perspective, I guess I would like to express a level of disappointment that the two states pulled the plug, really without sharing that detail, because you know we might have done the same, because our fishery opens on September 1. We just spent the last six weeks sending our staff into the office to make appointments with fishermen to hand out these tags. Having said that, there is an upside to us managing the Mass quota. We have a quota, as does Rhode Island. I'm looking forward to the benefits of managing our quota in a more accountable way. I don't have a real problem going forward with this program, at least by state level. I don't feel like it's a waste of time, because we still have some quota compliance issues that we're trying to get a handle on in Massachusetts. We still welcome that, and we think that's of course an important part of this program.

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

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

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have a different standard because of their tagging situation, I understand that.

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

CHAIRMAN HYATT: After considerable discussion over 2020 and what happened and what didn't happen, and what the reasons are. The motion that is on the floor focuses on 2021, with implementation in 2021, albeit with New York using the 2020 tags. I'll ask, is there any further comments specifically on the motion that anybody would like to make?

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

CHAIRMAN HYATT: Maureen.

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

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

its tagging program in 2021. We just ask that we be able to use our tags that we have from 2020.

CHAIRMAN HYATT: Anybody else, Toni?

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

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

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

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

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

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

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

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MS. KERNS: Okay, and Massachusetts.

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

CHAIRMAN HYATT: I got seven.

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

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

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

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

CHAIRMAN HYATT: Absolutely, go ahead, Bob.

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

Then the second point, I want to get back to Dan McKiernan's comment about Massachusetts reimbursing ASMFC for their

tags. This is one of those sort of awkward things of, if we were in the in-person meeting, staff would have ran over to the corner, huddled up, and said, hey what's going on with Dan's comment?

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

We're going to go back to the minutes and make sure that is correct. You know it's a little bit unclear what we all agreed to. We just don't recall right off the top of our heads; you know what we all agreed to at the end of the last calendar year. We'll go back to the minutes, dig that out and let you know. But I wanted to sort of chime in that we hear you, Dan, and you're not alone. Four other states have paid the Commission back for those tags, and we'll dig into it and see what the situation is and let the Board know.

CHAIRMAN HYATT: Okay, thank you, Bob.

**PROGRESS REPORT ON THE 2021 STOCK  
ASSESSMENT UPDATE**

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

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

CHAIRMAN HYATT: Okay good, go ahead, Katie.

DR. KATIE DREW: I'm just going to give you a quick update on what's happening with the

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

We've tried to get staff members who can represent their region, and make sure that there is some regional representation to handle the lead analysis for each of these regions. Here is kind of the timetable that we're on. Basically, our plan, we started this early because we do plan to have the 2020 year be the terminal year, but because we have to go back and redo the catch at age for all regions to include the new MRIP data, so it's not just a matter of adding 2016 through 2020 data, we have to go back and redo the entire catch at age for all four regions. We've started the process this year, and we've compiled all of the data through 2019 has been submitted, and going forward the Stock Assessment Subcommittee members are working on redeveloping the catch at age with the new MRIP data through 2019, so that we can have that sort of in place and ready to go by the time we get the 2020 data.

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

Obviously, there are probably going to be a couple of caveats related to the current Corona Virus situation. Number one, I think it's unclear what the impact is going to be on the data, in

terms of the availability of MRIP estimates. Is there going to be any gap filling for the MRIP estimates? What is going on with the fishery independent and fishery dependent sampling for 2020, et cetera, so 2020 will of course be a year with a fairly high degree of uncertainty.

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

It's possible that the assessment timeline will get pushed back a little, depending on how long it takes to get any kind of validated or backfilled, if you will, MRIP estimates. The May 1 data assumes that we will have data available at that point, but I think it's very unclear as to what is going to happen on that side. This is our ideal timeline. We're continuing to work our way through it, and we'll just see what happens at the beginning of next year with this as with so many other things. I am happy to take questions now, thanks.

CHAIRMAN HYATT: Thanks Katie, anybody have any questions?

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

CHAIRMAN HYATT: Justin.

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

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recreational catch and harvest that we have to measure our potential harvest targets against.

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

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

CHAIRMAN HYATT: Very good. Jason.

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

CHAIRMAN HYATT: Toni, any other hands up?

MS. KERNS: Not that I see.

CHAIRMAN HYATT: Good. Thank you, Katie.

#### **ELECTION OF VICE-CHAIR**

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

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

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

MS. KERNS: We do, Dan McKiernan.

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

MS. KERNS: No one has their hand up.

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

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

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

MS. KERNS: If more than one person is unmuted at a time then the sound quality becomes very difficult. You could just ask if there is any objection to the motion.

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

MS. KERNS: That's problematic.

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

MS. KERNS: Bill, can you hear me?

CHAIRMAN HYATT: Yes, I can.

MS. KERNS: Okay, I see no hands raised in objection to the motion. I'm not sure if you

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heard me say that. The webinar screen sort of did something weird there.

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

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

**ADJOURNMENT**

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

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

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

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

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# 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](http://www.asmfc.org)

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## MEMORANDUM

**TO:** Tautog Management Board  
**FROM:** Sarah Murray, Fisheries Science Coordinator  
**DATE:** July 16, 2021  
**SUBJECT:** Risk and Uncertainty Policy

At the 2021 ASMFC Winter Meeting, the ISFMP Policy Board indicated support for the continued development of the Commission's Risk and Uncertainty Policy and approved using tautog as a pilot case for the policy and decision tool.

### **Risk and Uncertainty Policy Background**

Recognizing that that fishery information is inherently variable and that successful management requires full consideration of this uncertainty and the associated risks, the Commission began developing a Risk and Uncertainty Policy. The purpose of the policy is to provide a consistent yet flexible mechanism to account for uncertainty in each Management Board (Board) decision-making process in order to protect all Commission-managed stocks from the risk of overfishing, while minimizing any adverse social, economic, or ecosystem effects. This Policy seeks to maximize the long-term benefits across all of our marine fishery resources by providing objective criteria to characterize both scientific and management uncertainty, and to evaluate management risk. Additionally, the Policy improves transparency in the management process, allowing for better communication among managers, industry, and other stakeholders.

The Risk and Uncertainty Work Group, in collaboration with members of the Committee on Economics and Social Sciences (CESS) and the Striped Bass Technical Committee (TC), developed a Risk and Uncertainty Decision Tool, as well as a striped bass example. The decision tool consists of a series of questions related to the risk and uncertainty of a species' management, which are weighted based on the relative importance of the information. Generally, as part of using the decision tool for specific species, the species TC and the CESS will provide the technical inputs, with feedback from the species Advisory Panel, while the Board will determine the weightings. However, the Board may provide additional feedback on the technical inputs when necessary. The decision tool combines all of the weighted inputs into a single value, a recommended probability of achieving the reference points (e.g.,  $F$  below the  $F$  target), which can then be used for developing management options. Additional details on the decision tool, criteria, and the striped bass example can be found in the [Risk and Uncertainty Decision Tool spreadsheet](#).

### **Tautog Pilot Case**

Unlike the striped bass example, the tautog pilot would be a full implementation of the risk and uncertainty process, though it would still allow flexibility to make any necessary changes to the process. Taking into account updated information from the current stock assessment update scheduled to be completed in fall 2021, each region will have its own decision tool, as technical inputs may vary between regions. The tautog decision tools will be developed with inputs from the Tautog Board, TC, AP, and CESS. The process will be iterative, allowing for adjustments to the decision tool to be made as needed.

M21-83

A first step for the Board will be to gather input on the weightings for the decision tool questions, i.e., the Board's perspective of the relative importance of the different components of the decision tool. A survey will be distributed to the Board to collect input and responses will be averaged and compiled into preliminary weightings for the decision tool. The Board will then review and discuss the preliminary weightings and either approve the weightings or make any necessary changes.

During the August 2021 Tautog Board Meeting, a presentation will be given explaining the Risk and Uncertainty decision tool, the general process for updating the decision tool based on Board and committee feedback, and the anticipated timeline for results to be presented to the Board in 2022.

**ATLANTIC STATES MARINE FISHERIES COMMISSION**  
**REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN**

**FOR TAUTOG**  
***(Tautoga onitis)***

**2020 FISHING YEAR**



Prepared by the Plan Review Team

June 2021



*Sustainable and Cooperative Management of Atlantic Coastal Fisheries*

**REVIEW OF THE ASMFC FISHERY MANAGEMENT PLAN AND STATE COMPLIANCE FOR  
TAUTOG (*Tautoga onitis*) FOR THE 2020 FISHERY**

**Management Summary**

<u>Date of FMP:</u>	March 1996
<u>Addenda/Amendments:</u>	Addendum I to FMP (May 1997) Addendum II to FMP (November 1999) Addendum III to FMP (February 2002) Technical Addendum I (February 2003) Addendum IV to FMP (January 2007) Addendum V to FMP (August 2007) Addendum VI to FMP (March 2011, revised March 2012) Amendment 1 to FMP (October 2017)
<u>Management Unit:</u>	US state waters from Massachusetts through Virginia <sup>1</sup> .
<u>States With Declared Interest:</u>	Massachusetts-Virginia, excluding Pennsylvania
<u>Additional Jurisdictions:</u>	National Marine Fisheries Service U.S. Fish & Wildlife Service
<u>Active Boards/Committees:</u>	Tautog Management Board (Board) Tautog Plan Development Team (PDT) Tautog Plan Review Team (PRT) Tautog Technical Committee (TC) Tautog Stock Assessment Subcommittee (SAS) Tautog Advisory Panel (AP)
<u>Stock Assessments:</u>	Benchmark: 1999, 2005, 2015 Update: 2011 (revised in 2012), 2016

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<sup>1</sup> North Carolina was originally included in the management unit, but as of 2017 was removed due to insignificant landings. North Carolina's landings will continue to be monitored.

## I. Status of Fishery Management Plan

### [Fishery Management Plan for Tautog](#)

The original FMP responded to concerns about the vulnerability of tautog to overfishing and increasing fishing pressure in the early 1990s. It established goals and objectives for tautog management, and adopted a fishing mortality rate (F) target of 0.15 to rebuild the stocks and prevent overfishing; however, an interim target of 0.24 was applied for two years (1997–1998). States were required to implement state-specific, Board-approved plans to reduce F from the coastwide average of 0.58 (i.e., a 55% reduction), or an alternative state-specific F, if it could be demonstrated as equivalent. Recreational and commercial minimum size limits of 13" in 1997 and 14" beginning in 1998 were required. Tautog pots and traps were also required to have degradable fasteners on one panel or door.

