



# Atlantic States Marine Fisheries Commission

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*Dr. Louis B. Daniel, III, (NC), Chair      Douglas E. Grout (NH), Vice-Chair      Robert E. Beal, Executive Director*

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**October 26, 2015**

**To:            Tautog Management Board**  
**From:        Ashton Harp, ISFMP Coordinator**  
**Subject:     Public Comment on Tautog Draft Amendment 1**

The following pages represent a summary of written comments received by ASMFC by October 23, 2015 at 5:00 p.m. (closing deadline) on Draft Amendment 1 to the Tautog Interstate Fishery Management Plan.

A total of 46 written comments were received. Of those comments 14 were from an organization or group, and 32 were personalized individual comments.

Eight public hearings were held in each state within the management unit for tautog (Massachusetts through Virginia). Approximately 80 individuals attended all public hearings combined. Public hearing summaries were distributed in the Briefing Materials.

A tally of the groups/organizations and individuals who commented on regional management is provided in tables 1 and 2. Comments on goals and objectives, management measures, reference point and rebuilding timeframes and other issues are summarized collectively.

**Comments were submitted by the following groups or organizations:**

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

## ISSUE 1: REGIONAL MANAGEMENT

### Management Question

- Which management area approach do you support: Option 1 (status quo), Option 2, Option 3 or Option 4?

**Table 1. Comments submitted by groups or organizations**

Option 1 (Current Stock Definition)	Option 2 (3 stocks)	Option 3 (3 stocks)	Option 4 (4 stocks)
Single Stock:  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–North Carolina	3) Delaware–North Carolina	3) New York–New Jersey (excluding LIS) 4) Delaware–North Carolina
<b>6 organizations</b>	<b>1 organization*</b>	<b>3 organizations*</b>	<b>7 organizations*</b>

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

**Table 2. Comments submitted by individuals**

Option 1 (Current Stock Definition)	Option 2 (3 stocks)	Option 3 (3 stocks)	Option 4 (4 stocks)
Single Stock:  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–North Carolina	3) Delaware–North Carolina	3) New York–New Jersey (excluding LIS) 4) Delaware–North Carolina
<b>7 individuals</b>	<b>5 individuals*</b>	<b>8 individuals*</b>	<b>14 individuals*</b>

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

## ISSUE 2: FISHERY MANAGEMENT PLAN GOALS AND OBJECTIVES

### Management Questions

- Are these goals and objectives still appropriate for the tautog fishery and resource?
- What changes to the goals and objectives need to be made to reflect the needs of the fishery and the resource?
- Which five objectives do you feel are the most important?

**The following includes the current fishery management plan goals and objectives, and associated comments in italics.**

### GOALS

- A. To perpetuate and enhance stocks of tautog through interstate fishery management so as to allow a recreational and commercial harvest consistent with the long-term maintenance of self-sustaining spawning stocks
  - *Rewrite to: manage the tautog stock in a way that facilitates a robust and sustainable commercial and recreational harvest*
- 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*
- C. To provide for the conservation, restoration, and enhancement of tautog critical habitat for all life history stages
- D. To maintain a healthy age structure
- E. To conserve the tautog resource along the Atlantic coast to preserve ecological benefits such as biodiversity and reef community stability, while maintaining the social and economic benefits of commercial and recreational utilization

### OBJECTIVES

- A. To establish criteria, standards, and procedures for plan implementation as well as determination of state compliance with FMP provisions
  - *Voted as one of the most important objectives*
- B. To allow harvest that maintains spawning stock biomass (SSB) in a condition that provides for perpetuation of self-sustaining spawning stocks in each spawning area, based on maintain young-of-the-year indices, SSB, size and age structure, or other measures of spawning success at or above historical levels as established in the plan
- C. To achieve compatible and equitable management measures among jurisdictions throughout the fishery management unit
- 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 depart; fishermen would have to abide by the more restrictive regulations*
- 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.*
  - *Voted as one of the most important objectives*
- F. 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. Effective stock assessment and population dynamics modeling require more information on the status of the resource and the biology/community/ecology of tautog than is currently available, in particular to facilitate calculation of F and stock trends
  - *Voted as one of the most important objectives*
  - *There should be stronger emphasis on accurate data collection for this fishery*
- G. To identify critical habitats and environmental factors that support or limit long-term maintenance and productivity of sustainable tautog populations
- H. To adopt and promote standards of environmental quality necessary to the long-term maintenance and productivity of tautog throughout their range
- I. To develop strategies that reduce fishing mortality, restore stock size composition and the historical recreational/commercial split, consider ecological and socio-economic impacts and identify problems associated with the offshore fishery. Compatible regulations between the states and the EEZ are essential
  - *Add: to maintain strong relationships with professional fishermen to gain a better understanding of the fishery strength and trends*
  - *The fishery should be managed with the largest stakeholder group in mind*
  - *Voted as one of the most important objectives*

## ISSUE 3: MANAGEMENT MEASURES

### Management Questions

- Do you support the use of regional management measures?
- What are the most effective management measures in place?
- Are there management measures that can be improved upon to better achieve management goals and objectives?
- Are there additional state management efforts that should be included in the FMP?

**Suggested management measures were grouped by topic. The number after a comment indicates a repeat comment.**

- *Gear Type*
  - Ban pots and traps in the commercial fishery (4)
  - The number of fish traps per fisherman should be limited
  - It should be illegal to sell tautog caught as bycatch in lobster pots
    - Those who were against potting have the perception that the tautog abundance was higher prior to the use of potting.
- *Size Limits*
  - Increase the minimum size limit to 16 inches for all states (2)
  - Establish the same minimum size limit for all regions (4)
  - Increase the size limit and decrease the bag limit
- *Open/Closed Season*
  - Reduce the New York commercial fishing season
  - Open seasons for each state should be evaluated for overlap with current spawning seasons
  - Fishery should be closed in spring and early summer to protect spawners
  - Fishery should be closed all summer
  - Fishery should be closed all spring (2)
  - Adjust the fishing season as necessary to account for cold winters because tautog do not bite in very cold water (3)
- *Regional Management*
  - Regional quotas should be established for the recreational and commercial sector. If regional quotas are exceeded, then the state(s) responsible would have to implement more restrictive measures the following year. (3)
  - States should work together to establish regional management measures
  - Slot limits, on a regional basis, should be researched for this fishery (4)

- *Other*
  - Manage party and charter permitted vessels separately from the private and shore based anglers
  - Impose a 10 fish maximum per private vessel for all states (current a RI regulation)
  - Wave 1 harvest data is not available in the recreational landings estimates from New Jersey through Virginia, therefore fishing during this time period should be prohibited
  - There should be a commercial permit to target tautog
  - Weekly or bi-weekly harvest should be reported at the state level
  - Tautog tournaments encourages ‘opening day mentality’ which has led to increased landings and participants in the fishery

#### **ISSUE 4: REFERENCE POINTS AND REBUILDING TIMEFRAMES**

##### **Management Questions**

- Do you support the ability to change reference points based on the latest peer-reviewed stock assessment recommendations without the need of a management document?
- Do you support the use of regional reference points?
- Do you support stock rebuilding timeframes that correspond to the needs of each regional management area (i.e. timeframes that are based upon respective stock condition relative to their regional reference points)?

Those in favor of regional management were also in favor of regional reference points and rebuilding timeframes. An individual said managers should be hesitant to accept new reference points and rebuilding timeframes, and only those that are realistic should be adopted. Another said the contents of a peer-review stock assessment should be incorporated into the FMP without the need for a management document or a public hearing process. An individual said ASMFC should adopt the federal guidelines for rebuilding timeframes, the stock should be rebuilt in 10 years if biologically feasible.

#### **ISSUE 5: OTHER ISSUES**

##### **Management Questions**

- Do you support the use of adaptive management to meet the goals and objectives of the fishery?
- Do you support increased monitoring to improve our understanding of tautog life history and stock dynamics as well as aid in development of future stock assessments?

- Are undersized tautog harvested for recreational bait or the live fish market in your state? If so, is this a concern to you?
- Should there be an ASMFC mandated commercial fish tagging program to minimize the unlawful commerce of tautog and provide traceability of all fish in commerce back to the state of origin. Should the point of tagging be the point of harvest and/or the point of sale?
- As a structure-oriented species, do you have regional habitat recommendations, recognizing that the Commission and the state marine fishery agencies have limited regulatory authority for habitat?
- What other changes should be made to the tautog fishery that are not covered by the topics included in this document?

**Comments include:**

- *Black Market*
  - Five organizations and six individuals are in favor of a commercial tagging program. Three organizations and one individual do not support a commercial tagging program. Those in favor voiced support for tagging at the point of harvest. This tool would allow for future quota management and provide a more accurate representation of the legitimate commercial harvest. 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, tautog used a bait for striped bass.
  - 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
- *Habitat*
  - Four individuals commented on the importance of maintaining existing reefs and creating artificial reefs. Other comments include:
    - Manmade reef rebuilding and reef re-introduction should be a priority
    - Beach replenishment projects are disrupting natural shorelines and destroying prime fishing areas
- *Other*
  - An ecosystem approach should be applied to this fishery; the tautog fishery is negatively impacted by the abundance of black sea bass
  - Logbooks should be required for this fishery
  - Addendums to the FMP should be regionally focused

# Tautog Written Summaries August-October 2015 Draft Amendment 1

Connecticut: 9

Virginia: 13

New Jersey: 10

New York: 10

Rhode Island: 2

Massachusetts: 1

Delaware: 1



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From: Bill <[bill@marshviewmarina.com](mailto:bill@marshviewmarina.com)>  
Sent: Saturday, October 24, 2015 7:12:47 AM  
To: Simpson, David  
Subject: Tautog Management

Hi Dave,

I believe option 4 is the best option for us. Also as far as blackish are concerned we should implement a slot limit...As an avid fisherman, marine bio background, and a marina owner for 20 years I have witnessed this beautiful fishery on the decline...large, old fish are stripped from our waters each year...Especially due to tournaments that glorify these double digit monsters and never released...best "eaters" are fish in the 16-17" range anyway before they develop the heavier red meat down their sides...just my concern in all the years of observation on the sound..

