

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

**The Westin Crystal City  
Arlington, Virginia  
May 1, 2018**

**Approved October 25, 2018**

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2. **Move to approve Connecticut's proposal to implement commercial tautog measures of 16 inch minimum size, 10 fish possession limit for Moratorium License Holders and 3 fish for Restricted Commercial Licenses Holders and open seasons of April 1<sup>st</sup> through April 30<sup>th</sup>, July 1<sup>st</sup> through August 31<sup>st</sup> and October 8<sup>th</sup> through December 24<sup>th</sup>** (Page 3). Motion by Justin Davis; second by Maureen Davidson. Motion carried (Page 4).
3. **Move to adjourn by Consent** (Page 5).

## ATTENDANCE

### Board Members

Dan McKiernan, MA, Chair	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Raymond Kane, MA (GA)	Roy Miller, DE (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	John Clark, DE, proxy for D. Saveikis (AA)
Jason McNamee, RI (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Borden, RI (GA)	Russell Dize, MD (GA)
Justin Davis, CT, proxy for P. Aarrestad (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Matt Gates, CT, proxy for Sen. Miner (LA)	Ed O'Brien, MD, proxy for D. Stein (LA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Rob O'Reilly, VA, proxy for S. Bowman (AA)
Emerson Hasbrouck, NY (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
John McMurray, NY, proxy for Sen. Boyle (LA)	Peter Burns, NMFS
Jeff Brust, NJ, proxy for L. Herrighty (AA)	Rep. Thad Altman, FL (LA)
Tom Fote, NJ (GA)	Sherry White, USFWS

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

### Ex-Officio Members

Jason Snellbaker, Law Enforcement Representative

### Staff

Bob Beal	Caitlin Starks
Toni Kerns	Katie Drew

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday May 1, 2018, and was called to order at 11:15 o'clock a.m. by Chairman Dan McKiernan.

**CHAIRMAN DAN MCKIERNAN:** *(Recording started after the Welcome, Call to Order and Approval of Agenda.)*

**APPROVAL OF PROCEEDINGS**

CHAIRMAN MCKIERNAN: Next is the proceedings from the October, 2017 meeting. Are there any recommended changes to the minutes? Seeing none; by consent those are approved.

**PUBLIC COMMENT**

CHAIRMAN MCKIERNAN: Public Comment, has anyone signed up for public comment, Caitlin?

MS. CAITLIN STARKS: I didn't see anyone on the list.

CHAIRMAN MCKIERNAN: All right, is there anyone here who would like to speak on any issues that are not on this short agenda today? Seeing none; we'll move into the business at hand.

**CONSIDER APPROVAL OF THE CONNECTICUT PROPOSAL FOR COMMERCIAL TAUTOG MEASURES IN 2018**

CHAIRMAN MCKIERNAN: Review Connecticut Commercial Measures Proposal. Today we have a short agenda; it's a last minute item, it has to do with the state of Connecticut seeking approval for their commercial fishery proposal for this upcoming year and beyond. I believe the background here is the Board approved Amendment 1; just two meetings ago on October 17.

You all recall that there are four management units; and one of them after much deliberation

is the Long Island Sound management unit, which is co-shared by the states of New York and Connecticut. The plan itself required a 20.3 percent reduction in the commercial fishery beginning this year. Connecticut is seeking an alternative to that today. That material has been provided for you in the supplemental materials. There is a memo from the state of Connecticut; I believe Matt Gates. Caitlin, would you like to present some detail?

MS. STARKS: Just as a quick note; the memo from the Technical Committee reviewing this proposal is also provided on the back table. It was sent out on Friday; pretty last minute. If you need a hard copy they are back there. Thank you, I will be giving you an overview of Connecticut's proposal for the 2018 commercial tautog measures, New York's commercial measures for Long Island Sound, and providing the Technical Committee's report on both sets of measures.

This is the order that we'll go in here. For some context, the 2016 regional stock assessment for tautog indicated that the Long Island Sound stock is overfished and overfishing is occurring. The Board approved Amendment 1 in October, 2017, which requires a 20.3 percent reduction to the total tautog harvest; including recreational and commercial landings in Long Island Sound. This reduction has a 50 percent probability of achieving the F target by 2029. Connecticut and New York are the two states that share Long Island Sound and are subject to this reduction; and both states have taken the 20.3 percent reduction in their recreational measures, and New York has taken the reduction in their commercial measures as well. However, Connecticut is proposing to forego the reduction in their commercial tautog fishery for 2018, and possibly future years, and maintain measures similar to their 2017 measures.

The rationale behind their proposal is that the reduction would create a greater than expected hardship for Connecticut's commercial

fishermen; especially considering the state already reduced their commercial harvest by 66 percent between 2008 to 2011, and 2012 to 2015. The average commercial harvest for Connecticut from 2013 to 2015 is 6,100 pounds per year; which is 0.5 percent of the total harvest in Long Island Sound for New York and Connecticut.