### [Addendum I](#)

Addendum I modified the FMP's compliance schedule to allow all states until April 1, 1998 to implement management measures to reach the interim F target. Several states were having difficulty determining a state-specific F to meet the original compliance schedule due to data deficiencies. In addition, the compliance schedule implemented the interim F target one year earlier in the area north of Delaware Bay (April 1, 1997) than further to the south (April 1, 1998). The addendum also delayed the implementation of management measures to achieve the permanent F target from April 1, 1999 to April 1, 2000. Finally, the Addendum included *de minimis* requirements and corrected several typographical errors in the FMP.

### [Addendum II](#)

Addendum II further extended the compliance schedule to achieve the permanent F target until April 1, 2002 because the effects of the regulations to achieve the interim F target were uncertain. It also listed four issues to be considered in subsequent revisions of the FMP: (1) development of alternative F targets that will allow states to quantify harvest reductions associated with a variety of management approaches, (2) clarification of the F targets to be met by sector or overall state program, (3) monitoring requirements to improve fisheries and biological data collection, and (4) data requirements to analyze management options by fishing modes within commercial and recreational fisheries.

### [Addendum III and Technical Addendum I](#)

Addendum III addressed the four issues listed in Addendum II. It adopted a new F target based on achieving 40% of the spawning stock biomass ( $F_{40\%SSB}$ ), which was estimated at 0.29 (compared to the coastwide average F estimate of 0.41). The addendum required states to maintain current or more restrictive measures for 2002 and implement measures to achieve the new F target—a 48% reduction through restrictions in the recreational fishery only—by April 1, 2003. It also updated information on tautog habitat and established monitoring requirements to support stock assessments. Technical Addendum 1 corrected a typographical error in Addendum III.

#### Addendum IV

Addendum IV established SSB target and threshold reference points based on a benchmark stock assessment completed in 2005. The target was set as the average SSB over 1982–1991, and the threshold at 75% of this value. It also set a new F target of 0.20 to initiate rebuilding. States were required to implement recreational management programs to achieve a 28.6% reduction in F relative to 2005 (and maintain existing commercial management programs) by January 1, 2008.

#### Addendum V

As individual states developed management proposals to comply with Addendum IV's mandated reduction in fishing mortality, it became apparent that commercial harvest of tautog had grown in proportion to the recreational fishery in some states. The Board approved Addendum V to give states flexibility for implementing reductions in their recreational *and/or* commercial fisheries to reach the fishing mortality target rate of  $F = 0.20$  established in Addendum IV by January 1, 2008.

#### Addendum VI

Based on the 2011 stock assessment update indicating that tautog were still overfished and experiencing overfishing, Addendum VI reduced the F target to 0.15 to rebuild the stock. States were required to implement Board-approved regulations in their commercial and/or recreational fisheries to reduce harvest by 39%. The addendum also allowed for regional considerations if a state or group of states could demonstrate that the local F is below the rates indicated in the stock assessment update.

#### Amendment 1

Amendment 1 replaced the original FMP, with an implementation date of April 1, 2018 for most measures. Major revisions to the FMP include: new goals and objectives, establishment of four tautog stocks for regional recreational and commercial management, and creation of a commercial harvest tagging program (implementation in 2020).

#### Goals:

- To sustainably manage tautog over the long-term using regional differences in biology and fishery characteristics as the basis for management.
- To promote the conservation and enhancement of structured habitat to meet the needs of all stages of tautog's life cycle.

#### Objectives:

- To develop and implement management strategies to rebuild tautog stocks to sustainable levels (reduce fishing mortality to the target and restore spawning stock biomass to the target), while considering ecological and socio-economic impacts.
- To adopt compatible management measures among states within a regional management unit.
- To encourage compatible regulations between the states and the EEZ, which includes enacting management recommendations that apply to fish landed in each state (i.e., regulations apply to fish caught both inside and outside of state waters).

- To identify important habitat and environmental quality factors that support the long-term maintenance and productivity of sustainable tautog populations throughout their range.
- To promote cooperative interstate biological, social, and economic research, monitoring and law enforcement.
- To encourage sufficient monitoring of the resource and collection of additional data, particularly in the southern portion of the species range, that are necessary for development of effective long-term management strategies and evaluation of the management program.
- To work with law enforcement to minimize factors contributing to illegal harvest.

*Regional Management:* Based on the 2016 regional stock assessment, Amendment 1 delineates the stock into four regions due to differences in biology and fishery characteristics: Massachusetts - Rhode Island (MARI); Long Island Sound (LIS); New Jersey - New York Bight (NJ-NYB); and Delaware - Maryland - Virginia (DelMarVa). The four regions are required to implement measures to achieve the regional fishing mortality target with at least a 50% probability.

The 2016 assessment found that all regions except MARI were overfished, and overfishing was occurring in the LIS and NJ-NYB regions in 2015. As such, Amendment 1 requires the LIS region to reduce harvest by at least 20.3%, and the NJ-NYB region to reduce harvest by at least 2%. The MARI and DelMarVa regions were not required to reduce harvest, but established regional measures.

*Commercial Harvest Tagging Program:* Amendment 1 also establishes a commercial harvest tagging program to address an illegal, unreported, and undocumented fishery. Coastwide implementation of the program began in 2020; more information on the current implementation can be found in Section VI. Status of Management Measures and Issues.

## **II. Status of the Stocks**

Current stock status is based on the 2016 stock assessment update. The assessment evaluates each of the four regions—MARI, LIS, NJ-NYB, and DelMarVa—separately using the ASAP statistical catch-at-age model with landings and index data through 2015. The assessment update indicated that all regions except MARI were overfished in 2015. It also found overfishing was occurring in the LIS and NJ-NYB regions in 2015. Overfishing was not occurring in the MARI nor DelMarVa regions. F was at the target in the DelMarVa region. The current overfishing and overfished definitions for management use are shown in Table 1, and spawning stock biomass (SSB) for each region relative to the respective targets and thresholds are shown in Figures 1-4. It is important to note that the status determinations were made using spawning potential ratio (SPR) reference points for the MARI, NJ-NYB and DelMarVa regions, and maximum sustainable yield (MSY) reference points for the LIS region. The next stock assessment update is scheduled to be completed in 2021.

### III. Status of Assessment Advice

The current reference points for this fishery are based on a regional stock assessment update that includes data through 2015. The peer review panel in the 2005 and 2015 benchmark stock assessments advised a regional approach for tautog because of the potential for sub-stock structure; this species does not appear to make north-south migrations. The 2015 benchmark stock assessment peer review panel also endorsed the use of estimates from the ASAP regional model and supported use of the new reference points in conjunction with a regional management approach. A regional approach with new reference points has been adopted for management use through Amendment 1.

Since the last assessment, NOAA Fisheries has implemented improvements to the Marine Recreational Information Program's survey methodology for estimating recreational catch. A multi-year transition of the methods was completed in 2018, requiring the catch estimates for 1981–2017 to be calibrated for comparison to all subsequent years' estimates. Changes to the original 1981–2017 catch estimates for tautog are significant; for example, annual coastwide harvest (by weight) increased in all years—by 27% to 323%—after calibration. The tautog stock assessment update scheduled to be completed in 2021 will include the revised time series of recreational catch estimates. ***All recreational catch estimates included in this report reflect the current MRIP survey methodology.***

### IV. Status of the Fishery

#### Total Harvest

Between 1981 and 2020<sup>2</sup>, total coastwide tautog harvest (recreational + commercial) peaked at 22.5 million pounds in 1986. Harvest has since declined significantly, starting before state restrictions were implemented. Total harvest during the ASMFC managed period (1996–2020) has averaged approximately 7.5 million pounds per year (Figure 5, Table 2).

#### Recreational Harvest

Tautog is predominantly taken by the recreational fishery: 95% on average, by weight (Table 2). Coastwide, anglers harvested historic highs of over 20 million pounds of tautog in 1986 and 1992 (Figure 5). Since then, harvest has declined, fluctuating between 3.4 million pounds (in 2018) and 11.8 million pounds (in 2014). Harvest in 2020 is estimated at 6.2 million pounds. Note that to address reduced intercept sampling caused by the COVID-19 pandemic, 2020 harvest estimates use imputed data from previous fishing years, and may be subject to change. On the coastwide level, the contribution of imputed data to the total harvest of tautog in pounds was 10%, and ranges between 0–39% at the state level (for states within the management unit). Most recreational harvest occurs in September–December (Figure 6). At the state level, New York and Connecticut anglers harvested the most tautog in 2020 (Tables 4 and 5) though high harvesting states have varied significantly in recent years (Figure 7).

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<sup>2</sup> Systematic recreational data collection for tautog began in 1981, while commercial data exists back to 1950.



Recreational live discards have generally increased relative to harvest over the time series. Prior to the FMP's implementation in 1996, discards were usually less than harvest, but since then the estimated number of fish discarded annually has been several times greater than the harvested number (Table 4). In 2020, the live discards of 14.6 million fish were more than eight times the estimated harvest of 1.7 million fish. A discard mortality rate of 2.5% is assumed for the recreational tautog fishery, resulting in an estimated 365,676 recreational dead discards in 2020. This equates to approximately 17% of recreational removals.

### Commercial Landings

Historically, tautog was considered a “trash fish” until the late 1970s, when demand increased, and a directed commercial fishery developed. Landings quickly rose, peaking in 1987 at nearly 1.2 million pounds, then rapidly began to decline. In 1992, states began to implement commercial regulations, which contributed to a decline in landings (Figure 8, Table 2). Landings in 2020 were approximately 313,400 pounds. The ex-vessel price (dollars per pound) for tautog has steadily increased since the late 1970s. In 2020, the coastwide average price declined to \$3.45 per pound likely due to the impact of COVID pandemic restrictions on supply and demand (Figure 8).

Commercial landings accounted for approximately 5% of total coastwide harvest in 2020. On a state level, commercial landings comprised no more than 10% of a state's total landings (Table 3). New York had the most commercial landings of tautog in 2020 (58% of the coastwide total), with Massachusetts landing the second greatest amount (approximately 20% of the coastwide total) (Table 6). Data on commercial discards are not available.

## **V. Status of Research and Monitoring**

Addendum III requires all states to collect the following data to continue support of a coast-wide stock assessment: commercial and recreational catch estimates, and 200 age and length samples per state, within the range of lengths commonly caught by the fisheries<sup>3</sup>. Table 9 lists the number and source of samples collected by states in 2020. A number of states struggled to obtain 200 age and length samples due to the COVID pandemic.