Thank you,

Bill Kokis  
(860) 304-0207  
Sent from my Verizon Wireless 4G LTE smartphone

Hello Ashton,

My name is Jeff Tyrol and I am an avid recreational fisherman in CT. I have recently joined a local fishing club and am trying to get more informed on the fisheries management issues that effect me and understanding how to voice my opinions on how I would like to see these issues managed.

At our club's last meeting our guest speaker David Simpson talk a little about Tautog Management. As lengthy of a topic it is he gave everyone a copy of the Public Information Document to look over and encouraged us to voice our opinion on the issue.

I understand the current step is gathering input on what the best regional breakdown for Tog management would be.

After reading the options there is only one that makes sense to me and that would be Option 4. I fish the waters of Long Island Sound and looking at it from the Connecticut standpoint it would not be fair to us to be grouped together with with other states which our stocks don't overlap with..

It is extremely important to make sure we manage the LIS stock appropriately especially when you look at the total number of recreational landings between CT and NY.

After reading all the information about the known movement of Tautog it seems like the LIS stock has minimal overlap with both the Massachusetts /RI stock and the rest of Southern NY. One of the options has CT grouped with NJ which is a totally different biomass all together.

With Tautog being such home based fish that stays near the same reefs year to year it makes sense to use a management plan that treats them as such.

I love going out and targeting Tog and so does my wife, in fact we enjoy a day anchored up togging more than anything else in our area. It's the most fun fishery there is in our area and I would like to see it protected with the best most localized management possible so it will still be strong if not stronger for us to take our children out and experience in years to come.

On behalf of all the recreational fishermen and women in our area I would definitely recommend you to use management area option 4 not only for our future but also for the future of these amazing slow growing fragile fish.

Thank you for the opportunity to be able to voice my opinion and be a part of this decision

-Jeff Tyrol

Ms Harp

Please excuse the lateness of my responses but I believe that I did get this in before the deadline.

Tautog are a very important species for me as I've been catching them since I was a small boy along with my father. I value them mostly as a large part of my fall fishing and would like to be able to continue this for years to come.

I did mention to you at the hearing in CT. that there was a lot of information in the document to understand all at once and that you would be receiving lots of emails. Well here are my responses to your questions and I hope that will help with formulating a balanced FMP.

Thank you

Michael Kraemer

ISSUE 1:

Which management area approach do you support: Option 1 (status quo), Option 2, Option 3 or Option 4?

- Being in Connecticut we have no other place to fish for tautog other than Long Island Sound so that makes option 4 the only real choice we have. As long as New York is in agreement to managing LIS as one shared body of water than we should also work on common regulation and creel limits.

ISSUE 2:

Are these goals and objectives still appropriate for the tautog fishery and resource?

- In a word, yes. The idea here is to protect what we have and maintain it for years to come

What changes to the goals and objectives need to be made to reflect the needs of the fishery and the resource?

- I don't believe we need to change the goals however I find that some of the objectives are not applicable to LIS

Which five objectives do you feel are the most important?

- Why is this limited to just 5 objectives? If they will help with the FMP why not use all of them that apply?

I do think that objective D does not apply to LIS since it is all state waters. But it might have some benefit elsewhere.

ISSUE 3:

Do you support the use of regional management measures?

- Yes I do ,and again since all we have is LIS I feel it is imperative to have regional management.

What are the most effective management measures in place?

- At this time all we have are size and creel and season to work with. Possibly later we might consider slot size too.

Are there management measures that can be improved upon to better achieve management goals and objectives?

- I think we need to focus more on reporting of catch data. The current system is good in theory but short on practicality. As a recreational fisherman I have never been approached by a survey agent. I understand the logistics and expense involved but there has to be a better monitoring system.

Are there additional state management efforts that should be included in the FMP?

- Other than what I have stated above as my opinions I don't see how the state will have the flexibility to make changes to a Federal Management Plan.

#### ISSUE 4:

Do you support the ability to change reference points based on the latest peer-reviewed stock assessment recommendations without the need of a management document?

- I believe that would streamline the process and might get more accurate data to future stock assessments

Do you support the use of regional reference points?

- Again since we are in an enclosed environment I am all in favor of the regional approach.

Do you support stock rebuilding timeframes that correspond to the needs of each regional management area (i.e. timeframes that are based upon respective stock condition relative to their regional reference points)?

- This one I am unsure of. I find arbitrary time frames to be restrictive to good management by placing a burden to reach a goal in a set amount of time. I have felt in the past that some of these deadlines have not worked as intended.

#### ISSUE 5:

Do you support the use of adaptive management to meet the goals and objectives of the fishery?

- I support anything that will preserve the stock while also providing a common sense approach to providing for use of the fishery

Do you support increased monitoring to improve our understanding of tautog life history and stock dynamics as well as aid in development of future stock assessments?

- I think we need to have increased monitoring for the sake of stock assessments and I am participating in a state run tagging system to determine habits of the species throughout their lives.

Are undersized tautog harvested for recreational bait or the live fish market in your state? If so, is this a concern to you?

- I personally have never heard of using short Tautog as a bait species. I would hate to have this become a widespread problem anywhere.

Should there be an ASMFC mandated commercial fish tagging program to minimize the unlawful commerce of tautog and provide traceability of all fish in commerce back to the state of origin. Should the point of tagging be the point of harvest and/or the point of sale

- There needs to be something in place to stop the Asian live fish marketing of primarily undersized fish. I do favor the tagging of them being sold but I would like to see a program of the sort used for striped bass here in Connecticut.

END of Michael Kramer Comment

**From:** Byxbee, Kenneth [<mailto:KByxbee@StamfordCT.gov>]

**Sent:** Friday, September 18, 2015 7:48 AM

**To:** DEEP Marine Fisheries

**Subject:** Tautog Fisheries Management Plan

To whom it may concern, As a fisherman whom has fished the waters of Long Island Sound's Western area for over 50 years I would like to comment on the proposed Assessment Management Areas and I would like to see Option 3 implemented, Combining CT and Northshore into one zone. Since the demise of the Lobster Fishery, due to WHATEVER, and the overfishing of the Tautog Stocks by Lobster and Fish Traps in the 90's, I have noticed a profound impact of not only the numbers but also the size of the Fish. To further substantiate my cause, I am sick and tired of watching the NY party boats fishing our CT shoreline day after day and being allowed to harvest more fish then I!!!! This can definitely be alleviated by the implementation of one bag limit for both states on ALL Inshore species harvested within the LI Sound period!!! I further believe that DEEP should research the possibility of CLOSING the Winter Flounder fishery for at least a 5 year period, commercial and recreational, to HOPEFULLY result in a viable fishery once again... Thank you for your indulgence, Ken Byxbee, Stamford, CT

**From:** LYKE, GARY J PW [<mailto:gary.lyke@pw.utc.com>]

**Sent:** Tuesday, September 15, 2015 7:15 AM

**To:** DEEP Marine Fisheries

**Subject:** Tautog

I feel Ct. should join with Mass. and Rhode Island in this matter as we are basically in line with each other on the east coast and even though New York is important and Jersey I don't believe they are as in tuned to the areas that concern most Ct. fishermen. Rhode Island seems to really have it together with their fishery and Mass. is also very good at working with our environment. I have fished and hunted both states and find actually that Ct. is the least in tuned of the states mentioned. We are either to overboard with our laws or we are not strict enough. We could learn something from being involved with these states and they can learn from us also. I think Jersey and New York think they kind of rule the roost when it comes to regulating these types of things.

**From:** Rick Tomasetti [<mailto:RWTomasetti@SEandAlnc.com>]

**Sent:** Monday, September 14, 2015 4:54 PM

**To:** DEEP Marine Fisheries

**Subject:** Tautog PID Comment

Dear Sirs,

In order of effectiveness meaning reducing mortality;

1. Add more stringent Commercial quotas.
2. Introduce a slot limit to allow breeders to live; increasing biomass.
3. Provide more stringent limits on recreational fisherman.
4. Higher fines for GROSS negligence. (ref MASS and CT arrests) SAME PEOPLE, SAME CRIME.

While your at it, STOP allowing inshore dragging by commercial fisherman (1½ mile at least) or severely reduce their allowable take, DRAGGERS ARE KILLING THE LOCAL ENVIRONMENT for the sake of the almighty dollar.

V/R,

Rick Tomasetti

24 Doyle Rd

Waterford, CT



**From:** RomanAround5246 [<mailto:romanaround5246@gmail.com>]

**Sent:** Tuesday, September 22, 2015 6:58 AM

**To:** DEEP Marine Fisheries

**Subject:** Tautog Amendment 1

Good Morning,

Unfortunately I am unable to attend the public hearing on Amendment 1 for Tautog. It's always very informative to you go into depth explaining what will be accomplished by these amendments instead of trying to figure it out through all those fancy words.

Anyways I am writing to you to voice my opinion on the 4 different choices. My choice is for option 4. I think that Long Island Sound is a unique body of water that is different from say Block Island Sound. It is more protected and warmer and a good environment for fish to spawn and grow. For example, there are many and I mean many black sea bass in the inch to 10 inch range everywhere in the Niantic area. Also there is a Spring spawn for Porgies in the Gardiner Bay area.