If Connecticut maintains close to their status quo measures, and I'll go over the slight difference in a moment, the resulting overage in the total tautog harvest in the whole region is projected to be 0.1 percent for 2018. These are the measures that Connecticut is proposing; and they are pretty much the same as the 2017 measures; with one difference.

The slide here does not show that difference, it does show the difference. They have a 16-inch minimum size limit, 10-fish bag limit, unless you're a holder of a restricted license; in which case you have a 3-fish bag limit, and that's the difference. Last year it was 4 fish instead of 3, and then a total of 170 season days.

#### **TECHNICAL COMMITTEE REPORT**

MS. STARKS: The TC met to review the proposed commercial measures and found that they would not likely have a negative impact on the Long Island Sound stock in 2018; but the TC did highlight a caveat which is that if harvest in 2018 is to increase significantly, then these measures would need to be reevaluated and reconsidered. The TC also evaluated New York's 2018 commercial measures for tautog in Long Island Sound.

This is just because the methodology that New York used to craft their current measures was changed slightly from the last TC review. New York revised their measures and the methodology; in order to create measures that would reduce inequities and impacts to the eastern versus western areas of the Sound, and impacts to different gear types. The TC reported that these measures shown in the

table and the associated methodology used to create them are technically sound and that they will achieve the required reduction.

Our next steps for the Board are to consider the approval of the Connecticut proposal for commercial tautog measures in 2018. Also as part of their proposal, Connecticut requested that the Board task the Tautog Technical Committee with exploring means to create more consistency and equity in interstate commercial tautog measures in Long Island Sound. With that I will take any questions.

CHAIRMAN McKIERNAN: Do we have any questions for Caitlin? Caitlin, I have one. But I think it can be answered by the state of Connecticut. Were last year's regulations 4 or 3? Go ahead, Matt Gates.

MR. MATTHEW GATES: Last year the restricted license holders were restricted to 4 fish; basically to be in harmony with the recreational licenses and we are proposing to reduce it to 3, so we don't have to provide any incentive for recreational fishermen to circumvent the recreational rules by getting that restricted license.

CHAIRMAN McKIERNAN: Matt, if I could. That's why this is technically not a status quo proposal; it's more restrictive than what you had initially brought forward conceptually as status quo, but it's in fact more restrictive.

MR. GATES: Yes, it is slightly more restrictive.

CHAIRMAN McKIERNAN: Are there any other questions; yes, Jay McNamee?

MR JASON McNAMEE: The one question I had. In the document there is this non-preferred option that kind of lines up the commercial fishery with the recreational fishery, winds up being, it is more restrictive by a very small amount. It doesn't quite get them to the exact 292 or whatever it is they need to get to. I'm just wondering. I would like some feedback

from Connecticut as to why that one was non-preferred.

CHAIRMAN McKIERNAN: Who would like to speak to that? Justin Davis.

MR. JUSTIN DAVIS: Essentially that option is non-preferred because I think when we did the math out it would save 75 fish or 76 fish, and so just sort of the administrative burden of going through the process of changing those regulations to potentially take that opportunity away from the small number of participants in our commercial fishery to reduce the days in the season. We just didn't feel like that was our preferred option; because it wouldn't achieve substantial conservation.

CHAIRMAN McKIERNAN: Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I would just like to inquire as to what a restricted license is in Connecticut.

CHAIRMAN McKIERNAN: Matt Gates.

MR. GATES: We have a new commercial fishing license in Connecticut. It's open access and it allows for sort of restricted rod and reel possession limits.

CHAIRMAN McKIERNAN: Any other questions? Matt, did you want to make another comment?

MR. GATES: Yes, just to expand on what Justin said in response to Jason's question. Also we thought that closing later in the season would impact lobster fishermen; who take fish in the lobster pots more since there is a closure in the lobster fishery, and it opens up later in the fall. We feel like lobstermen have already taken a hit on tautog landings due to the closure. This would not impact them as much.

CHAIRMAN McKIERNAN: Anyone else? All right seeing none; is there a motion that someone would like to make; yes, Justin Davis?

MR. DAVIS: I'll make a motion; which I think will magically appear on the board here in a second. **I move to approve Connecticut's proposal to implement commercial tautog measures of 16 inch minimum size, 10 fish possession limit for Moratorium License Holders and 3 fish for Commercial License Holders and open seasons of April 1st through April 30th, July 1st through August 31st and October 8th through December 24th.**

CHAIRMAN McKIERNAN: Can I get a second? Yes, Maureen Davidson second. All right, any discussion on the motion? I think we've gotten a lot of good background on it; so I'm not sure you need to speak to the motion any more than you have. But you're welcome to; yes, Jay McNamee.

MR. McNAMEE: Just make a couple of comments. I'm fine with this I think. We're talking about a very small amount of fish. Your commercial harvest has been restricted pretty significantly. I think the statistical argument is a valid one. I guess what I would like to offer is, and I guess coupled with Mr. Chair your observation that this is in fact slightly more restrictive with that lower bag.