Ongoing fishery-independent and fishery-dependent monitoring programs performed by each state are summarized in Tables 10 and 11, respectively. Details of monitoring results are found in the state compliance reports.

## **VI. Status of Management Measures and Issues**

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<sup>3</sup> Addendum III also required a suitable time series of fisheries independent indices of abundance as determined by the Tautog Technical Committee; however, the TC has not defined this and as such there are no fishery independent monitoring requirements.

Amendment 1 to the Tautog Fishery Management Plan was approved by the Board in October 2017. All states have adopted regulations compliant with the FMP including regional management programs and commercial harvest tagging program. Per the Amendment, the commercial tagging program was to be implemented by the 2019 fishing season; taking into account regulatory challenges among a number of the states, the Board postponed the implementation date to January 1, 2020. In 2020, due to the health risks posed by the COVID-19 pandemic, New York and Connecticut initially postponed implementation of the tagging program for the 2020 fishing season, with New York putting forward a formal request to the Board that was approved in September. Connecticut moved forward distributing commercial tags in fall 2020 but ultimately no data were collected. All other states implemented the tagging program in 2020 and a breakdown of their reporting is included in Table 12.

## **VII. Implementation of FMP Compliance Requirements**

### **A. Submission of Compliance Report**

All states in the tautog management unit submitted state compliance reports for the 2020 fishing year.

### **B. De Minimis Status Requests**

A state may apply for *de minimis* status with regards to its commercial fishery. To qualify for *de minimis* status a state must prove that its commercial landings in the most recent year for which data are available did not exceed 10,000 pounds or 1% of the regional commercial landings, whichever is greater. States must request *de minimis* status each year, and requests for *de minimis* status will be reviewed by the PRT as part of the annual FMP review process.

If *de minimis* status is granted, the *de minimis* state is required to implement the commercial minimum size provisions, the pot and trap degradable fastener provisions, and regulations consistent with those in the recreational fishery (including possession limits and seasonal closures). The state must monitor its landings on at least an annual basis. If granted *de minimis* status, a state must continue to collect the required 200 age/length samples. *De minimis* status does not impact a state's compliance requirements in the recreational fishery.

The commercial landings threshold for *de minimis* status for 2020 in each region is 10,000 pounds. The states of Delaware and Maryland have requested and qualify for continued *de minimis status* for the commercial sector. The PRT recommends that the Board approve the states of Delaware and Maryland's requests.

### **C. Regulatory Requirements: 14" minimum size limit for recreational and commercial fisheries; degradable fasteners on one panel or door in fish pots and traps; and regional management programs to achieve the required regional target F.**

State regulations are summarized in Tables 7 and 8. Nearly every state needed to adjust their commercial and recreational measures to comply with the provisions of Amendment 1. In 2020, both Massachusetts and Rhode Island’s commercial landings exceeded their respective state quotas, by 1% and 2.5% respectively. Both states have adjusted their 2021 quotas to account for the overages. The PRT finds that each state has met the regulatory requirements and recommends the Board find all states in compliance with the regulatory requirements.

#### **D. Biological Sampling Requirements: commercial and recreational catch estimates; and 200 age/length samples (Addendum III)**

Connecticut, New Jersey, Delaware, and Virginia did not collect 200 age/length samples in 2020 as required by Addendum III (Table 9). These states indicated that challenges posed by the COVID-19 pandemic prevented them from collecting 200 samples.

The PRT finds that all states met the intent of the sampling requirements and recommends the Board find all states in compliance with the sampling requirements of the FMP. In 2019, the Technical Committee reconfirmed that 200 was the minimum number of biological samples needed for adequate catch characterization.

### **VIII. Prioritized Research Needs**

The Technical Committee identified the following research recommendations to improve the stock assessment and our understanding of tautog population and fishery dynamics. Research recommendations are organized by topic and level of priority. Research recommendations that should be completed before the next benchmark assessment are underlined. The Technical Committee will update these recommendations as part of the next benchmark stock assessment.

#### **8.1 Fishery-Dependent Priorities**

##### ***High***

- Expand biological sampling of the commercial catch for each gear type over the entire range of the stock (including weight, lengths, age, sex, and discards).
- Continue collecting opercula from the tautog catch as the standard for biological sampling in addition to collecting paired sub-samples of otoliths and opercula.
- Increase catch and discard length sampling from the commercial and recreational fishery for all states from Massachusetts through Virginia.
- Increase collection of effort data for determining commercial and recreational CPUE.

- Increase MRIP sampling levels to improve recreational catch estimates by state and mode. Current sampling levels are high during times of the year when more abundant and popular species are abundant in catches, but much lower in early spring and late fall when tautog catches are more likely.

## 8.2 Fishery-Independent Priorities

### *High*

- Conduct workshop and pilot studies to design a standardized, multi-state fishery independent survey for tautog along the lines of MARMAP and the lobster ventless trap survey.
- Establish standardized multi-state long-term fisheries-independent surveys to monitor tautog abundance and length-frequency distributions, and to develop YOY indices.
- Enhance collection of age information for smaller fish (<20 cm) to better fill in age-length keys

## 8.3 Life History, Biological, and Habitat Priorities

### *Moderate*

- Define local and regional movement patterns and site fidelity in the southern part of the species range. This information may provide insight into questions of aggregation versus recruitment to artificial reef locations, and to clarify the need for local and regional assessment.
- Assemble regional reference collections of paired operculum and otolith samples and schedule regular exchanges to maintain and improve the precision of age readings between states that will be pooled in the regional age-length keys.
- Calibrate age readings every year by re-reading a subset of samples from previous years before ageing new samples. States that do not currently assess the precision of their age readings over time should do so by re-ageing a subset of their historical samples.

### *Low*

- Evaluate the potential impacts of climate change on tautog range, life history, and productivity.
- Conduct a tag retention study to improve return rates, particularly in the northern region.
- Define the status (condition and extent) of optimum or suitable juvenile habitats and trends in specific areas important to the species. It is critical to protect these habitats or to stimulate restoration or enhancement, if required.
- Define the specific spawning and pre-spawning aggregating areas and wintering areas of juveniles and adults used by all major local populations, as well as the migration routes used by tautog to get to and from spawning and wintering areas and the criteria or

times of use. This information is required to protect these areas from damage and overuse or excessive exploitation.

- Define larval diets and prey availability requirements. This information can be used as determinants of recruitment success and habitat function status. Information can also be used to support aquaculture ventures with this species.
- Define the role of prey type and availability in local juvenile/adult population dynamics over the species range. This information can explain differences in local abundance, movements, growth, fecundity, etc. Conduct studies in areas where the availability of primary prey, such as blue mussels or crabs, is dependent on annual recruitment, the effect of prey recruitment variability as a factor in tautog movements (to find better prey fields), mortality (greater predation exposure when leaving shelter to forage open bottom), and relationship between reef prey availability/quality on tautog condition/fecundity.
- Define the susceptibility of juveniles to coastal/anthropogenic contamination and resulting effects. This information can explain differences in local abundance, movements, growth, fecundity, and serve to support continued or increased regulation of the inputs of these contaminants and to assess potential damage. Since oil spills seem to be a too frequent coastal impact problem where juvenile tautog live, it may be helpful to conduct specific studies on effects of various fuel oils and typical exposure concentrations, at various seasonal temperatures and salinities. Studies should also be conducted to evaluate the effect of common piling treatment leachates and common antifouling paints on YOY tautog. The synergistic effects of leaked fuel, bilge water, treated pilings, and antifouling paints on tautog health should also be studied.
- Define the source of offshore eggs and larvae (in situ or washed out coastal spawning).
- Confirm that tautog, like cunner, hibernate in the winter, and in what areas and temperature thresholds, for how long, and if there are special habitat requirements during these times that should be protected or conserved from damage or disturbance. This information will aid in understanding behavior variability and harvest availability.

#### **8.4 Management, Law Enforcement, and Socioeconomic Priorities**

##### ***Moderate***

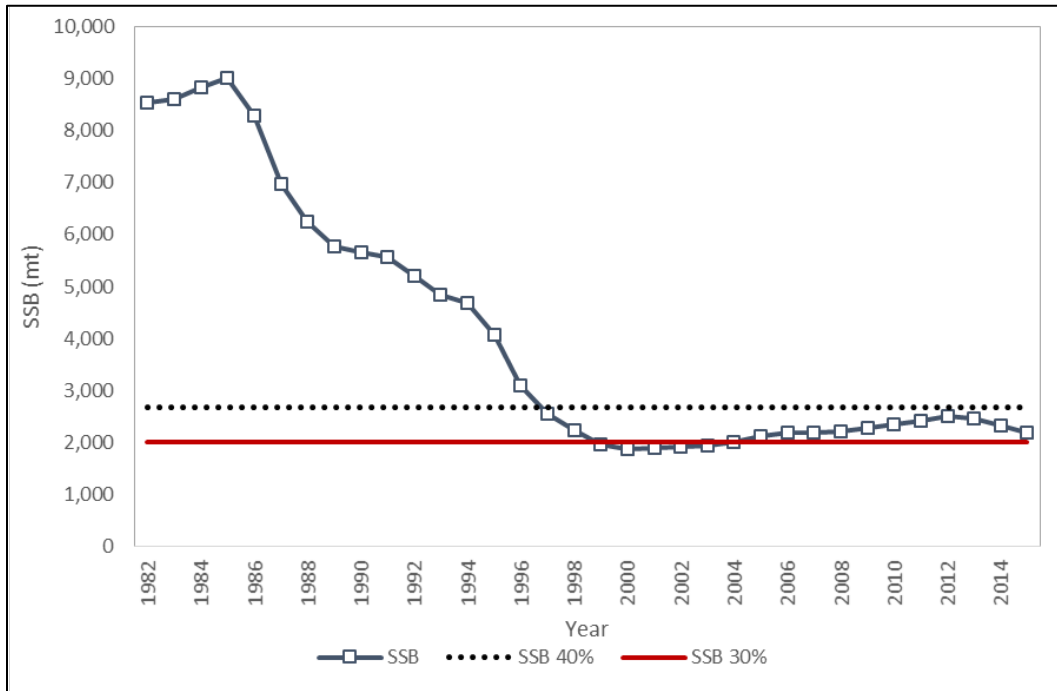
- Collect data to assess the magnitude of illegal harvest of tautog and the efficacy of the tagging program.