Personally I would love to see Long Island Sound be it's own designated area for all fish. I don't think we deserve to be lumped in with Rhode Island, New York or New Jersey. We have different conditions and situations between Long Island Sound and the open oceans. With that said, have the North Shore of New York and Connecticut be it's own zone.

I also have a question about fish being caught. I know alot of boats go to Rhode Island for fluke and tautog and same goes for Montauk. I am just wondering which state gets credit for the catches? I am a member of your Volunteer Angler Survey and the way that it is set up now makes no sense. It only has one area as an area fished, even though you fish in 2 different areas. Also there is a line that runs right thru the center of the Race, so which zone do you claim in the book. I think everyone should get a logbook when they get a license to record their information.

Thank you for listening to me and making my opinion heard. You do a great job thinking about the recreational anglers and commercial interests even though none of them think so. I remember attending the meetings and listen to the unhappy and angry people. Unfortunately with my work schedule I am unable to attend them.

Sincerely,

Roman Dudus

Hello to both of you,

I've been somewhat crazy busy and wanted to get my comments into both of you.

Issue 1 – Stock Management – **Option 4** is incredibly important for CT and NY anglers who fish LIS. The fishery in LIS has become incredibly popular and generates more and more interest – this showing up in the landing data for CT.

Issue 2 – FMP Goals – the goals are still appropriate.. the 5 most important are: wait... the most important one is MISSING – understand the stock status as it relates to the overall population – my intuition is that there is no mixing of the stocks (LIS fish likely stay in LIS, etc..). Tautog are not understood and that research is critical. Example – the CTDEEP and the my little group of fishing buddies allied under the CT RFA umbrella just started a tagging study.. informal results are showing the fish have not moved at all .. I expect that to change but if the populations are not migrating at all management becomes very difficult. Another example – New Haven Harbor has a massive breakwater system that has great recreational angling for tautog associated with it. On a nice weekend there could be 100 anglers fishing the breakwaters (maybe more).. if those fish are truly resident to the structure how is that accounted for in the FMP?

Issue 3 – Management measures – refer to my comments in Issue #2 – if the fish do not migrate (or mix).. then regional management measures do not make any sense – in general I support regional management but without a thorough understanding of tautog migration (or lack of migration) then regional management measures make no sense. My somewhat poor analogy is that perhaps tautog are like “deer” (very local population) and we are attempting to manage them like waterfowl. (I don't hunt anymore but the analogy makes sense to me.) RESEARCH IS NEEDED

Issue 4 – reference points/rebuilding timeframes – there is a need to use regional reference points..

Other issues:

I've been fishing for tautog since I could walk – all basically in Central CT.. so its slightly over 50 years of tautog fishing. The fishery has changed enormously. The first issue is that the fish used to have no commercial value, in the early 1970's friends that participated in the commercial lobster fishery would give my family as many tautog as we wanted – they were that abundant and tended to be readily caught in lobster pots. The recreational fishery used to be 100% private boats, today there is a new group of charter boats that utilize smaller vessels and an expanded “head boat fleet” that fish CT waters (head boats being “party boats” that can accommodate from 20-60 anglers). Until the late 1990's you NEVER encountered these large boats in central LIS – today its common to see party boats from CT and NY fishing the same general areas in central LIS. The point of this discussion is that that participation in the fishery has expanded in LIS. In addition to the expansion the private boat anglers all have GPS devices that enable boats to fish “hot spots” on the same reefs. In the not that distant past electronic navigation was not typically available to the private boat angler. Then there was a change in fishing tackle technology – the use of braided fishing lines has allowed anglers to fish in strong currents that were unfishable in the past. All of these changes have greatly increased landings in LIS.

The “hot new thing” in tautog fishing is the use of “tog jigs” with Asian crabs in shallow water – using the same braided line technology. This change has also increased landings and participation. There is a new group of anglers utilizing kayaks and this technology with great success. Anglers viewpoints and participation in the fishery have also changed – today many anglers typically want to catch many fish (easy to do with the jigs).. and keep some fish for the table. Anglers exclusively targeting tautog solely has a “food fish” have decreased. Sport is becoming more important.

In addition to the above, CT has had an explosion in tautog tournaments – which is also increasing landings and participation on the fishery. The use of restrictive seasons (to contain harvest) has also resulted in an “opening day mentality” that is helping to drive up landings.

Other ideas (generated from my discussion with friends who fish for tautog):

1. Institute a slot limit – allowing large spawning fish to survive is the best management tool by far for this fishery. Using a restrictive slot limit would also allow for elimination of the “opening day” scenario which is putting a tremendous strain on the resource. The fishery is changing (use of jigs and catch and release fishing) - while there may be some push back from the “recreational for hire fleet” the health of the tautog resource is going to require substantial changes and this tautog fishery is historically a private boat based fishery. Managing the fish for the benefit of the largest stakeholder group is important. The slot limit could be decided on a regional basis – I think it’s very important for the LIS region. In reality the older larger tautog or not great eating anyway. The slot limit format will also make the tautog tournaments change their format (help protect the larger fish that are being targeted for these events).
2. Commercial fish – allow for a smaller size and mandate tagging of all commercial fish. The small size commercial fish will help eliminate the black market fishery – as will tagging. Tog are hardy enough that the tags will not kill fish that will end up in the live fish trade (black market tautog really need to be addressed and this may fix the problem)

Thanks – Jack Conway

October 23, 2015

Ashton Harp  
1050 North Highland St, Suite 200 A-N  
Arlington, VA 22201

Via email: [aharp@asmfc.org](mailto:aharp@asmfc.org)

Re: August 2015 ASMFC PID for Tautog

Dear Ashton,

After careful review of the August 2015 Atlantic States Marine Fisheries Commission (ASMFC) Public Information Document (PID) for tautog, I write to offer the following comments as a professional fisherman of more than 25 years. Everyone with a stake in the fishery – fishermen and regulators alike – wants to see a healthy tautog stock that can be harvested in a sustainable manner. I offer these comments in the hope that ASMFC can and will adopt a common sense approach that other regulatory agencies have lacked in similar contexts (NOAA and black sea bass regulations come to mind).

One fact serves as the overarching theme to my comments and underscores my gravest concerns about the PID: *the recreational harvest data in Table 4A, particularly for Connecticut and New York, is heavily flawed*. ASMFC cannot make sound decisions with regard to the fishery if those decisions are informed by faulty and unreliable data.

The most recent data for Connecticut shows harvests of 88,728 pounds, 982,891 pounds, and 392,146 pounds in 2011, 2012, and 2013, respectively, before reflecting a staggering leap of **275%, to 1,470,133 pounds**, in 2014. If the data is to be believed, the 2014 tautog harvest in Connecticut was the largest since 1981 – virtually impossible, given the steady tightening of regulations governing the fishery over the last 33 years. During that time, the regulations have evolved from something on the order of 25 fish at 12" to our current limit of 4 fish at 16".

The wild fluctuations in the recreational harvest data should be a red flag, even to the most casual observer. Such a dramatic and irregular rise and fall in the data prevents a regulatory body from conducting an effective analysis, given the tendency of highly volatile data to conceal underlying trends. The inability to spot any trend at all from year to year makes the data inherently unreliable. (The PID suggests as much when it generously describes the harvest data for tautog as "more uncertain than other commonly targeted species.")

The data in Table 4C, showing the number of trips targeting or harvesting the species, is similarly suspect. It suggests that the number of such trips in Connecticut increased 85% from 2013 to 2014, and 117% in New York during the same period. That rate of increase is virtually impossible. Tautog-related bait sales in Connecticut and New York have fallen steadily and dramatically over the last 5 years – a fact that underscores the incredibility of both the harvest data and the trip data.

Perhaps it should come as no surprise that the recent tautog data is unreliable. The pace and severity of cuts to the limits on tautog precludes the collection of reliable data on the fishery's health and size. As the PID correctly notes, "tautog are a slow-growing, long-lived species ... [that is] slow to rebuild." In my

25+ years as a professional fisherman I have seen the tautog stock slowly rebound, with subtle changes every year. The trend in regulation of this fishery has been to make steady and dramatic decreases in the permissible recreational harvest, but the very nature of the species dictates that the impact of those restrictions will not be seen for years. To expect immediate results from recently introduced regulatory restrictions, and to enact further restrictions in the absence of such immediate results, ignores the very nature of the species.

Before turning to each of the issues presented in the PID, I ask ASMFC to reconsider the fundamental way in which it views recreational harvest data. A strong rod and reel catch is a sign of a strong fishery – not a sign that the size of the fishery is being reduced in aggregate. The simple fact is that a weak fishery cannot support a strong rod and reel harvest.

### **Issue 1: Stock Management Areas**

**Management Question: Which management area do you support: Option 1 (status quo), Option 2, Option 3, or Option 4?**

Option 4 represents the best management area. Smaller, more discrete management areas are a better way to manage the stock, keeping in mind that some of these areas will overlap (e.g., Eastern Long Island Sound and Fishers Island Sound feed the south shore of Rhode Island in the late fall).

### **Issue 2: Management Plan Goals**

**Management Questions: (1) Are these goals and objectives still appropriate for the tautog fishery and resource? (2) What changes to the goals and objectives need to be made to reflect the needs of the fishery and the resource? (3) Which five objectives do you feel are the most important?**

The management plan goals are unnecessarily lengthy and complex. The largest Fortune 500 companies would be ill-equipped to achieve such granular goals and objectives. The needless complexity and specificity serves only to muddy the waters.