I guess that gives me additional comfort. I guess the one thing I was thinking about as I was reading through this and thinking about it. There would have been a lot of value for you had you had a quota; or something where you could have a little bit more precise management control on your commercial fishery. I just wanted to offer that. That would have been probably a simple solution here. It's been an effective management measure in Rhode Island and Massachusetts, and so I wanted to offer that as a thought to them.

CHAIRMAN McKIERNAN: I guess I would like to make a comment. This is my first meeting as Board Chair, and I look at the challenges that we have over the next two years while I'm Chair. The biggest is the execution of this tagging program. In some ways I look at tautog

tagging as going to be on a small scale the kind of changes that we have to deal with, with new MRIP numbers; that I think when we start issuing tags to tautog fishermen, and we have them tag the tautog, and then we chase the fishermen down for the unused tags.

We may find that the numbers of fish taken under the authority of the commercial permit may be different than what's being reported now under the dealer or the harvester data. To me this is all like pre-tag; because post-tag we're going to have to deal with some very different issues. Anyone else? Yes, Tom Fote.

MR. THOMAS P. FOTE: I'm not familiar with Connecticut's restricted fishing license. I know in our state when we put in for certain species hook and line fishermen. Allowing them to do that they had to show a history of selling fish before the regulations were put in place and things like that.

Plus there had to be an ongoing record keeping and everything else basically to do this. What you said is this is an unrestricted license. Can anybody just walk in? Because then it would increase, because of the high price of tautog, it would increase the price. It would make it worthwhile for people that would normally not go out to fish for tautog, to go out just to make the extra money that's involved. I'm just curious how this is being regulated.

CHAIRMAN McKIERNAN: Matt Gates.

MR. GATES: Thanks, Tom. The license is open access. It is restricted to the recreational creel limit; and it's been in place now since 2016, and we really haven't seen anybody take advantage of that. For three fish, and I think people think about the live market with tautog being so far removed from where our tog fishery is prosecuted that we just haven't seen that kind of increase.

CHAIRMAN McKIERNAN: Anyone else? All right, time for a vote. Is there any objection to

the motion on the board; if not, excuse me, Tom.

MR. FOTE: Can we just caucus for a second?

MR. McKIERNAN: Sure. Caucus 30 seconds; all right have we caucused successfully? **All right is there any objection to the motion? Seeing none; motion passes by consent.** Next on the agenda, other business, we will be looking for a Vice-Chair at a future meeting. I hope one of you will step up and maybe we'll look for that at the August meeting. Caitlin, is there anything else?

MS. STARKS: I just wanted to make a quick note about the commercial tagging program; and that we are working together to put together some guidelines for the states on how to implement the program, and we'll be reaching out to the state administrators soon to get input on that. I just wanted to keep you all in the loop on that process.

CHAIRMAN McKIERNAN: Yes, and if I could, my staff have been working with Caitlin. We tried out some of the tags last year. My agency is doing a hook and line tautog study. We found that the tags are pretty good, but the applicator of the tag can be challenging to use. Caitlin has been talking to the company; and I think they are trying to make some changes to the applicator, and develop one that might be a little easier to use, especially on the water. Jason.

MR. McNAMEE: Yes, with regard to this. I'm glad you guys are conferring on this and testing the devices and all that. That is great. Is it going to come back through? I'm trying to think of what is going to be the signal to the states. Is it going to come through the Technical Committee? Is the Technical Committee going to review the guidance that you develop? I'm just trying to figure out when I'm going to know its go time.

CHAIRMAN McKIERNAN: I'm going to turn to Toni for a little assistance.

MS. TONI KERNS: I think we'll probably work with a couple of the states to get your guidance; and then bring it back to the Technical Committee, and then bring it back to the Board for final approval of the actions that need to move forward. I'm hoping that we can use what's contained in the amendment; in order to not have to do another management document to implement the tagging program. There was a lot of information contained in the amendment itself that I think we should be able to work within. The timing part will be a little tricky. The company has indicated to Caitlin that by the end of the year-ish, they won't give us any good, solid dates yet about when they can change that applicator. We would really like to test out that applicator before we force a change for the tagging program itself, to make sure that it is something that does work on the water, because we recognize that having tags fly all over the boats is not going to be a productive use for anybody. Whether or not it gets implemented for 2019 or 2020 is still unclear to us as staff; until we get some more solid dates from this company.

CHAIRMAN McKIERNAN: Yes, Jason.

MR. McNAMEE: I'll just offer Rhode Island staff for any consultation that you might need.

#### **ADJOURNMENT**

CHAIRMAN McKIERNAN: All right, I think that is all we have today. Is there any other business before the Board? Seeing none; this meeting is adjourned. Enjoy your lunch.

(Whereupon the meeting adjourned at 11:45 o'clock a.m. on May 1, 2018)