##### ***Low***

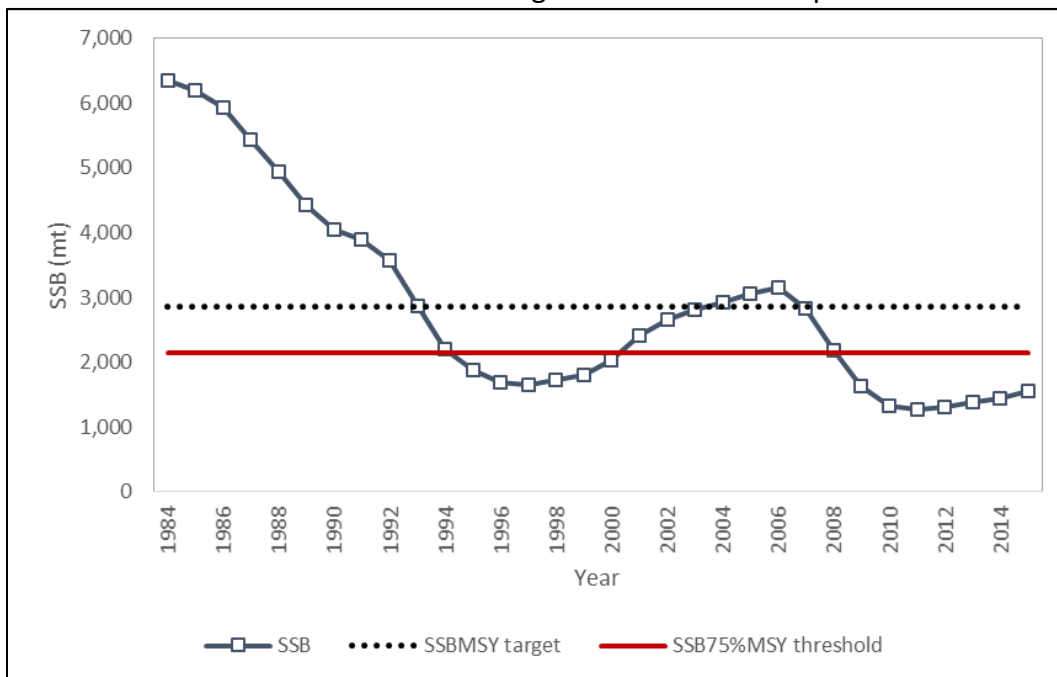
- Collect basic sociocultural data on tautog user groups including demographics, location, and aspects of fishing practices such as seasonality.

## Figures & Tables

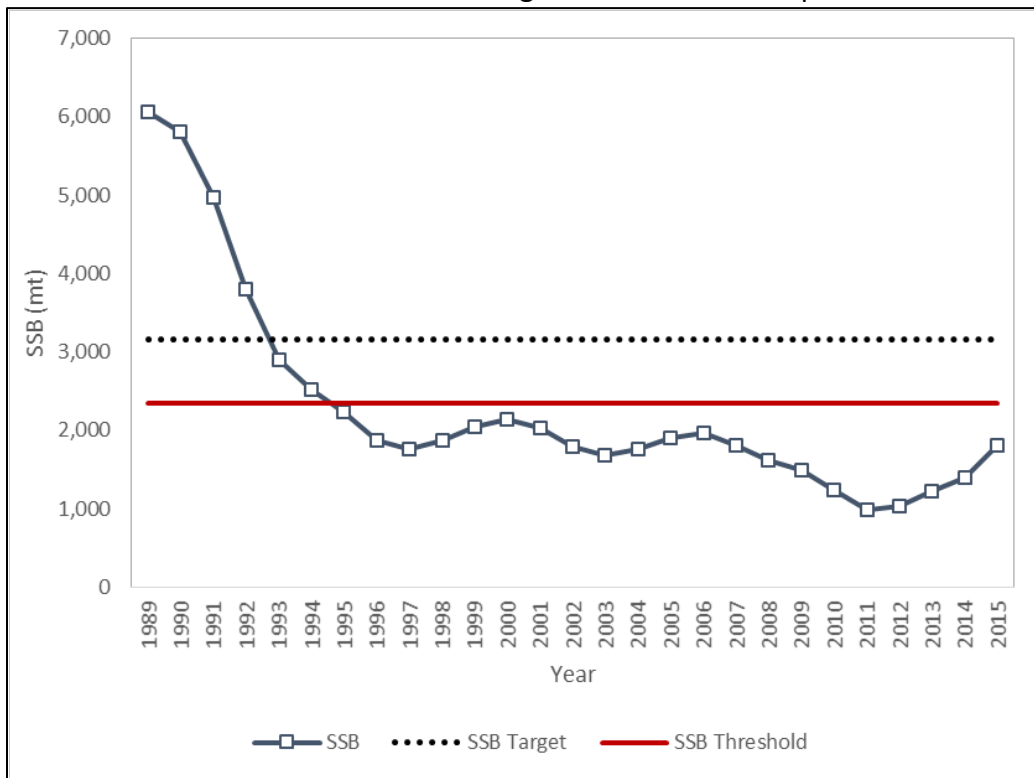
**Figure 1. Estimated spawning stock biomass, with target and threshold levels, for MARI region.**  
 Source: 2016 ASMFC Tautog Stock Assessment Update.



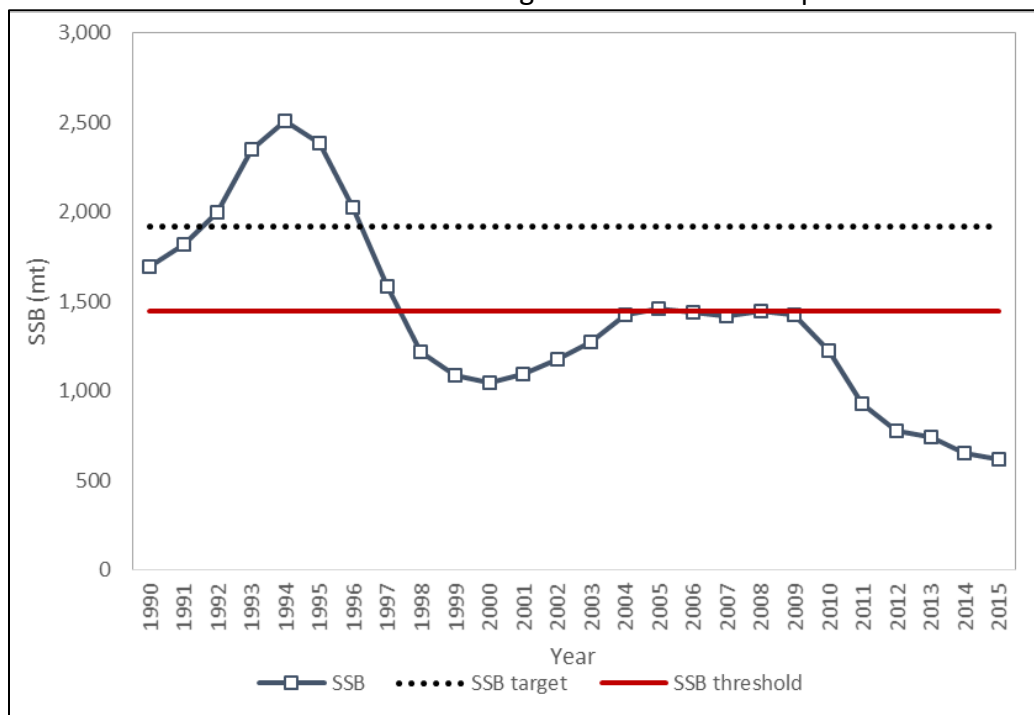
**Figure 2. Estimated spawning stock biomass, with target and threshold levels, for LIS region.**  
 Source: 2016 ASMFC Tautog Stock Assessment Update.



**Figure 3. Estimated spawning stock biomass, with target and threshold levels, for NJ-NYB region.**  
 Source: 2016 ASMFC Tautog Stock Assessment Update.

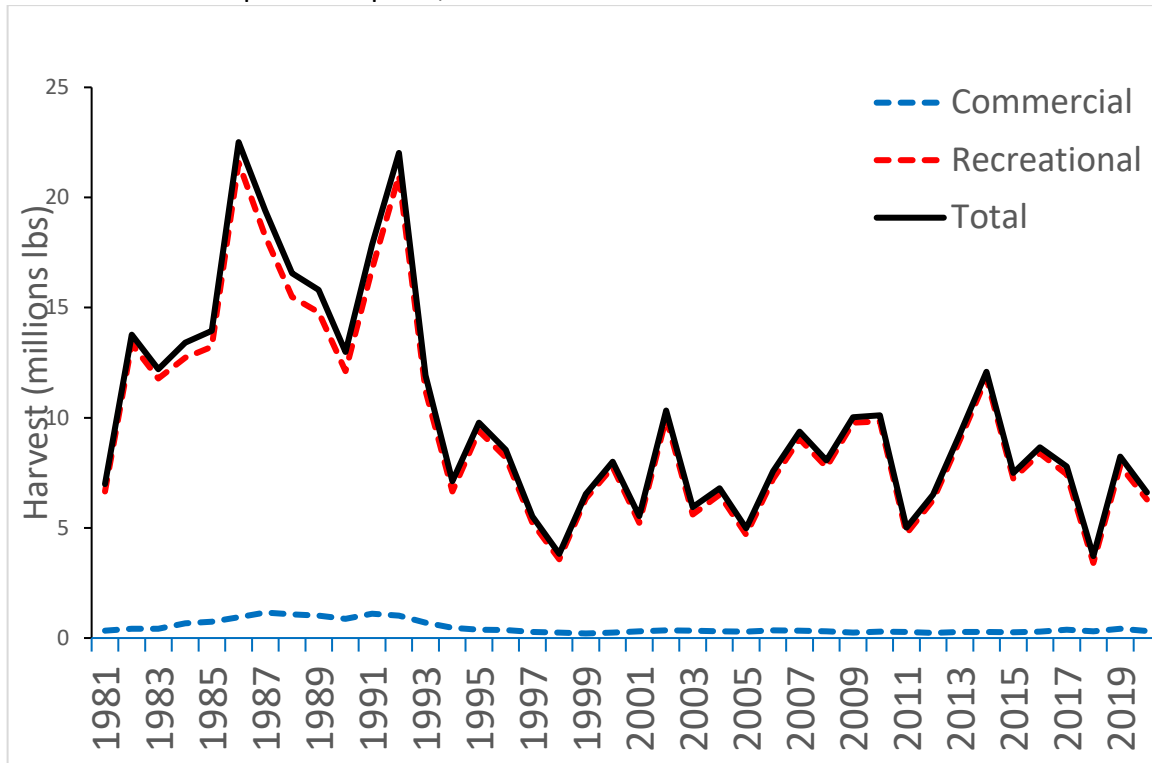


**Figure 4. Estimated spawning stock biomass, with target and threshold levels, for DelMarVa region.**  
 Source: 2016 ASMFC Tautog Stock Assessment Update.