**The only goal of the FMP should be to manage the blackfish stock in a way that facilitates a robust and sustainable commercial and recreational harvest.**

There are four key tools necessary to accomplish that goal:

- 1) **ACCURATE DATA** on harvested fish
- 2) Habitat protection
- 3) Communication between states and local management areas to achieve an accurate view of stock strength – East Coast-wide and at the local level
- 4) Strong relationships with professional fishermen to gain a better understanding of the fishery strength and trends

### **Issue 3: Management Measures**

**Management Question 1: Do you support the use of regional management measures?**

Yes.

**Management Question 2: What are the most effective management measures in place?**

Closure dates, bag limits, and size limits.

**Management Question 3: Are there management measures that can be improved upon to better achieve management goals and objectives?**

**Management Question 4: Are there additional state management measures that should be included in the FMP?**

Yes, as to both questions. ASMFC should adopt longer summer closures to support spawning – there is no need for a summer tautog season.

There should also be specialized regulations for areas that combine large catch rates with few inherent restrictions on the catch. For example, the New Haven breakwall consistently produces a very high number of blackfish landings but exhibits a number of characteristics that make it ripe for abuse. Those characteristics include the fact that it is accessible without a boat, is sheltered from poor weather conditions, is relatively unaffected by strong tides, and can be visited several times a day by the same angler with little fear of being caught with multiple creel limits. There are several similar areas within Connecticut and they should be treated differently than more typical fishing sites. Just as Connecticut has created “Enhanced Opportunity Shore Fishing Sites” to allow more generous regulations at certain sites, so too should it create more restrictive regulations for sites that warrant them.

Finally, commercial blackfish harvests should utilize a tagging program similar to the program in place for striped bass. Such a program would also enable fishermen to pen fish for future sale to *legally* leverage the live market.

**Issue 4: Reference Points and Rebuilding Timeframes**

**Management Question 1: Do you support the ability to change reference points based on the latest peer-reviewed stock assessment recommendations without the need of a management document?**

No.

**Management Question 2: Do you support the use of regional reference points?**

Yes.

**Management Question 3: Do you support stock rebuilding timeframes that correspond to the needs of each regional management area?**

Yes.

**Issue 5: Other Issues**

**Management Question 1: Do you support the use of adaptive management to meet the goals and objectives of the fishery?**

Yes, to the extent that the goals and objectives are reassessed to reflect the overall strength and size of the fishery. ***Accurate, reliable data must serve as the basis for all decisions.***

**Management Question 2: Do you support increased monitoring to increase our understanding of tautog life history and stock dynamics as well as aid in development of future stock assessments?**

Yes, wholeheartedly. The tautog is a slow-growing fish with strong ties to the same habitat structure year after year – that’s really all we know. In light of the increasingly restrictive regulations enacted over the past decade, ASMFC’s harvest data is highly questionable, tending to suggest either that the fishery is more robust than ever, or that the data is completely unreliable. Either way, a better understanding of stock dynamics, and of the effect of regulations on those dynamics, is critical to ASMFC’s efforts.

**Management Question 3: Are undersized tautog harvested for recreational bait or the live fish market in your state? If so, is this a concern to you?**

Undersized tautog are rarely, if ever, harvested for recreational bait. They are, however, harvested for sale on the live fish market and, yes, it’s a concern.

**Management Question 4: Should there be an ASMFC-mandated commercial fish tagging program? Should the point of tagging be the point of harvest and/or the point of sale?**

Yes, there should be a tagging program for commercial blackfish harvests similar to that for striped bass, with a specified number of tags allotted per license. The tagging program should explicitly permit fishermen to pen fish for future sale to *legally* leverage the live market. Finally, it should be impermissible to sell tautog harvested as bycatch in lobster pots.

**Management Question 5: As a structure oriented-species, do you have regional habitat recommendations?**

Yes. There should also be specialized regulations for habitats that combine large catch rates with few inherent restrictions on the catch. For example, the New Haven breakwall consistently produces a very high number of blackfish landings but exhibits a number of characteristics that make it ripe for abuse. Those characteristics include the fact that it is accessible without a boat, is sheltered from poor weather conditions, is relatively unaffected by strong tides, and can be visited several times a day by the same angler with little fear of being caught with multiple creel limits. There are several similar habitats within Connecticut and they should be treated differently than more typical fishing sites. Just as Connecticut has created “Enhanced Opportunity Shore Fishing Sites” to allow more generous regulations at certain sites, so too should it create more restrictive regulations for habitats that warrant them.

**Management Question 6: What other changes should be made to the tautog fishery that are not covered by the topics included in this document?**

ASMFC should consider the influence of other species on the tautog fishery. For example, it is perennially the case that the tautog fishery is heavily impacted by the black sea bass fishery, given the latter species' appetite and aggressiveness. Virtually every habitat that supports tautog also supports black sea bass – so small blackfish don't stand a chance of maturing and flourishing if the black sea bass population is not kept in check. Regulations on black sea bass should be loosened to foster the health of the tautog fishery.

I appreciate ASMFC's effort to solicit public comments regarding the PID for the Interstate Fishery Management Plan for Tautog.

Sincerely,

Captain Preston Glas  
Helen III / Groton, CT

CC. David Simpson  
Director, CT DEEP Marine Fisheries Division  
Via email [david.simpson@ct.gov](mailto:david.simpson@ct.gov)



Ashton Harp

October 22, 2015

Atlantic States Marine Fisheries Commission

Subject: Comments to Amendment 1 to the Tautog Fishery Management Plan

I am a recreational Tautog fisherman in the state of Virginia. I am submitting comments to the proposed Amendment for the management of Tautog .

1. Issue 1, Stock Management Area: Any option other than option 1(status quo) is my choice, I think regional approach is the best choice for Virginia.
2. Issue 3, Management Measures: The minimum size limits should be the same for recreational and commercial fishermen coast wide .
3. Each state should be able to manage their regulations to meet the target harvest
4. Other Issues: I support that there should be a mandated commercial tagging program, this would help minimize the unlawful commerce of the tautog and that the point of tagging should be the point of harvest. . I think that management community should evaluate the performance of each state plans that are submitted, to see if that the results are what they proposed, and should be held accountable for their performance, just like in summer flounder fishery. Management / technical community should evaluate the open season of each state to see it coincides with the spawning season of the tautog that is in their state. By keeping the spawn season closed it could possibility increase the success rate of the spawn.

James D. Agee  
702 Lake Dale Way

Yorktown, VA

I do not support option 1 for Va.

Darrel Cummins

---

I fish in the Chesapeake Bay in Virginia. Virginia game fish tagging data shows that "our" population of tog does not migrate very much. A majority of tag returns are from the same general area where the fish was first caught. Option 1 is a terrible option for Virginia. I urge the ASMFC to not put Virginia into option one. I support option 2 or 3 for Virginia. Please put Virginia in option two or three.

Thanks,

--

Craig Freeman

---

Ashton, Thank You for your efforts on this. As a Virginia angler I would like to see Option 2 put into place. Thank You,  
Anthony L. Martin, President Bull Island Anglers Club in Poquoson, VA

---

I have reviewed the Tog PID and recommend ASMFC implement the following regarding tautog:

Implement regional management of tog with any option other than option 1. Out of all the options, I believe option 4 as the most viable.

I agree with the ASMFC goals and objective as stated.

I support current management structure implementing regional management of tog moving away from coast wide management. Allow each region to establish its own set of seasons and limits.

I support measures to rebuild stocks for those regions that are being overfished (which does not include Virginia).

An additional management measure recommended is to grant authority to regions (and/or states) to adjust tog season as necessary.

Thank you

T Tamaro

[Mahi@cox.net](mailto:Mahi@cox.net)

757 721-5574

Subject: Tautog Public Information Document (PID).

I have carefully reviewed the Tog PID and recommend ASMFC implement the following regarding tautog:

Issue #1. Implement regional management of tog with any option other than option 1. Out of all the options, I believe option 4 as definitely the most viable.

Issue #2. I agree with the ASMFC goals and objective as stated.

Issue #3. I support current management structure implementing regional management of tog moving away from coast wide management. Allow each region to establish its own set of seasons and limits.

Issue #4. I support measures to rebuild stocks for those regions that are being overfished (which does not include Virginia).

Issue #5. An additional management measure recommended is to grant authority to regions (and/or states) to adjust tog season as necessary to account for cold winters as tog do not bite in very cold water.

Thank you for your consideration on this matter.

Signed,

Alan Hoffman  
14 Marwood Drive  
Palmyra, Va. 22963  
(434) 989-1444

I have reviewed the Tog PID and recommend ASMFC implement the following regarding tautog:

Issue #1. Implement regional management of tog with any option other than option 1. Out of all the options, I believe option 4 as the most viable.

Issue #2. I agree with the ASMFC goals and objective as stated.

Issue #3. I support current management structure implementing regional management of tog moving away from coast wide management. Allow each region to establish its own set of seasons and limits.

Issue #4. I support measures to rebuild stocks for those regions that are being overfished (which does not include Virginia).

Issue #5. An additional management measure recommended is to grant authority to regions (and/or states) to adjust tog season as necessary to account for cold winters as tog do not bite in very cold water.

Thank you for your consideration on this matter.

Signed, Charlie Davidson  
8195 New Point Comfort Hwy  
Port Haywood, Va. 23138

Dear Ashton,

I have been a saltwater angler fishing the lower Chesapeake Bay for over 20 years. All information I have ever seen on Tautog says that the fish are not migratory and tend to spend their long life in one general area. Because of this fact, I support the ASMFC in developing a management plan that breaks the populations of Tog and thus the catch regulations into separate regions (Options 2-4) rather than one coast wide stock (Option 1). I also, support the ability for agencies to regulate the fishery via addendum in order to act as quickly as possible to make changes to regulations as fishery data becomes available and warrants adjustment.

