Public Comment Summary: Public Information Document for Draft Amendment 1

Presented to the ASMFC Tautog Board
November 4, 2015

Public Hearing Summary

- Eight public hearings (Massachusetts through Virginia)
- Approximately 80 attendees at all hearings
  - 24% in Massachusetts and Rhode Island
  - 52% in Connecticut, New York and New Jersey
  - 24% in Delaware, Maryland and Virginia

Written Comment Summary

- 46 written comments received
  - 14 were letters from groups or organizations
  - 32 were personalized individual comment

Hi-Mar Striper Club, Middletown, New Jersey
North Folk Captains Association, New York
Rhode Island Party and Charter Boat Association
New Jersey Council of Diving Clubs
Rhode Island Salt Water Anglers Association
Great Bridge Fisherman's Association, Virginia
Norfolk Anglers Club, Virginia
Virginia Beach Anglers Club, Virginia
Gateway Striper Club, Brooklyn, New York
Virginia Saltwater Sportfishing Association, Inc.
Jersey Coast Anglers Association, Toms River, New Jersey
Peninsula Salt Water Sport Fisherman's Association, Virginia
New York State Conservation Council
New York Coalition for Recreational Fishing

1. Regional Management – **Hearing Summary**

Option 1	Option 2	Option 3	Option 4
Status Quo: Massachusetts – Virginia	1) Massachusetts–Connecticut	1) Massachusetts–Rhode Island	1) Massachusetts–Rhode Island
	2) New York–New Jersey	2) Connecticut–New Jersey	2) Long Island Sound (Connecticut–New York)
	3) Delaware–Virginia	3) Delaware–Virginia	3) New York–New Jersey (excluding LIS)
			4) Delaware–Virginia

New York
New Jersey

Delaware

Connecticut

Rhode Island & Massachusetts

Delaware, Maryland, Virginia

1. Regional Management – **Written Summary**

Option 1	Option 2	Option 3	Option 4
Status Quo: Massachusetts – Virginia	1) Massachusetts–Connecticut	1) Massachusetts–Rhode Island	1) Massachusetts–Rhode Island
	2) New York–New Jersey	2) Connecticut–New Jersey	2) Long Island Sound (Connecticut–New York)
	3) Delaware–Virginia	3) Delaware–Virginia	3) New York–New Jersey (excluding LIS)
			4) Delaware–Virginia
6 organizations	**1 organization***	**3 organization***	**7 organizations***

* Two organizations supported Option 3 or 4; one organization supported Options 2 or 4

7 individuals	**5 individuals***	**8 individuals***	**14 individuals***

* Two individuals supported Option 2 or 3; four individuals supported Options 3 or 4

1. Comments on Regional Management – Status Quo

- Majority of New York and New Jersey participants
- “status quo for now”
- New regulations were implemented in 2012, via Addendum VI, and therefore patience is needed to see the effects on the resource
- NY and NJ have notable differences in mgt measures
- Concern about having different sets of regulations within NY (if Option 4 is chosen)
- General consensus to not split LIS into separate management areas

2. FMP Goals & Objectives – Hearing Summary

- Maintain spawning stock biomass *(related to Goal A and Objective B)*
- Preserve/restore critical habitat *(related to Goal E, Obj G)*
  - Beach replenishment is a concern
- Improved monitoring of the stock *(related to Obj F)*
- Focus on including fisheries independent data that includes gear types other than trawls *(Obj F)*
- *Revision of Goal B and Objective I*; text should focus on creating equity in the fishery between recreational and commercial fishermen

2. FMP Goals & Objectives – Written Summary

- Goal B: To maintain recent (i.e. 1982-1991) utilization patterns and proportions of catch taken by commercial and recreational harvesters
  - *Should specifically name charter and party boat harvesters*
  - *Base numbers should be 2009-2013*

2. FMP Goals & Objectives – Written Summary

- Objective D: To enact management recommendations which apply to fish landed in each state, so that regulations apply to fish caught both inside and outside of state waters
  - *Suggested actions to achieve this goal: work with NMFS to institute federal regulations that would require all fishermen to hold state licenses from their home state and the state where their vessels departs; fishermen would have to abide by the more restrictive regulations*
- Objective E: To promote cooperative interstate biological, social, and economic research, monitoring and law enforcement
  - *Remove 'law enforcement' from Objective E and create a specific objective that addresses law enforcement involvement in this fishery.*

2. Management Measures – Hearing Summary

- States within regional groupings should work together to have same or similar regulations
- Each should manage its own fishery with conservation equivalency (most popular)
- Implement a regional quota for the recreational and commercial fisheries

2. Management Measures – Hearing Summary

- Recreational fishermen and the for-hire fleet should not be able to keep any fish alive on the vessel
- Slot limits
- Ban processing of tautog at sea, racks should be brought back to prove minimum size requirements
- Minimum size limit should be reduced to 15 inches for all states, this would reduce discard mortality.
- All states should have the same minimum size limit of 16 inches, regardless of region

2. Management Measures – Hearing Summary

- Prohibition of fishing on spawning aggregations
  - Spawning season needs to be accounted for (i.e. southern states have earlier spawning season and northern states have later spawning seasons)
  - Spring fishery should be closed
- Additional regulations on the commercial fishery will have little positive effect given they make up such a small portion of landings
- Coastwide regulation that caps the possession limit at 10 fish per private vessel