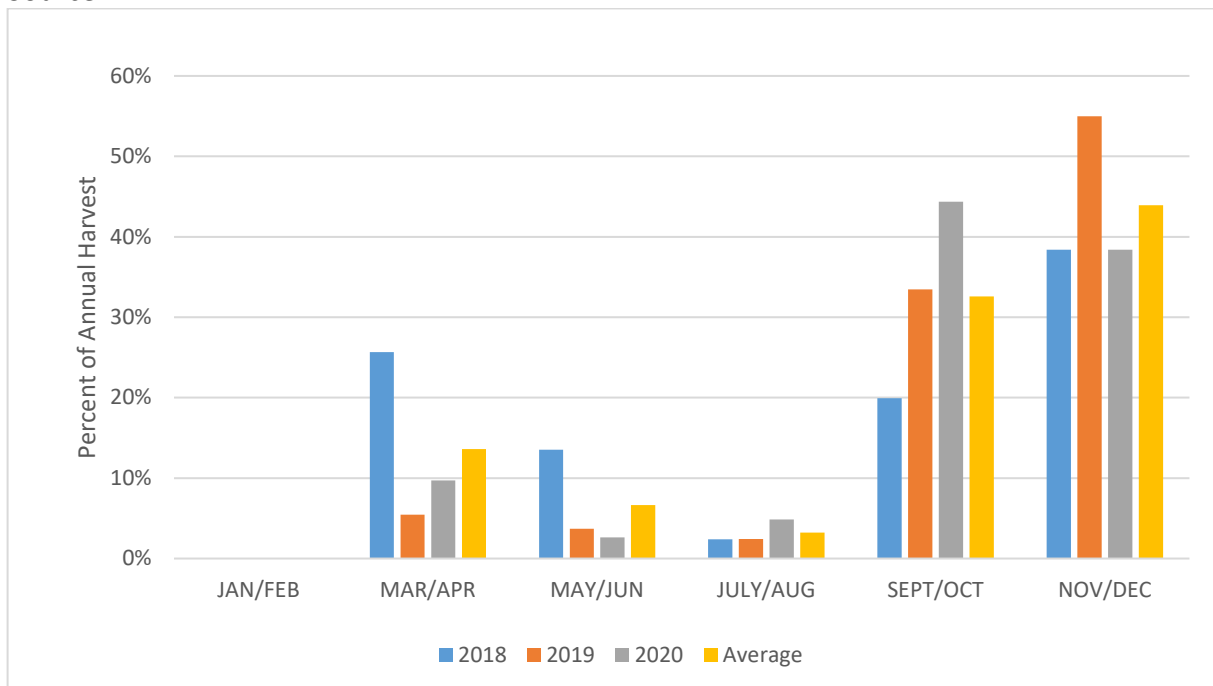
**Figure 5. Total tautog harvest (recreational and commercial) in weight, 1981–2020.**

Source: State compliance reports, MRIP.



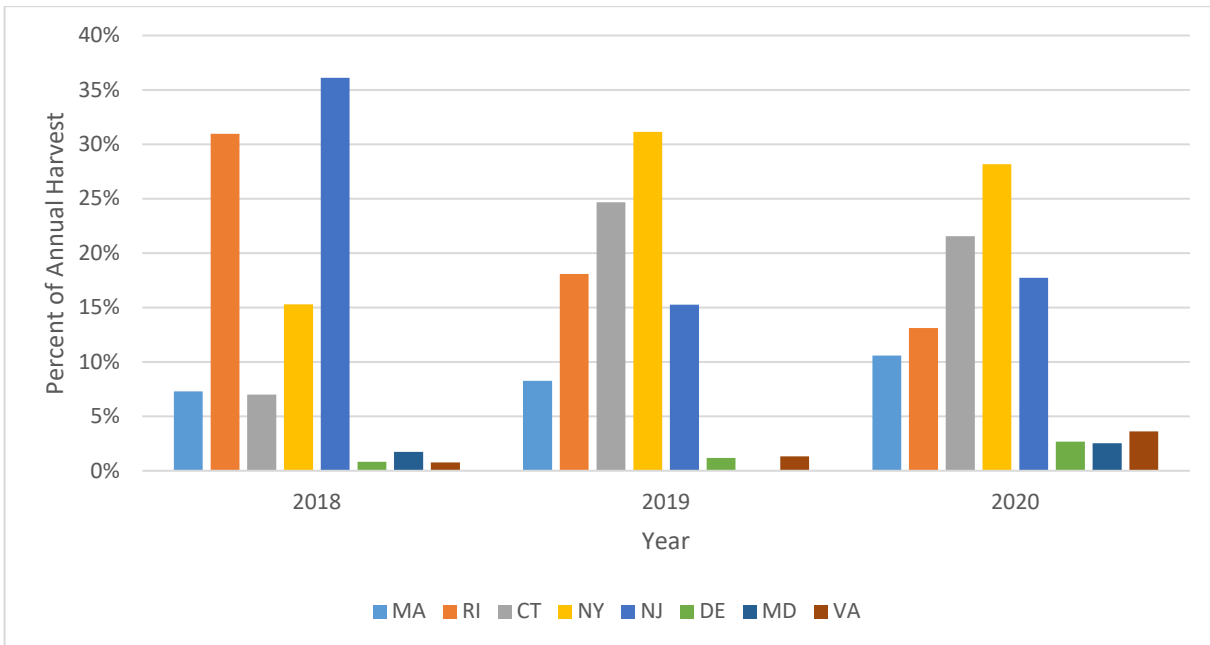
**Figure 6. Percent of annual recreational tautog harvest by wave in numbers of fish (2018-2020).**

Source: MRIP.

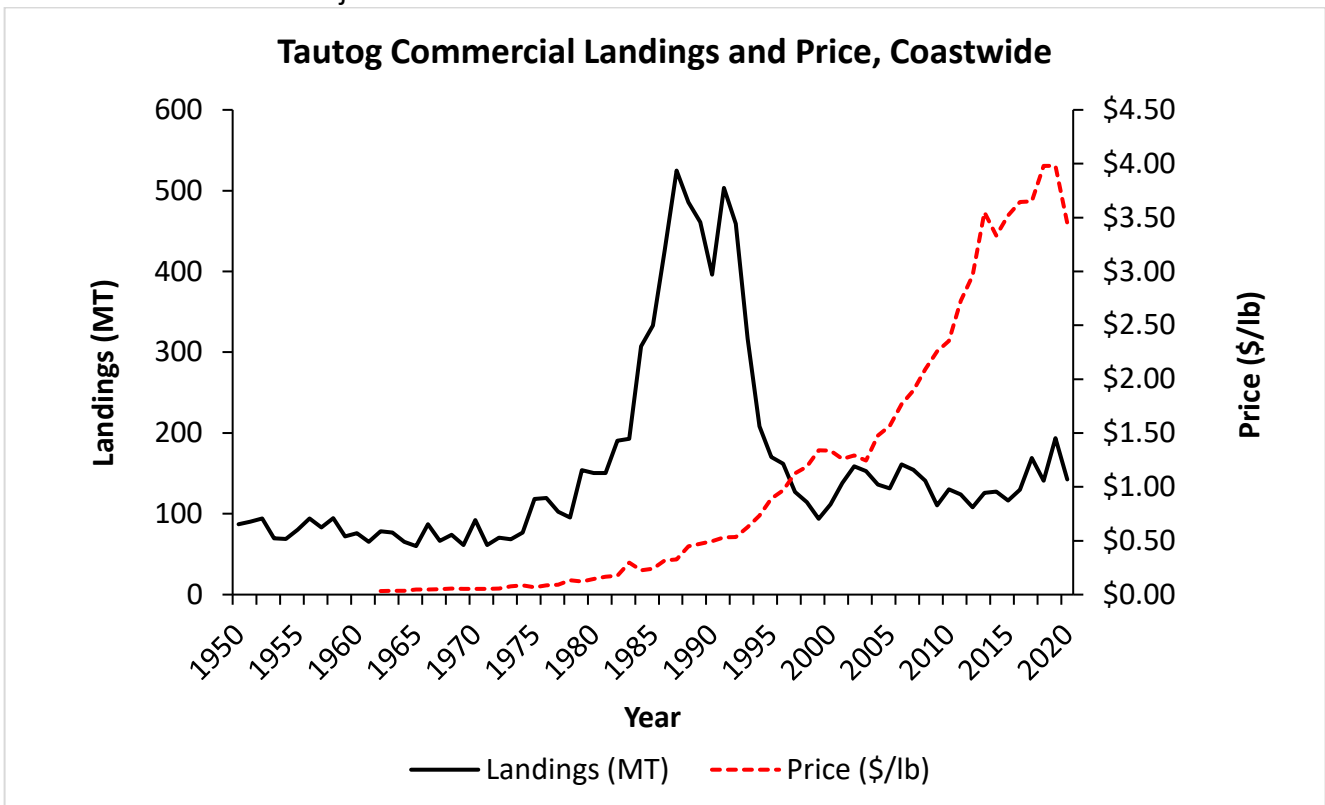




**Figure 7. Percent of annual recreational tautog harvest by state in numbers of fish (2018-2020).**  
 Source: MRIP



**Figure 8. Changes in tautog commercial landings (mt) and price (\$/lb) over time, 1950–2020.**  
 Source: NMFS. Price unadjusted for inflation.



**Table 1. Current fishing mortality and biomass targets and thresholds for each region, and stock status in 2015. Source: ASMFC 2016 Tautog Assessment Update.**

<b>Region</b>	<b>F<sub>target</sub></b>	<b>F<sub>threshold</sub></b>	<b>F<sub>3yravg</sub></b>	<b>SSB<sub>target</sub></b>	<b>SSB<sub>threshold</sub></b>	<b>SSB<sub>2015</sub></b>	<b>MSY or SPR</b>	<b>Status</b>
MARI	0.28	0.49	0.23	2,684 mt	2,004 mt	2,196 mt	SPR	Not overfished, overfishing not occurring
LIS	0.28	0.49	0.51	2,865 mt	2,148 mt	1,603 mt	MSY	Overfished, overfishing
NJ-NYB	0.20	0.34	0.54	3,154 mt	2,351 mt	1,809 mt	SPR	Overfished, overfishing
DelMarVa	0.16	0.24	0.16	1,919 mt	1,447 mt	621 mt	SPR	Overfished, overfishing not occurring

**Table 2. Tautog recreational and commercial landings, 1996–2020, in pounds.**

Source: State Compliance Reports, NMFS, and ACCSP Data Warehouse.