I appreciate the opportunity to provide input on these matters and hope that the ASMFC is successful in maintaining this valuable resource for the enjoyment and benefit of all.

Thanks,

**Mike Wills**

Dear Ms. Harp, Mr. O'Reilly & Mr. Cinimo,

I had planned to attend your meeting in Newport News last night. However, I was not able to make it due to a last minute scheduling conflict.

At your meeting I was to represent not only myself but also the Great Bridge Fisherman's Association. Our organization is over 100 members. At our meeting October 5, 2015 we discussed the proposed four options and it was a unanimous vote that option 1 NOT be selected. Tautog are not a migratory fish and there should not be a coast-wide stock assessment or management for the species.

Option 4 was voted by the members of The Great Bridge Fisherman's Association members as our preferred choice by a wide margin.

Our membership also observed that a few states were allowing fish as small as 15 inches to be kept. Also, many of the other states have larger bag limits and longer seasons.

Please copy me on public releases of information on the Tautog decisions and future meetings. I plan to attend future meetings as a liaison between your committee and The Great Bridge Fisherman's Association membership.

John Ermalinski

Dear Ms. Harp,

I'm a recreational angler that fishes the Chesapeake bay often. We have a great tautog fishery in Virginia and I would like the ASMFC to take the following action in preserving that fishery;

- Move away from the coast-wide tautog management and shift to a regional stock management option. Specifically, I would like Option 4 as I believe it provides the most logical regional makeup for proactive fishery management.

- The Goals and Objective in the Public Information Document are clear and represent a good framework to improve the tautog fishery.

- Rebuilding timeframes and reference points should be tailored to each regional stock management area. Where overfishing is occurring the timeframes and reference points should reflect specific action to rebuild the stock in that management area.

- Shift away from the long-term Amendment process as toward the shorter Addendum process. A year is too long to have meaningful impact on the fishery. Using the Addendum process to affect change during the tautog season will have a dramatic impact to remedy overfishing instances and protect the fishery. Addendums to the Fishery Management Plan should be regionally focused to address fishery issues within that geographic area.

- Although not an issue in our coastal Virginia tautog fishery, the poaching of undersized fish for a commercial market or as bait should be stopped. I would like a commercial tagging program at the point of harvest for the live tautog market in areas where this is an issue. Tags similar to what we use for catch & release tagging are easy to implement and would discourage the harvesting of undersized live tautog in the market. This requirement is within the scope of the ASMFC to implement and should be done to prevent this illegal action.

Sincerely,

Dr. James Eisenhower  
1262 W. Ocean View Ave. #7  
Norfolk, Virginia, 23503



Virginia Saltwater Sportfishing Association, Inc. (VSSA)  
P.O. Box 28898, Henrico, VA 23228  
<http://www.ifishva.org>  
A Non-Profit 501-C3 Organization  
Representing All Virginia Recreational Saltwater Anglers

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- Curtis Tomlin  
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- Murphy Sprinkle
- Doug Ochsenknecht
- Bob Reed
- Kevin Smith
- Curtis Tomlin

Atlantic States Marine Fisheries Commission  
Ashton Sharp, Tog FMP Coordinator  
1050 N. Highland St, Suite A-N  
Arlington, VA 22201,

Subject: Tautog Public Information Document (PID).                      October 19, 2015

The Virginia Saltwater Sportsman Association (VSSA) is a new and growing organization of recreational fisherman in the Commonwealth of Virginia. Our mission includes representing the interests of Virginia's recreational saltwater anglers, ensuring the long-term sustainability of Virginia's fisheries, while protecting Virginia's marine, boat and tackle industry jobs.

VSSA has polled hundreds of anglers in Virginia and we highly recommend ASMFC implement the following regarding tautog:

- Issue #1.** Implement regional management of tog with any option other than option 1. VSSA prefers option 4 as the most viable.
- Issue #2.** VSSA supports the ASMFC goals and objective as stated. Recommend adding support independent fisheries research to better justify regulatory actions.
- Issue #3.** VSSA supports current management structure implementing regional management of tog moving away from coast wide management. Allow each region to establish its own set of seasons and limits.
- Issue #4.** VSSA supports measures to rebuild stocks for those regions that are being overfished (which does not include Virginia).
- Issue #5.** An additional management measure recommended is to grant authority to regions (and/or states) to adjust tog season as necessary to account for cold winters as tog do not bite in very cold water.

Thank you for your consideration on this matter. If you have any questions or comments, the best way to contact us is through our website or email, [ifishva@gmail.com](mailto:ifishva@gmail.com).

Sincerely,  
*Mike Avery*  
Mike Avery



Thank You, for allowing me to speak on this issue before the Commission.

My name is Will Bransom, I'm a retired Naval Officer, and I'm also the president of the Norfolk Anglers Club, more importantly I'm also an avid diver and fisherman.

I took the opportunity to meet with two other organizations, the Virginia Beach Anglers Club and the Great Bridge Fishing Association and surveyed their members on this issue. Taken together, it represents approximately 250 members that share the following opinion.

The Norfolk Anglers Club, Virginia Beach Anglers Club, and the Great Bridge Fishing Association support the following position;

1. We desire that Coast-wide management and Stock Assessments be revised to reflect 4 distinct Tautog regional stocks as reflected in Option 4. This provides for better fidelity of Tautog stock status and would provide the State Fishery Management Divisions in each of those regions more opportunity to manage the commercial and recreational fishery for their region based on meaningful data from their waters.
2. We endorse the Fishery Management Plan Goals & Objectives as drafted in the Interstate Fishery Management Plan without change.

3. We support the use of regional management efforts, to include the use of possession limits/size and seasonal closures established by State Fishery Management Divisions. Additionally, the continued use of gear restrictions and quotas for commercial Tautog fishery is also endorsed.

4. We support the application of Reference Points and Rebuilding Timeframes that are tailored to Stock Assessments at the Regional Stock Management level. As referenced in the 2015 Stock Assessment, Tautog is overfished and overfishing is occurring on a coast-wide basis, however, that is not the case in the De-Md-Va (NC) region. This highlights why selecting any Stock Management Option other than Coast-wide is important. Reference Points and Rebuilding Timeframes can most effectively be applied if done at the regional area where an issue has been identified.

5. We support the application of an Addendum over that of an Amendment process for revision of the Interstate Fishery Management Plan. Having an addendum process with a 3-6 month timeline for finalization is a preferred method over the much longer timeframe for an Amendment. Addendums to the IFMP should be applied in response to the Stock Assessments and other factors and based on Regional Stock management issues.

6. The issues of harvesting live undersize Tautog for the seafood restaurant business or for commercial fishing as bait are not activities known in our coastal Virginia fishery. We support the study and application

Prepared comments for the ASMFC Public Hearing on the Interstate Fishery Management Plan for Tautog on October 6, 2015

of a commercial (at point of harvest) tagging program for the commercial harvest of Tautog in regional areas where this activity is occurring.

In summary, I'd like to add that the Atlantic States Marine Fisheries Commission has a great opportunity to amend the Interstate Fishery Management Plan for Tautog. From one that considers a coast-wide assessment to one that takes into account the Tautog's limited north-south migration and unique life history to a regionalized management approach. The regional stock unit (Options 2 – 4) as management areas for Tautog is the right approach for the fishery and our combined club recommendation is for Option 4.

Membership (Family)

Norfolk Anglers Club – 50

Virginia Beach Anglers Club – 80

Great Bridge Fishing Association – 120

# Jersey Coast Anglers Association

## Working for Marine Recreational Anglers

1201 Route 37 East Suite 9 Toms River NJ 08753

TEL.: 732-506-6565 - FAX: 732-506-6975



Ashton Harp  
1050 North Highland St., Suite 200 A-N  
Arlington, Va. 22201

10/22/15

Dear Ashton,

The Jersey Coast Anglers Association represents approximately 75 clubs throughout our state. We appreciate this opportunity to comment on the public information document for Amendment 1 to the Interstate Fishery Management Plan for Tautog.

It is very disheartening to be told that tautog are overfished and that overfishing is occurring in most areas of the east coast. In fact from the perspective of most tautog fishermen in New Jersey, it is unbelievable. They report stellar fishing with some truly monster tog to over 20 lbs being caught as well as good representation of tog of all sizes. Most of us believe that our regulations are already far too restrictive.

Regarding the PID, JCAA supports Option 1, status quo with the fishery being managed as one stock from Massachusetts to Virginia. However, we would support the fishery being managed on a regional basis provided it could be done correctly. We urge you to further develop science to better determine the boundaries of the various stocks. By your own admission, options 2, 3 and 4 all present problems of some sort. Lets hold off on regionalization for now until you can get it right.

Many New Jersey fishermen are very skeptical of any regionalization plan for good reason. We were forced into a region against our will for fluke in 2014. The plan was supposed to alleviate the problem of neighboring states fishing essentially the same waters but having vastly different regulations. This was done to appease New York fishermen who had a higher size limit than New Jersey fishermen both of whom were fishing the NY bight area. However, in reality all the regionalization plan did was to transfer the problem to the Delaware Bay area. Now fishermen from Delaware fishing essentially the same waters as fishermen from NJ have only a 16" size limit and a much longer season, while NJ fishermen have an 18" size limit. How is that fair?

Regarding tautog, options 2 and 3 are unacceptable primarily because there is little biological connectivity between New Jersey and Connecticut and we would be fishing on different stocks.