2. Management Measures – **Written Summary**

- States should work together to establish regional management measures
- Ban pots and traps in the commercial fishery
- Increase the minimum size limits to 16 inches
- Regional quotas should be established for the recreational and commercial sector
- Slot limits, on a regional basis, should be researched for this fishery

4. Reference Points and Rebuilding Timeframes – Hearing Summary

- Addendum process should be used to change reference points
- Managers should not rush to change reference points
- Support for the use of regional reference points and rebuilding timeframes (referenced in hearing and written comments)

5. Data and Monitoring – Hearing Summary

- Increased data collection and monitoring is necessary
- Habitat conservation and artificial reefs efforts should be focused in areas where fish are known/or have been known to aggregate
- Artificial reefs should be monitored after implementation to see the effect it has on biomass
- There should be monitoring after minimum size limits are changed to illustrate the effects a management measure has on the stock

5. Illegal Harvest – Hearing Summary

- When?
  - Tautog is the most commonly poached fish
  - Happens in and out of seasons
  - At night
- Who is poaching?
  - Unlicensed recreational fishermen
  - People who don't understand the regulations, specifically those fishing on jettis, bridges, shore etc.
- Why?
  - Lack of enforcement
  - High value for live fish
  - Relatively easy to find
  - Food source

5. Illegal Harvest – Hearing Summary

- This is a law enforcement problem, not a recreational or commercial fishing problem
- Proper signage near docks and jettis that include a picture of the fish, minimum size limits, possession limits and season
- Penalties that are severe enough to deter people (i.e. high fines, publicized punishment)
- Illegal poaching by recreational fishermen puts them in direct competition with commercial fishermen, this leads to price undercutting. Illegal fish are sold for lower prices.
- There should be complimentary federal regulations

5. Illegal Harvest – Hearing Summary

- All states should have the same minimum size limit of 16 inches, regardless of region, so there is no confusion on the legal size
  - Will eliminate confusion on behalf of enforcement and restaurants
- Law enforcement should go to restaurants to check the size of fish

5. Illegal Harvest – Written Summary

- Three individuals are in favor of banning the live market, commercially caught fish would have to be killed and bled
- One striped bass organization said they do not, and have not seen, undersized tautog used as bait
- Fines should be at least $100 per undersized fish along with confiscation of equipment until the fine is paid
- Establish a phone number so fishermen can report illegal activity

5. Commercial Tagging Program– Hearing Summary

- Pros
  - Will hold restaurants accountable, they would know that they can only accept tagged fish
  - As a fish that is extensively poached, law enforcement could turn ticketing into a revenue source
  - Tagging should occur at the point of harvest
  - Commercial tagging program will increase the accuracy of commercial numbers
  - Need research to see if tags will kill the fish
    - Where should the tag be placed, what kind of tag should be used?

5. Commercial Tagging Program– Hearing Summary

- Cons
  - Tagging program will not deter illegal fishing
  - It will only place a heavier burden on commercial fishermen
    - The majority of this fishery is attributed to the recreational sector, not the commercial sector
  - Tagging is too costly

5. Commercial Tagging Program– Written Summary

- 5 organizations and 6 individuals are in favor of tagging
  - Can be used for quota management and provide a more accurate representation of the legitimate commercial harvest
- 3 organizations and 1 individual does not support a tagging program

Questions

Advisory Panel Summary: Public Information Document for Draft Amendment 1

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Regional Management

- Did not reach consensus on an option
- All agreed they did not want an option that resulted in severe cuts

Management Measures

- Opposed to a uniform size limit and a possession limit cap

Illegal Harvest

- 2 prong approach:
  - Fines/penalties need to be higher/stricter
  - Law enforcement needs to target the restaurants and fisher markets

Questions

Tautog Joint Sub-Committee Report: Law Enforcement Committee and Tautog Management Board

Presented to Tautog Management Board

November 4, 2015

Sub-Committee Charge

- Makeup includes LEC and Management Board representatives
- To review and Address Unauthorized Harvest and Sale of Tautog
- Provide report and any recommendations to the Tautog Management Board

Illegal Harvest Problem

- There is a significant illegal harvest of tautog
- This is evident in the market for live tautog, which are often undersized fish
- Live tautog are usually found in urban or ethnic markets and restaurants
- This occurs at both the commercial and recreational level with variations on the nature and extent of illegal harvest and sale occurring among the states.
- Other key sources of illegal activity included
  - Recreational fishermen or subsistence fishermen with illegal, dead fish

Adverse Factors for Enforcement

- Language barriers-Records and Receipts are often in other languages
- Dispersed and widespread activity-bridges, piers, jetties, offshore wrecks and often in the EEZ, there are coordinated landings, fish are penned up, there are look outs, fish are getting moved at night, there is a constant change of people moving in and out of the fishery
- Inconsistent regulations between states-size/bag/season, there are no regulations in EEZ, poachers flock to states with less liberal regulations
- No accountability-different states have different inspection authority, and regulations also differ on records requirements, illegal fish are often mixed with legal fish.

Recommendations

1. Implement a uniform minimum size limit
2. Consistent regulations in federal waters
3. Implement a commercial tagging program
4. Continue to strengthen penalties and fines, where possible