Year	Commercial Landings (lb)	Recreational Harvest (lb)	Total Harvest (lb)	% Recreational
1996	357,434	8,218,590	8,576,024	95.8
1997	280,912	5,314,384	5,595,296	95.0
1998	254,186	3,611,576	3,865,762	93.4
1999	207,981	6,350,388	6,558,369	96.8
2000	247,177	7,795,564	8,042,741	96.9
2001	305,193	5,249,781	5,554,974	94.5
2002	350,820	9,998,665	10,349,485	96.6
2003	336,685	5,630,853	5,967,538	94.4
2004	300,749	6,546,309	6,847,058	95.6
2005	289,984	4,755,445	5,045,429	94.3
2006	355,504	7,219,077	7,574,581	95.3
2007	340,925	9,189,558	9,530,483	96.4
2008	310,940	7,758,609	8,069,549	96.1
2009	243,644	9,801,365	10,045,009	97.6
2010	286,081	9,863,150	10,149,231	97.2
2011	263,241	4,740,790	5,004,031	94.7
2012	236,974	6,315,699	6,552,673	96.4
2013	275,839	9,017,101	9,292,940	97.0
2014	282,624	11,831,114	12,113,738	97.7
2015	255,915	7,246,071	7,501,986	96.6
2016	283,906	8,392,901	8,676,807	96.7
2017	364,736	7,546,839	7,911,575	95.4
2018	309,568	3,413,926	3,723,494	91.7
2019	427,078	7,815,557	8,242,635	94.8
2020	313,467	6,290,648	6,604,115	95.3
<b>Average</b>	299,585	7,162,670	7,465,635	96

**Table 3. 2020 tautog landings by sector: percent recreational and commercial by weight.**

<b>State</b>	<b>Commercial Landings (%)</b>	<b>Recreational (A+B1) (%)</b>
<b>MA</b>	8.4	91.6
<b>RI</b>	5.8	94.2
<b>CT</b>	0.8	99.2
<b>NY</b>	9.5	90.5
<b>NJ</b>	0.2	99.8
<b>DE</b>	0.4	99.6
<b>MD</b>	0.0	100.0
<b>VA</b>	0.9	99.1
<b>Coastwide</b>	4.8	95.2

**Table 4. Tautog recreational harvest by state and coastwide discards, in number of fish, 1996-2020.** Source: MRFSS/MRIP (calibrated estimates), queried June 7, 2021. 2020 estimates are subject to change. \*indicates PSE above 50. Dead discards are calculated using a 2.5% release mortality rate.

Year	MA	RI	CT	NY	NJ	DE	MD	VA	Coastwide Harvest	Live Discards	Dead Discards
1996	216,698	143,609	150,523	122,153	1,186,204	116,010	72,805*	636,163	2,652,879	3,196,688	79,917
1997	78,669	174,516	83,153	156,487	573,479	117,773	193,521	161,549	1,554,155	2,443,651	61,091
1998	81,038	122,830	110,246	149,594	24,693	149,391	16,252*	183,083	854,272	3,030,403	75,760
1999	302,890	191,287	44,581*	407,886	279,728	267,875	23,468*	77,898	1,605,063	5,413,107	135,328
2000	347,448	152,459	68,080*	203,145*	986,483	188,453	63,231*	40,542	2,071,200	3,531,333	88,283
2001	246,811*	86,818	51,941	118,267	819,588	69,987	57,984*	39,132	1,498,230	4,264,960	106,624
2002	232,803	177,095	180,753	1,239,615	501,980	274,966	55,339	69,301	2,738,664	6,330,432	158,261
2003	95,969	328,392	337,867	245,762	215,920	100,802	18,223*	126,406	1,481,988	4,033,017	100,825
2004	39,975*	281,619*	30,930	471,302	238,123	163,916	18,286*	455,060	1,715,041	3,854,919	96,373
2005	155,754	311,966	75,848	153,333	110,308	98,542	63,320	165,204	1,161,365	3,618,496	90,462
2006	102,739	234,043	361,978	265,746	406,800	169,411	34,482*	207,062	1,784,650	5,027,287	125,682
2007	67,432*	234,152	544,712	509,816	624,915	203,846	118,459	155,012	2,495,017	6,694,584	167,365
2008	72,171*	288,487	244,689	577,628	440,588	162,604	45,166	208,062	2,040,362	5,771,440	144,286
2009	66,280	396,835	356,881	690,545	420,012	324,157	107,289	196,142	2,564,608	7,232,074	180,802
2010	153,978	369,830	274,246	540,667	716,531	182,090	289,634	323,725	2,862,574	8,169,876	204,247
2011	173,101	79,060*	42,289	322,704	313,745	117,938	64,295*	153,066	1,269,208	6,386,822	159,671
2012	96,356	341,478	411,072	302,811	92,340	95,299	20,018*	66,343*	1,477,673	8,150,037	203,751
2013	239,699	539,788	307,409	472,562	442,786	96,733	22,954	19,721*	2,158,780	10,173,418	254,335
2014	444,332	238,595	515,824	913,413*	533,299	131,857	1,155*	87,315	2,875,599	10,958,633	273,966
2015	188,145*	295,674	389,139	581,203	339,357	29,199	12,442*	24,493	1,864,810	10,664,826	266,621
2016	73,516	343,780	312,313	1,068,979	190,163	46,330	3,775*	39,759*	2,086,125	13,456,497	336,412
2017	635,994	140,778	218,506	405,691	568,940	32,315	18,741	22,259*	2,072,783	13,652,738	341,318
2018	77,951	330,372*	74,530	163,132	385,282	8,927	18,372*	8,186	1,069,341	9,570,073	239,252
2019	168,776	369,450	503,529	635,866	311,363	24,065	779*	27,215*	2,041,043	13,357,455	333,936
2020	184,653	228,996	376,271	491,869	309,379	46,617	44,088	63,372	1,745,245	14,627,028	365,676

**Table 5. Tautog recreational harvest (A + B1) by state in pounds, 1996-2020.**

Source: MRFSS/MRIP (calibrated estimates), queried June 7, 2021. 2020 estimates are subject to change. \*indicates PSE above 50

Year	MA	RI	CT	NY	NJ	DE	MD	VA	Coastwide Harvest
1996	1,039,911	659,785	490,239	291,482	2,681,850	350,297	98,324*	2,579,379	8,191,267
1997	308,098	666,065	215,724	749,252*	1,712,208	440,518	497,161	644,872	5,233,898
1998	310,600	605,908	391,933	485,810	70,731*	659,866	69,541*	972,295	3,566,684
1999	1,489,331	788,279	153,339*	1,509,978	895,556	1,049,562	42,003*	402,028	6,330,076
2000	1,301,437	689,698	256,201*	662,491*	3,756,593	692,466	161,426*	241,231	7,761,543
2001	1,052,175*	392,503	205,109	506,301	2,502,115	240,770	168,595*	168,103	5,235,671
2002	994,467	743,409	811,658	4,428,842	1,530,757	948,850	140,672	385,679	9,984,334
2003	527,044	1,388,657	1,180,217	875,271	639,109	358,999	59,071	573,623	5,601,991
2004	213,380*	1,590,436*	144,278	1,687,077	639,685	563,332	41,259*	1,624,091	6,503,538
2005	744,036	1,575,454	290,848	566,375	333,101	357,682	167,633	663,938	4,699,067
2006	484,094	1,130,146	1,589,614	1,002,049	1,443,680	599,179	106,148*	858,131	7,213,041
2007	260,548*	1,173,787	2,109,801	1,923,067	2,073,632	598,291	270,530	622,935	9,032,591
2008	230,549*	1,385,061	1,077,399	2,238,161	1,261,010	575,319	119,209	870,249	7,756,957
2009	236,974	1,648,614	1,353,957	3,057,551	1,273,529	1,034,484	277,124	892,873	9,775,106
2010	506,622	1,933,773	1,073,576	1,818,920	1,864,817	464,859	920,773	1,246,454	9,829,794
2011	803,546	328,959*	137,565*	1,284,037	1,008,756	380,758	189,361*	604,361	4,737,343
2012	403,108	1,512,425	2,093,847	1,285,933	312,531	341,015	62,097*	252,111*	6,263,067
2013	860,594	2,602,962	1,290,726	2,207,750	1,530,776	341,896	81,662	75,449*	8,991,815
2014	1,623,717	1,017,780	2,274,293	4,188,165*	1,849,045	485,332	3,544*	365,657*	11,807,533
2015	1,041,058*	1,105,259	1,594,233	2,153,150	1,100,117	100,302	45,067*	100,143*	7,239,329
2016	317,006	1,290,428	1,368,363	4,514,164	582,199	164,887	15,059*	126,135*	8,378,241
2017	2,883,890	599,424	908,549	1,394,388	1,380,992	103,331	59,901*	88,228*	7,420,148
2018	300,067	1,075,131	295,758	536,332	1,091,046	30,240	54,332	25,766	3,408,672
2019	646,031	1,483,123	2,133,656	2,455,837	908,871	87,348	2,680	98,011	7,815,557
2020	692,588	853,470	1,462,227	1,733,995	1,010,011	154,065	148,760	235,532	6,290,648

**Table 6. Commercial landings for tautog in pounds, by state, 1996-2020.**

Source: ACCSP Data Warehouse and State Compliance Reports. 2020 Landings are preliminary.