As previously stated, we prefer option one but of the current regionalized plans, option 4 is the only one that makes some sense. However, at this time complete data is missing for this option which makes it hard to endorse. Additionally, if we were to endorse this option, it would be on a conditional basis. New York's regulations are far more restrictive than New Jersey's and we vehemently oppose our regulations being made more restrictive so that theirs can be relaxed. While it is nice to have compatible regulations between bordering states it is more important for each state to have the right to choose the regulations that are best for their fishermen. We suggest that if we do have regionalization it should be with State-by-State measures. Each region would be given a quota and within that region each state would be given a target quota. Target quotas

would be set and then adjusted accordingly when necessary to ensure that each state would continue to be allowed to harvest its traditional percentage share of the harvest. If the regional quota was exceeded, the state most responsible for causing it would have bare the brunt of it be having more restrictive regulations the following year. However, states would be encouraged to work together on this so that perhaps a longer term agreement could be reached.

Regarding other parts of the PID most of New Jersey's fishermen would be happy if the tautog fishery in the future remains as good as it is now. Of course we would like it to be even better. We are opposed to more restrictive regulations but urge that the environment and habitat be improved. For example we strongly support the creation, maintenance and expansion of artificial reefs. This is particularly important at this time as our government is destroying the marine environment. They are replenishing our beaches and in doing so are burying sand and calico crabs while at the same time they are also burying, notching or completely removing many of our jetties that were prime habitat for blackfish and other species. Worse still, they are using sand from many of our inshore lumps which are designated as "prime fishing areas" and are of crucial importance to forage and game fish alike.

We agree with most if not all of the listed goals and objectives. It is difficult to determine exactly which are the most important. However, Objectives A, B, E and I are near the top of the list. We are aware that there is a very significant problem with the illegal sale of live tautog primarily in Asian markets in large cities like New York. There is insufficient law enforcement there and we urge that more officers be hired and/or a special task force be created to combat this illegal activity. We also urge that harsher penalties should be created for all illegal fishing activity. For example a fish market that is selling illegal tautog should be shut down for a period of time rather than just being fined. To many of those who break our fisheries laws, fines are accepted just as a cost of doing business. This needs to change.

We disagree with your statement that law enforcement noted a significant number of hook and line fishermen using undersized tautog as live bait for striped bass. Statements like that hurt your credibility. Striper fishermen who use live bait prefer menhaden, mackerel, herring and eels. Tautog are rarely used and the amount that are used is miniscule. We suggest that this statement be removed from the Amendment or that proof be provided if you still believe it is a problem.

There are many other factors that are impacting the tautog population far more than striper fishermen using them for bait. Probably the most significant is the explosion and expansion of our sea bass populations. They are not only competing with tautog for food such as crabs but they are eating juvenile tautog. I have noted this in the sea bass I clean. Perhaps, a study should be done to see just how prevalent this problem is. Sea bass are negatively impacting our fluke fishery as well. Spiny dogfish have been "restored" and are negatively impacting the populations of more desirable species as well. We can't have all the desirable species at peak periods of abundance at the same time as there is simply not enough food for all of them. We favor a more sensible eco-system approach to fisheries management.

Thank you for your consideration in this matter.

Sincerely,

Paul Haertel, President  
Jersey Coast Anglers Association

If we hope to increase the tautog spawning stock biomass we must stop fishing on the pre-spawning and spawning aggregations. From information in the PID it appears that all states except New Jersey allow commercial fishing during the spring spawning season. I feel that halting the fishery during this time period would be one of the best measures we can take to enhance the stocks.

Drew Kolek

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Ashton,

I am a New Jersey blackfish angler. Please note my support for maintaining the current approach to blackfish management and NOT moving to regionalization. Regionalization would have a devastating impact on the New Jersey recreational and charter fishing sector and would not serve to improve the overall stock.

Thank you

Matt Conner

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Ashton, I received your name as the contact for written comments relating to the current tog management measures that are being discussed. I know that the ASMFC is evaluating options for management of tautog, and of those options presented only one of them leaves the quota to be assessed and managed on a state by state basis. The others all regionalize the various states together in different groups. I am a firm believer that regionalizing New Jersey with the Northern states and New York serves only to benefit those states while penalizing New Jersey and its fishing related businesses. I am in FULL SUPPORT of continuing with status quo management status on tautog, and feel it is in the interest of New Jersey and her many fishing related businesses to allow the states to manage themselves instead of going with regionalization. We've already bore the brunt of poor management decisions based on lackluster information regarding black sea bass and summer flounder, and doing the same with tautog would cause even more damage to an already fraying thread that the fishing industry is precariously hanging from.

Thank You

John M Gonsorick

Concerned recreational fisherman

I run a private recreational fishing boat out of Cape May NJ and have been a recreational fisherman for over 30 years. ASMFC regionalization of blackfish would be devastating for NJ anglers. The current coastwide management of the species makes the most sense. NJ has over 100 miles of shoreline that make it physically the size of its own region. Lumping NJ with NY and CT is not the answer. Currently NY and CT are heavily fished fisheries... with CT taking more blackfish than NY and NJ combined. By lumping us with those states our fisherman and tackle stores would have to pay a penalty for the overfishing that is occurring in CT and NY. Another option to put Put NY outside of LI and NJ together is not a good choice either, currently there is no data on this option. Please consider the full affects of regionalizing blackfish management before making this important decision.

Thanks, Anthony Bruno

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Ashton, I received your name as the contact for written comments relating to the current tog management measures that are being discussed. I know that the ASMFC is evaluating options for management of tautog, and of those options presented only one of them leaves the quota to be assessed and managed on a state by state basis. The others all regionalize the various states together in different groups.

I make my living by running a full time charter fishing company in Cape May, New Jersey. Fishing for tog is a huge component of our spring, fall, and winter business. Regionalizing with other states would cause us to lose a significant portion of our season, resulting in loss of trips and therefore revenue which would be devastating to my business on the heels of the fluke and sea bass regionalization which resulted in tremendous quota cuts and stiffer regulations for our state. I am a firm believer that regionalizing New Jersey with the Northern states and New York serves only to benefit those states while penalizing New Jersey and its fishing related businesses. I am in FULL SUPPORT of continuing with status quo management status on tautog, and feel it is in the interest of New Jersey and her many fishing related business to allow the states to manage themselves instead of going with regionalization. We've already bore the brunt of poor management decisions based on lackluster information regarding black sea bass and summer flounder, and doing the same with tautog would cause even more damage to an already fraying thread that the fishing industry is precariously hanging from.

Mark G Romano  
Horizon Millwork Corp.  
856-309-5775

Ashton, I received your name as the contact for written comments relating to the current tog management measures that are being discussed. I know that the ASMFC is evaluating options for management of tautog, and of those options presented only one of them leaves the quota to be assessed and managed on a state by state basis. The others all regionalize the various states together in different groups.

I make my living by running a full time charter fishing company in Cape May, New Jersey. Fishing for tog is a huge component of our spring, fall, and winter business. Regionalizing with other states would cause us to lose a significant portion of our season, resulting in loss of trips and therefore revenue which would be devastating to my business on the heels of the fluke and sea bass regionalization which resulted in tremendous quota cuts and stiffer regulations for our state. I am a firm believer that regionalizing New Jersey with the Northern states and New York serves only to benefit those states while penalizing New Jersey and its fishing related businesses. I am in FULL SUPPORT of continuing with status quo management status on tautog, and feel it is in the interest of New Jersey and her many fishing related business to allow the states to manage themselves instead of going with regionalization. We've already bore the brunt of poor management decisions based on lackluster information regarding black sea bass and summer flounder, and doing the same with tautog would cause even more damage to an already fraying thread that the fishing industry is precariously hanging from.

Thank you for your time and hope to hear back from you!

- Capt. Adam Crouthamel  
ADAM BOMB SPORT FISHING



Mr. Harp

The purpose of this letter is to share my perspective on the current state of the tautog fishery in New Jersey.

The fishery does not need more stringent regulations. What it needs is much better enforcement of the existing rules and regulations. Additionally, what fisheries managers need is more credibility. Fisherman do not believe the science and data inputs being used to make the regulations.

Recreational fisherman including charter boat operators are facing dire consequences because of faulty data leading to incorrect and flawed outcomes.

The public information document states "90% of the harvest comes from recreational fishery". This is patently false. The largest issue facing tautog is poaching. The combination of \$10+ per pound for live blackfish + a slow growing stock is a poor combination for stock sustainability. Please focus on enforcement or possession of live blackfish in china towns (NYC and Philadelphia). This will certainly help.

In table 5 of the document, the author shows commercial landings for NY and NJ combined are in an overall decline. Again, this is not the case. Take a trip any day to highland reef or 17 fathoms and you will quickly notice the majority of boats are " hanging nets". Within these nets are live blackfish. In case an enforcement office comes close, the captain sends the bag to the bottom in order to evade a fine.

Regionalization of the regulations does nothing to help the fishery. Please use the disaster created by regionalizing the fluke fishery. It was nothing short of a failure. The PID ADMITS this on page on page 10 " there is no biological evidence to determine where stock boundaries should be drawn". If that's the case, why waste time and effort of creating a boundary. Additionally, I do not believe your stock assessment and harvest estimates. They can't possibly be correct. The overall average blackfish calculates out to be 4.3 pounds. That is exaggerated. The average size is lower. This is not surprising as the same faulty MRIP methodology is being used.

If you truly want to make the species flourish, I recommend you focus efforts on stock assessment and demand estimates. What you are using is not correct. This leads to fisherman ignoring your science and by extension the ever changing regulations.