Year	MA	RI	CT	NY	NJ	DE	MD	VA
1996	32,579	64,817	33,327	105,466	89,435	1,599	3,622	26,137
1997	64,240	39,601	14,519	78,228	49,726	841	7,663	25,471
1998	91,319	20,304	6,905	68,892	42,426	1,715	5,682	14,770
1999	75,619	26,090	12,961	37,886	27,307	confid	6,489	20,901
2000	96,001	43,719	8,504	39,953	39,636	confid	3,896	14,794
2001	84,330	56,065	22,259	62,795	60,152	confid	4,591	14,587
2002	148,073	50,007	26,781	60,805	36,605	confid	5,010	22,834
2003	86,205	54,650	40,784	72,264	66,766	confid	5,213	10,705
2004	88,192	36,581	26,037	76,606	51,057	3,064	6,049	13,079
2005	99,344	42,838	24,053	52,525	61,163	confid	4,338	5,667
2006	147,609	47,261	16,841	71,683	58,119	confid	5,411	8,533
2007	95,820	63,441	30,002	73,797	62,979	2,814	3,297	8,588
2008	73,867	48,027	20,160	88,571	63,958	2,253	2,964	10,946
2009	54,703	50,920	21,194	87,289	14,591	2,116	1,638	11,132
2010	75,317	44,054	16,948	93,153	49,213	confid	1,285	6,077
2011	57,787	47,426	14,784	82,761	45,865	confid	confid	14,590
2012	67,870	50,126	6,233	76,373	20,831	1,444	confid	13,870
2013	70,157	53,428	5,887	110,849	22,079	confid	1,458	11,776
2014	63,191	53,384	5,164	121,538	31,665	confid	confid	7,545
2015	61,752	47,140	7,249	111,925	17,538	2,108	1,173	6,937
2016	58,095	50,680	7,651	144,650	13,367	2,083	1,098	6,252
2017	66,481	52,844	8,485	231,644	6,551	1,372	confid	5,165
2018	61,055	51,451	7,341	186,108	1,559	654	273	1,349
2019	67,021	46,562	18,651	289,746	2,512	646	confid	1,982
2020	63,405	52,651	11,644	181,639	1,941	585	confid	2,210

**Table 7. State recreational regulations implemented for Tautog in the 2020 fishing year.**

STATE	SIZE LIMIT (inches)	POSSESSION LIMITS	OPEN SEASONS
		(fish/person/day)	(dates inclusive)
Massachusetts	16"	3 1 3 5  (10 fish/day/vessel max for private/rental mode)	Apr 1-May 31 Jun 1-Jul 31 Aug 1-Oct 14 Oct 15-Dec 31
Rhode Island	16"	3 3 5  (10 fish/day/vessel max for private/rental mode)	Apr 15 – May 31 Aug 1 – Oct 14 Oct 15 – Dec 31
Connecticut	16"	2 2 3	Apr 1 – Apr 30 July 1 – Aug 31 Oct 10 – Nov 23
New York	16"	LIS: 2 LIS: 3 NY Bight: 2 NY Bight: 4	Apr 1- Apr 30 Oct 11-Dec 9 Apr 1- Apr 30 Oct 15-Dec 22
New Jersey	15"	4 4 1 5	Jan 1 – Feb 28 Apr 1 – Apr 30 Aug 1 – Nov 15 Nov 16 – Dec 31
Delaware	16"	4 4	Jan 1 – May 15 Jul 1 – Dec 31
Maryland	16"	4 2 4	Jan 1- May 15 Jul 1 – Oct 31 Nov 1 – Dec 31
Virginia	16"	3 3	Jan 1 – Apr 30 Sep 20 – Dec 31



**Table 8. State commercial regulations implemented for Tautog in the 2020 fishing year.**

STATE	SIZE LIMIT	POSSESSION LIMITS (number of fish)	OPEN SEASONS	QUOTA (pounds)	GEAR RESTRICTIONS
Massachusetts	16"	40	Sept 1 – 100% of Quota	64,753	Mandatory pot requirements. Limited entry and area/time closures for specific gear types. Fishery permit endorsement
Rhode Island	16"	10	Apr 1 – May 31 Oct 15 – Dec 31	51,348*	Harvest allowed by permitted gear types only.
Connecticut	16"	3 (restricted licenses) 10 (all other)	Apr 1 – Apr 30 Jul 1 – Aug 31 Oct 8 – Dec 24	-	Mandatory pot requirements.
New York	15"	25 (10 fish w/ lobster gear and when 6 lobsters are in possession)	LIS: May 7 – July 31; Sept 1- Nov 23 NY Bight: Apr 18 –Jan 25	-	Mandatory pot requirements. Gill or trammel net is prohibited.
New Jersey	15"	> 100 lb requires directed fishery permit; <= 100 lb requires either directed or non-directed fishery permit	Jan 1 – May 1 Sept 19-Dec 31	103,000	Mandatory pot requirements.
Delaware	16"	4	Jan 1 – May 15 July 1 – Dec 31	-	Mandatory pot requirements.
Maryland	16"	4 2 4	Jan 1-May 15 July 1 – Oct 31 Nov 1- Dec 31	-	Mandatory pot requirements.
Virginia	15"	-	Jan 1 – Jan 21 Mar 1 – May 15 Nov 1 – Dec 31	-	Mandatory pot requirements. Pots prohibited in tidal waters.

\* Rhode Island's quota of 51,348 lbs is divided equally among the three sub-periods.

**Table 9. Number of age/length samples by state in 2020.** Addendum III requires all states to collect 200 samples per year. Source: State compliance reports

State	2020 Samples	Sample Sources
MA	364 lengths; 211 ages	Commercial Fishery Market sampling; Pot sampling; Rod and Reel sampling; F-I trawl survey; Lobster ventless trap survey
RI	251 lengths; 249 ages	Recreational fishery sampling, RIDMF Fish Pot Survey, RIDMF Trawl Survey, and Beach Seine survey
CT	0	Long Island Sound Trawl Survey
NY	285 lengths and ages	Commercial markets and recreational sampling; fishery independent surveys
NJ	185 lengths and ages	Recreational fishery and Artificial Reef Ventless Trap Survey
DE	161 lengths and ages	Recreational sampling
MD	202 lengths and ages	Recreational sampling
VA	109 lengths and ages	Commercial markets and recreational sampling

**Table 10.** Ongoing fishery-independent surveys, as of 2020. Shaded cells indicate survey data used in 2016 stock assessment.

State	Areas Surveyed	Survey Type	# of Survey Stations	Dates of Survey	Initial Year
MA	MA territorial waters*	Trawl	1 station per 19 square nautical miles	May and September	1978
	Buzzards Bay, south of the Elizabeth Islands, and portions of Rhode Island Sound	Trap	42 stations twice per month	June through September	2015
	Buzzards Bay and Vineyard Sound	Rod & Reel	48 stations per month	Spring (Apr-May) Fall (Sep-Nov)	2016 (fall)
RI	Narragansett Bay	Trawl	13 stations per month	June through October	1990
	Narragansett Bay, Rhode Island Sound and Block Island Sound	Trawl	44 stations	Spring (April-May) Fall (Sept/October)	1979
	Narragansett Bay Beach	Seine	18 stations per month	June through October	1988
	Coastal Ponds	Seine	24 stations in 8 coastal ponds per month	May through October	1994
	Narragansett Bay	Trap	10, 5 pot trawls set per month	April through October	2013
CT	Long Island Sound (CT and NY waters)	Trawl	40 stations per month	Spring (April-June) Fall (Sept-Oct)	1984
NY	Peconic Bay	Trawl	16 stations per week	May through October	1987
	Western Long Island (Little Neck, Manhasset Bay, Jamaica Bay)	Seine	5-10 sites, semimonthly	May through October	1984
	Long Island Sound	Trap	35 stations per week	May through October	2007
	East End Seine*	Seine	30 stations per month	June through October	2018
NJ	Nearshore ocean waters between Cape May and Sandy Hook*	Trawl	30 tows in Jan; 39 tows per month in Apr, Jun, Aug & Oct	Jan, Apr, June, Aug & Oct	August 1988
	Nearshore ocean waters within Sea Girt, Manasquan Inlet and Little Egg Artificial Reefs	Trap	48-54 traps set each Spring, Summer, Fall sampling periods	Spring (March-April); Summer (June-August); Fall (October-November)	2016
DE	Ventless Trap Survey	Trap	13 stations per two weeks	May through December	2018
MD	Maryland Coastal Bays	Trawl	20 stations per month	April through October	1989
		Seine	19 stations per month	June, September	1989
	Submerged Aquatic Habitat in Sinexent Bay	Seine	5 zones	September only	2015
VA	Fisheries independent surveys do not collect tautog in quantities needed for monitoring purposes				NA

\*Survey did not run in 2020 due to the COVID-19 pandemic

**Table 11.** Ongoing fishery-dependent monitoring in each state, as of 2020

State	Fishery Sector	Data Collected	Data Source
MA	Commercial	Landings at the trip level	Harvesters and primary buyers
	Commercial	Length, Weight	Market sampling
RI	Recreational	Age, Length	Recreational harvest sampling
	Commercial	Age	Fish Pot Survey
CT	Commercial	Monthly landings	Harvesters and dealers
NY	Commercial	Age, Length	Markets and dockside sampling
NJ	Commercial	Age, Length, Weight, Sex	Commercial vessel sampling
	Recreational	Age, Length, Sex	Party/charter boat sampling (retained fish)
DE	Commercial	Landings	Monthly harvester logbooks
	Recreational	Age, Length	Recreational harvest sampling
MD	Recreational	Age, Length, Weight, Sex	Charter boat hook and line sampling
	Commercial	Landings	Harvest reports
VA	Commercial	Age, Length, Weights	Samples from commercial hook-and-line gear, haul seines, pots/traps, pound nets
	Recreational	Age, Length, Weights	VMRC Marine Sport Fish Collection Project
		Tagging data	Game Fish Tagging Program

\*Surveys as part of MRIP occur in all states and are not included in the table. Commercial landings monitoring by the Standard Atlantic Fisheries Information System (SAFIS) is also excluded.