Regards

Tom Trageser



# NEW JERSEY COUNCIL OF DIVING CLUBS

P. O. Box 841  
Eatontown, NJ 07724-0841  
<http://www.scubanj.org>



Comments on the PID for Amendment 1  
to the Interstate Fishery Plan  
for Tautog Management

Ashton Harp, ASMFC  
1050 North Highland St, Suite 200 A-N  
Arlington, VA 22201

Dear Ms Harp:

The New Jersey Council of Diving Clubs (NJCDC) is an organization of 14 sport diving clubs in New Jersey with a few clubs in nearby states. Tautog is one of the big three fish (Fluke, Sea Bass, and Tautog) in the sport diver fishery in New Jersey. This does not include Lobster, which is very important in sport diver fishery. The NJCDC submits the following comments on Tautog Management.

Regarding regional management and stock management areas, the NJCDC would go along with Option 4— Grouping New Jersey with New York excluding Long Island Sound. LIS should be grouped with Connecticut.

However, the regional management concept should come with some stipulations. If you are rethinking Tautog management in a regional approach, the states constituting the region should have an opportunity to sit down and make their size, season and bag limit similar or nearly similar. In other words, if you look at page 17, New York and NJ regulations are completely different. One has a 15 and the other a 16 inch limit, one has Oct 5 through Dec 14 with a 4 bag limit season while NJ has a series of dates allowing for some shore fishing in the warmer months with a late or colder season offshore. This could create a situation where one state is overfished and one is not based on its current regulations.

Changing to a regional approach should allow for a clean slate to redesign conservation measures to be somewhat similar without regard to locking states into what they did in previous years, but still complying with conservation equivalency. I'm concerned that the regional management approach may mean that two states could be penalized if one states overfishes due to its different rules.

Regarding goals, maintaining spawning stock should mean don't take Tautog during the late spring and early summer spawning season. NJ does this for the recreational fishery, but not for the commercial fishery. I received an E mail from a friend of mine who is a party boat captain out of Atlantic Highlands that said, "there is a large commercial fishery - potters and roller netters - in Raritan Bay during the Tautog spawning season in the spring which takes tens of thousands of pounds of ripe spawners each spring".

To provide for the conservation, restoration, enhancement of Tautog critical habitat is very important. Unfortunately, NJ does not do that. Jetties have been identified as critical habitat for tautog, especially south of Elberon where there is virtually no offshore rock structure. I used to spearfish certain jetties and can attest to the importance of the ends of jetties and sunken jetties as Tautog habitat in the warmer months. But the craze for beach replenishment now means the ends of jetties are only two or three feet deep. Sand replenishment is also destroying the offshore lumps, which is prime fish habitat, in its never ending search for borrow areas. I dove a borrow area once to investigate a hopper dredge hitting part of a wreck, and found an unending landscape of 5 foot deep furrows and not a single living thing with the one exception being a few sea bass under the broken piece of wreckage.

The larger older female Tautog are supposed to produce the most eggs, and that would suggest to me a larger size limit as a standard in the ocean.

(2)

Regarding reference points and time frames, I have reservations about rushing in to change reference points based on just the latest stock assessment, peer reviewed or not! These stock assessments are not infallible, are often just educated guesses, and rushing into making radical changes based on the latest flawed survey does not make sense! Stock rebuilding timeframes should be flexible and allow adequate time. They should not be based on unrealistic time frames.

Regarding other issues, the PID mentioned Adaptive Management, but I prefer the amendment process. States need time to get rules changed either through rules or laws. I did not like the reference to area closures that can devastate both recreational and commercial boaters that are unlucky enough to be based opposite such an area. You do need to address the illegal fishery as my Atlantic Highlands friend says, "Everyone and his brother has bags of live tog hanging over the sides of their boats going to the oriental market both in and out of season. Ban the sale of live Tautog."

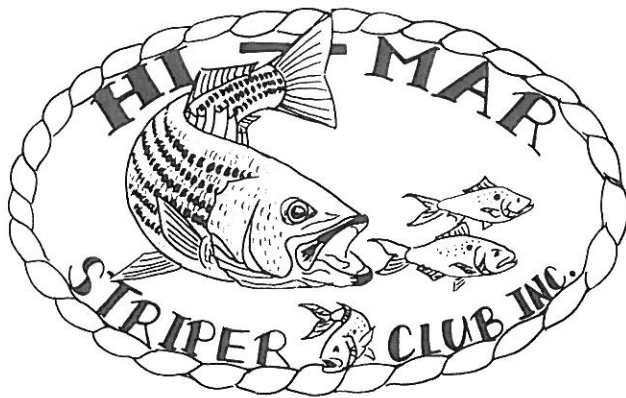
Sincerely,



Jack Fullmer  
Legislative Committee

Please reply directly to:

Jack Fullmer  
443 Chesterfield-Arneytown Rd  
Allentown, NJ 08501     [jf2983182@msn.com](mailto:jf2983182@msn.com)



**P.O. BOX 126 • MIDDLETOWN, NJ 07748**

October 15, 2015

Mr. Ashton Harp

Atlantic States Marine Fisheries Commission

1050 North Highland St., Suite 200 A-N

Arlington, VA 22201

Reference: Tautog Public Information Document

Dear Sir:

This letter of comment is being sent by the Hi-Mar Striper Club. We are a fishing club with 43 members, based in Monmouth County, New Jersey. Our comments to Public Information Document for Amendment to the Interstate Fishery Management Plan for Tautog are as follows:

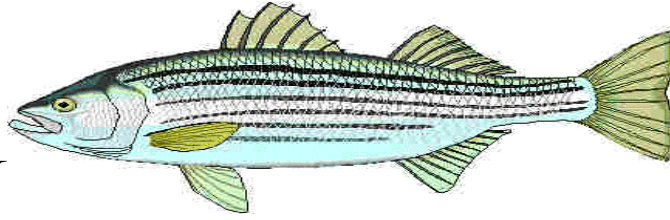
- Contrary to the information contained in the PID, we do not believe Tautog should be managed on a regional basis because they do not migrate north to south, but inshore and offshore, as the PID states, tending to stay near and return to their homes. Management should be on a local, statewide basis, with the proper resources provided to each state to properly manage this species. Regional management may cause a state to be unjustly "punished" because another state within the region overfished its quota.
- Hi-Mar Striper Club's choice for stock management is Option 1 (Status Quo).
- To promote proper and effective management of Tautog the ASMFC and other agencies should prevent the use of certain catch methods used by commercial fishing, such as fish pots and traps to discourage catching of undersized live fish, and the use of gear that disrupts and destroys the habitat, such as roller nets.

Thank you for the opportunity to provide these comments.

  
Stephen M. Machalaba

Secretary, Hi-Mar Striper Club (smachalaba@aol.com)

cc: C. Campi, President, Hi-Mar Striper Club



# GATEWAY STRIPER CLUB, INC.

October 23, 2015

Ashton Harp  
1050 North Highland St.  
Suite 200 A-N  
Arlington, VA 22201  
Email: [aharp@asmfc.org](mailto:aharp@asmfc.org)

RE: Tautog (PID) - Comments

Dear Ashton Harp:

The Gateway Striper Club is concerned about the status of the tautog (blackfish) fishery. In fact, recreational fisherman and their organizations on the east coast have been concerned since the 1980s when the non-traditional practice of potting for Tautog began and the resulting simultaneous decline of the fishery.

It appears that requests for quick and stringent restrictions on what was a traditionally recreational species gained little traction. The population continued to decline and the number of older larger specimens declined. As the public document correctly points out, blackfish and long-lived and slow growing. Thus we were dumbfounded by the failure of managers to take speedy and dramatic action.

The Gateway Striper club applauds the intentions of the ASMFC to finally move management from lip-service to meaningful plan and take effective measures that actually have a chance of restoring the population to traditional levels of abundance and age distribution. We believe the  $F_{target}=0.10$  value will restore the fishery over several decades, yet recent history (2011-prestn) suggests that without drastic action this mortality rate will not be met. We believe the most important issues on the table, and consequently those that have the best chance of restoring the fishery, are to ban potting and the live fish market.

Responses to issues:

Issue 1: Stock Management Areas – We support Option 1: Coast-wide management

Issue 2: Fishery Management Goals and Objectives – Management questions: 1. Are the goals and objectives still appropriate? Yes, but regulations need to be changed and

enforcement stepped up to achieve  $F=0.10$ . 2. What changes to the goals and objective are needed.” Goals and objectives (F and I) need to embrace more stringent regulations. That include a higher size limit, lower bag limit and the end of potting. 3. Which 5 goals and objective are the most important: We believe: A, D, E, F and I.

Issue 3: Management Measures- Management questions: 1. Do you support regional management of Tautog? NO – we support timeframes based upon the biology of the species, In this case related to the fact that the species is slow growing and long lived in order for the species to have the opportunity to recover as soon as possible. Issue 5: other issues. The overall questions presented in this section of the document is “How would you like the Tautog fishery and resource to look in the future?” We would like to restore the fishery to levels that existed prior to the introduction of potting for blackfish and the rise of the live fish market. That means we’d like the stocks to return to levels of abundance and age distribution prior to potting.

Management questions:

Question 1. Yes

Question 2 a. Yes

Question 4: Yes

2. a) Size limits

b) Bag limits

3. a) Increase size limit

b) Decrease bag limit

4. a) Yes, end potting and the live blackfish market

Issue 4: Management questions – 1. No, we do not support coast-wide reference points. If coast-wide reference point are used, then yes we support that approach. 2) NO, We support the use of overall coastal reference points. 3) We support a) Hook and line harvest only, with strict controls on numbers and size limits. B) Eliminate potting and the live fish market. C) Tagging should be done at the point of harvest. Yes

5. Build more reefs on the south shore and add to old ones.

6. End the potting and live market for blackfish. Reason: There was no problems with blackfish stocks prior to the use of potting and the live fish market.