**Table 12.** Tagging Data collected in 2020. Amendment 1 requires all states to implement a commercial harvest tagging program. Source: state Compliance reports

State	Quota (if applicable)	Biological Metric (including initial tag request)	Number of Participants	Number of Tags Issued	Number of Tags Returned
MA	62,797	30,000 tags; 2014-2018 avg weight 3 lbs. Annual Commercial Quota ~ $64,753/3 = 21,584 + \text{tag loss}$	160	34,775	13,502
RI	51,348	15,405 tags; avg weight 4 lbs. Commercial Quota $51,348/4 * 1.2$ (tag loss buffer)= 15,405	295	25,501	8,369
CT	N/A	6,000 tags; Maximum number of fish landed by each permit holder (2016-2018) and rounded to the nearest multiple of 10	No Tagging in 2020		
NY (LIS)	N/A	170,000 tags; avg weight 3.3 lbs. Max fish landed between 2015-2018 (112,796)+ .2 buffer for loss+ .2 buffer for underreporting, rounded to nearest multiple of 25, then rounded to nearest 1,000	No Tagging in 2020		
NY (South Shore)					
NJ	103,000	10,000 tags; avg weight 2.6 lbs. Divide avg annually landing for past 10 years (22,127 lbs) by avg weight+ .2 buffer for tag failure and loss	22	4,900	2,789
DE	N/A	750 tags; Avg weight 2 lbs. Avg commercial landings 2016-2018 (1,254 lbs) divided by avg weight + .25 buffer	36	796	656
MD		500 tags; 2012-2018 avg weight 4 lbs. Annual landings from 2012-2018 divided by avg weight multiplied by .2 buffer to get tags required per year. 2013 was the highest estimate of needed tags (427 tags), rounded up to 500	1	25	21
VA		3,250 tags; avg weight 3.9 lbs. 5-year avg landings for each permit holder divided by avg weight + .3 buffer	25	2,055	1,604



# Atlantic States Marine Fisheries Commission

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

## MEMORANDUM

**TO:** Tautog Management Board  
**FROM:** Tautog Technical Committee  
**DATE:** July 16, 2021  
**SUBJECT:** Technical Committee Review of the Commercial Harvest Tagging Program

**Attendees:** Coly Ares (RI; Chair), Craig Weedon (MD; Vice-Chair), Lindy Barry (NJ), Sandy Dumais (NY), Rachel Sysak (NY), Dave Ellis (CT), Alexa Galvin (VA), Sam Truesdell (MA) Scott Newlin (DE) and William Hyatt (CT; Tautog Board Chair)

**Staff:** Kirby Rootes-Murdy

The Commission's Tautog Technical Committee (TC) met virtually on Wednesday July 7, 2021 to review information regarding the 2020 commercial harvest tagging program. An email from NY DEC describing numerous issues with the tag in general was distributed prior to the meeting. Kirby presented background and current information followed by a state-by-state update focused on the following questions:

- 1) How has the commercial harvest tagging program gone so far in your state?
- 2) Any change in the number of commercial tautog commercial harvesters following implementation of the tagging program?
- 3) Were there enough tags in your state in 2020?
- 4) Challenges with applying the tags? Were there any issues with tags adhering to the fish?
- 5) Any observed mortality associated with tagged fish?
- 6) What was the level of enforcement or monitoring of commercial harvesters and live fish markets (for those states that have them)?
- 7) Any recommendations or considerations for managers in continuing the tagging program?

### Summary of state-by-state Implementation

#### Virginia

The program went well for VA. Aside from the COVID-19 pandemic, the biggest issue was some tag accounting errors by fishermen and federal fishing reports in SAFIS not allowing the tag number to be inputted with landings information. From mid-March through May (the end of the spring season) 2020, Staff could not issue tags due to office closures so the tagging requirement was temporarily waived. In spite of this, landings increased slightly in 2020 and there were plenty of tags available. Harvesters primarily sell to a fresh market, not live

market, and there was no reported issues. One harvester who does supply to live market reported that the tag hit the gill filament under the gill plate and killed the fish. He has moved on to the tagging the tail with no tag mortality. No law enforcement issues (LE) were noted. VMRC staff recommended that SAFIS modify its reporting to allow for tag data. NY said they also requested a field in SAFIS for tagging data, and in the meantime are using the comments field and an email for tag information.

### Maryland

The tagging program was administered through COVID-19 pandemic with no issues. MD traditionally has a very small fishery and in 2020 participation was reduced to one individual. As such, there plenty of tags available. No issues report to MD DNR staff from LE.

### Delaware

Similar to MD, DE has a very small fishery. The number of harvesters remained the same from prior to 2020, with harvest comparable to previous years. Based on the small fishery and number of participants, DE reduced the tag number order for the second year (2021). No issues applying the tags, minor fishery with dead market, no issues with LE.

### New Jersey

NJ has a limited entry permit program, which will remain at 62 permits, even as the number of active fishermen changes year to year. Twenty-two fishermen picked up tags and seven actually used them, which is in line with previous harvest records over the years. NJ DFW staff indicated they had more than enough tags and are looking to order a smaller amount for 2022. Many NJ fishermen requested tags in fear of losing their permit but did not use them. No issues with applying tags to fish. The live markets were impacted by the COVID-19 restrictions and the fresh market did not have issues with tag mortality. LE reported no issues of enforcement with the tagging program. Harvesters report through SAFIS, and send blue copy of VTR and tag report to NJ DFW staff. To aid with reporting, NJ DFW plan to use a postcard system for tag reporting next year.

### New York

NY DEC staff reported that preliminary 2021 data shows the number of harvesters has doubled and they expect to have increased demand for tags for their fall season. An initial 170,000 tags were purchased for the 2020 season (note: 2020 tags are being used for the 2021 fishing season and NY did not implement the tagging program in 2020), and 20% of the harvesters have requested additional tags this year.

Over 100 participants have reached out with concerns for the tagging program. Those expressing concerns were full-time commercial harvesters and catch the 25-fish per day for the live market. Some of the concerns about tags were about application inducing injuries such as cuts on their hands- there was reports of one fisherman being injured and sent to the hospital given the severity of the cut. The tags are dangerous when applied in a rush without gloves and there is a significant learning curve to applying the tags. Harvesters reported up to 50% mortality from tagging that was not seen in the spring. Some of the reasons/stressors likely causing the mortality center around the challenges in holding and tagging the fish as well as increased water temperature in the summer. Additional anecdotal reports indicated that a few harvesters, like VA, have come up with their own ways to get around tag mortality by tagging in the tail, or not tagging the fish while on their vessel, but instead having their

dealer tag the fish (note: this is not legal per NY DEC's regulations). NY has a substantial live market, and given the challenges indicated with tagging mortality, there was a lot of frustration among participants. Based on their experience, many harvesters were advocating for a different style tag that will cause less damage to the fish. NY DEC staff indicated that the standard Floy Tag may be the best alternative to the current tag. Floy tags were initially considered, but were ultimately not chosen due to the placement near the dorsal fin and concern over damage to the meat. Despite the anecdotal reports, the LE and commercial sampling teams are seeing tagged fish in the market place and compliance appears good. NY DEC staff indicate that based on the feedback they've received from their harvesters, the program is not working as intended as there are tags killing the fish, live fish with no tag but a scattering of tags on the bottom of the tanks in live markets and restaurants.

### Connecticut

Tagging was implemented in 2021, not 2020, due the COVID-19 pandemic. CT DEEP staff indicated they have the same amount of commercial harvesters in 2021 as previous years. CT DEEP staff ordered 6,000 tags, handed out 3,000 tags and ordered another 1,000 more for fall. It was noted there was an issue with staff injured when mailing out tags (sharp edges). One fisherman complained about mortality from tagging over the rail (for example tagging the fish and then keeping them in a laundry mesh bag over the boat railing). CT DEEP staff indicated there was low mortality and no reported LE issues. Discussion about fishermen tagging in RI waters at the time of harvest and when it is required to be accomplished (over the rail vs at the dock before off-loading). Overall, CT has a relatively small fishery compared to neighboring states (RI and NY) with few issues reported on the tagging program.

### Rhode Island

RI typically has about 250 participants and had 295 people request tags. The new program may have caused people to think if they did not get tags, they may never be able to fish for tautog again. People who never landed tautog in RI previously are asking for tags. The biological metric used to order the tags did not estimate many first time entrants in this fishery, and many of those tags issued were returned unused. Applying the tag did have a learning curve, once they figured it out it was not too bad. No complaints concerning mortality or LE issues. RI did have two MA fishermen reach out complaining they could not get tags in MA. RI was hoping to allow dealers to tag fish instead of the fishermen since it must easier logistically to accomplish.

### Massachusetts

MA DMF shifted from an open access program with about 2,000 participants to a limited entry with 218 license holders. Overall, the tagging program went well after initial minor issues with the distribution of tags and initial allotments – these issues could be attributed to the COVID pandemic and that it was the first year of the program. In 2020 34,775 tags were issued and 13,502 were returned. MA DMF ordered 35,000 tag for 2021. MA DMF staff received a few minor complaints about applying these tags, with some problems attributed to individuals not purchasing the manufacturer's applicator and using other tools to attempt to apply the tags. There were limited complaints overall about tag loss or mortality; one mortality incident early on was attributed to improper tagging technique that damaged gill tissue. There were a handful of LE citations for tag violations. MA DMF staff recommend increasing the educational materials available to reduce tag loss and mortality. The MA tautog market is primarily for live fish.



## TC recommendations to the Tautog Board

- Address the SAFIS reporting challenge

SAFIS reporting does not have a field for tag reporting, this field has been requested by NY and is pending due to other higher priority work. NY requires the number of fish and pounds of fish for each trip. The TC wants the SAFIS tag field available but not mandatory. The number of fish field is in the switchboard in the mobile application but may have issues in the desktop application. NY requires the tag serial number used in the SAFIS comments section and a follow up email to the VTR office.

- Consider additional research and trials of tag type

The TC recommends the Board review the challenges that have been reported by some sectors of the fishery as well as the analyses that led up to the decision to select the tag type that is currently in use. If a change in the type of tag is recommended, the TC suggests, if possible, a structured approach to evaluating tag performance, such as experiments examining the effects of tagging in warmer water environments. The TC was in agreement that having different tag types by state would be problematic, so if there is change it should be uniform across the coast. Given the need to evaluate alternative tags, the timetable if there was a change in the tag type would not be immediate. That being said, based on feedback from NY staff, a protracted timeframe to change the program may present challenges of continuing industry support for the program. Based on the language in Amendment 1, the Board has flexibility in changing what type of tag to use without going through an addendum process; the main consideration is whether there would be benefit in getting additional feedback from the public and industry through a public comment process.

- Consult with Law Enforcement Committee on the enforceability of tag placement

There were anecdotal reports from VA and NY that changing the tag location to the tail reduced mortality. Law enforcement may have issues on varied locations for tag placement. Tag placement is not specified in the FMP. The TC had previously discussed on which side of the fish should be tagged. The TC recommends that the Law Enforcement Committee provide feedback on tag placement in terms of enforceability.

- Define 'participants' as the number of people issued tags

As part of reporting out the tagging program information, states were required to provide the number of participants per state. Some states were defining the number of participants differently, such as listing 'active' participants using recent landing information to determine whether an individual was 'active' vs listing all participants. The TC was in agreement that listing all participants who are issued tags is the preferred approach. States may in addition to this, provide information on how many participants were actually used the tags.

- 2020 fishing year may not be a reliable biological metric for future tag justification

The TC discussed the role of the COVID-19 pandemic in affecting both the implementation and

fishing participation in 2020. With the easing of restrictions in 2021, participation in the tagging program and landings may be different from last year. Additionally, there should be consideration of potential further rebound in the fishery next year (2022). The TC recommends that states should consider how potential increases in participation may require them to adjust their tag estimates, especially in how to consider commercial data from 2020 and 2021 in their biological metric.