Sincerely,

Gene Ander

Corresponding Secretary.

Email: geneander@optimum.net

October 21, 2015

SUBJECT: TAUTOG PID

Dear Mr. Harp

After our Regional Directors, Ron Sineo and Charles Bevilacqua, attended the September 28<sup>th</sup> ASMFC public information meeting on amending the regulations for tautog, the NYS Conservation Council has made the following observations and recommendations:

Information provided at this meeting identified that tautog along the Atlantic Coast are being overfished. Furthermore, they are not migratory in the same way that most other species are. Instead of travelling hundreds of miles up and down the coast, they tend to migrate inshore then offshore. There is also apparently great fidelity to local seasonal sites. That said, the proposed amendment with each of its options for consideration seems to attempt to solve the overfishing problem at the expense of those states that are not overfishing. On page 9 of the ASMFC public document, they admit that coast-wide, Massachusetts, Rhode Island, and Connecticut are the states that are experiencing overfishing. In each of the proposed options, New York State is not currently experiencing overfishing. Yet in each option it is clear that NY fisherman will be restricted further than they currently are under the existing coast-wide management plan.

The ASMFC has determined that recreational fishermen are responsible for 90% of the tautog catch. On page 17 of the PID, Table 3A indicates that Massachusetts has a 365 day season on tautog; Rhode Island a 150 day season; and Connecticut a 150 day season. New York has a mere 55 day season. Each of these states has the same size limit of 16 inches. How is this equitable, given that Mass., R.I. and Conn. are all being overfished?

It is therefore our recommendation that none of the new options be selected, and that we maintain the status quo until such time as an option is put forth to address the overfishing of Massachusetts, Rhode Island, and Connecticut.

The ASMFC is the federal government's representative in this management, yet the enforcement of these regulations is left largely to the individual states! In New York's case there are around 500 miles of coastline which the DEC Division of Marine Resources Law Enforcement is required to enforce. The current Law Enforcement staffing in Regions 1, 2 & 3 is not sufficient to patrol the extensive NY coastline. Clearly the federal government should provide additional funding to protect the fishery. Lastly, with regard to the issue of mandated commercial fish tagging, we do not support this notion for tautog, because legal NYS fishermen who bring tautog to market do so while the fish is still alive. The Asian market pays a premium for live fish. Tagging tautog causes mortality, and therefore reduces its market value.

Sincerely,

NYS CONSERVATION COUNCIL, INC.



A. Charles Parker  
President

As the representative of The North Fork Captains Association from Long Island New York I would like to put forth our position regarding Tautog. At this time our position would be to maintain the status quo. We do not feel that there is enough data available at this time to make changes. Making decisions to change to something like regional management or any other new plan based on insufficient data is never a good thing. We respect your efforts but feel we should maintain the status quo. Thank you.

Captain Robert W. Busby  
President  
North Fork Captains Association



I don't have a problem with commercial fishermen keeping 25 fish a day, but let them catch them like everyone else has to. Pots catch 24 hrs a day, 7 days a week. These 'fishermen' cull out the bigger fish and even let the other pots hold fish for the next day. That is not fishing, that is just wrong. I know commercial fishermen who are against this practice, because when they fish (by actually going out there and using rod and reel) they have a hard time reaching their limit. If you do the math, with 25 fish a day being harvested during the 330 day season, that's 1 commercial fisherman keeping over 8000 fish (that they get to freely pick). I know guys that consider setting out 10 times in the season (due to weather wind and sea conditions) as being lucky. An average rod-and-reel fisherman might get out 15 times in the course of the season. I have a friend that went out yesterday and caught over 70 blackfish, but only ONE keeper which was just 16 inches. Yet there were hundreds of pots in the area he was fishing.

I am attempting to have all my friends and colleagues comment on the situation so you have a better understanding on how bad this is really getting. Every year the sizes of keepers diminishes; this is ecologically and commercially unsustainable in the worst way. I am asking you to really look into this matter before it is too late.

If you would like to contact me and discuss this matter further, my name is Gary Stephens and my phone number is [516-769-0242](tel:516-769-0242). Again, I would greatly appreciate it if someone would respond and investigate this issue. THANK YOU

Sent from my iPhone thanks Gary stephens

To Whom It May Concern:

I have read and disagree with the DEC findings that the Tautog/Blackfish population is being destroyed via the fisherman using rod and reel. I have fished the north shore of the Long Island Sound for Tautog/Blackfish since the age of eight 8 and I am now just about to turn sixty five 65 God willing. Certainly part of the problem is the catching and keeping of short undersized fish that never have the opportunity to spawn. I would suggest a fine of at least \$100 per fish for anyone in possession of undersized fish along with confiscating there equipment until the fine is paid. Establish a phone number for the reporting of any such instance particularly for party boat and private boat fishing where the appropriate law enforcement agency can take action. If people know that anyone can report abuse they will tend to avoid being abusive. Now just in the last ten 10 years the Long Island Sound North Shore has been devastated with fish traps. From what I have been told there are No limits on fish traps. How is that possible? What has happened is we now have a great demand for Tautog/Blackfish in restaurants up and down the Eastern seaboard however they want these fish live. The traps are set to allow the smaller fish to escape and hold the larger fish hence the problem with repopulation. Is anyone checking what is being kept and what is being released? We are now and have been destroying our fisheries for as long as I can remember. We did it with winter flounder, bass, fluke and numerous other species. The reason for the destruction always comes back to the same issue greed. The all mighty dollar. Perhaps a complete fishing ban on Tautog/Blackfish for a year or two will allow the population to reestablish itself and eliminate some of these money fish traps. The bottom line is something has to be done before it is too late. I'm happy to see that we are finally beginning to see the error of our ways and hopefully we will take appropriate action for future generations to enjoy this our fishery.

P.S. I personally would have no problem in reporting abuse.

Respectfully,  
James E. Watson

Ashton Harp

1050 North Highland St., Suite 200 A-N

Arlington, VA 22201

Fax: (703) 842-0741

[aharp@asmfc.org](mailto:aharp@asmfc.org) (subject line: Tautog PID)

ISSUE 1: STOCK MANAGEMENT AREAS Vote for OPTION #3

ISSUE 2: FISHERY MANAGEMENT PLAN GOALS AND OBJECTIVES :

What changes to the goals and objectives need to be made to reflect the needs of the fishery and the resource?

Which objectives do you feel are the most important?

- To identify critical habitats and environmental factors that support or limit long-term maintenance and productivity of sustainable tautog populations. (REEF RE-BUILDING / REEF ADDITION in the waters of Long Island as what is being done in the southern regions Maryland, Delaware)
- To encourage sufficient monitoring of the resource and collection of additional data. Effective stock assessment.... (If Option 3, ensuring data is shared with the other state regions)
- To allow harvest that maintains spawning stock biomass (SSB) in a condition that provides for perpetuation of self-sustaining spawning stocks in each spawning area, based on maintain young-of-the-year indices, SSB, size and age structure, or other measures of spawning success at or above historical levels as established in the plan. (A balanced Size and Bag Limit that IS NOT universal to each region).

ISSUE 3: MANAGEMENT MEASURES

Do you support the use of regional management measures? YES as indicated by my support of OPTION #3

- Are there management measures that can be improved upon to better achieve management goals and objectives? Are there additional state management efforts that should be included in the FMP? (BAN the use of POTS & TRAPS in the commercial sector of the fishery. Pots and Traps Fish 365 days/ 24 hrs a year!!! Where a hook and line commercial fisherman can be restricted by other factors such as weather. Furthermore Traps do not discriminate on the size of the fish. They CATCH EVERYTHING.

#### ISSUE 4: REFERENCE POINTS AND REBUILDING TIME FRAMES:

Do you support stock rebuilding timeframes that correspond to the needs of each regional management area (i.e. time frames that are based upon respective stock condition relative to their regional reference points)?

- YES and time frames SHOULD correspond to their respective Region, Meaning not a “one size fits all approach” and every region is bound by whatever recommendation is set forth.

#### ISSUE 5: OTHER ISSUES :

Illegal fishing of undersized tautog: The live fish market Demand in the NY, NJ, CT area exasperates this illegal black market. A proposal to combat this issue is to enact a law forbidding the sale of LIVE fish. Meaning any Tautog commercially caught must be killed and bled. And again going back to my earlier proposal: banning the use of Traps & Cages in the commercial arena would also help.

Should there be an ASMFC mandated commercial fish tagging program to minimize the unlawful commerce of tautog and provide traceability of all fish in commerce back to the state of origin? This is an interesting proposal and I would support it as I believe this would discourage the illegal harvest of blackfish but also would help in scientific data research.

What other changes should be made to the tautog fishery that are not covered by the topics included in this document?

I believe that MAN MADE Reef rebuilding/ Reef introduction would tremendously help not only the tautog population. But also other fisheries such as Black Sea Bass, Scup, and Cod. All of which aggregate around structured habitat. Manmade reefs provide the base for coral growth as well as shelter for plankton, crustaceans, mussels and oysters all eventually becoming part of the food chain.

Best Regards  
JOHANN SCHULTZ

In response to ASMFC's request for input into Tautog management, I respectfully submit the following comments:

1. Regionalization is very important to the management of this fishery. Please adopt compatible and equitable management measures throughout a fishery management unit. The present hodgepodge of state-by-state regulation is confusing, and the fact that the fishery is overfished suggests that the present regulations are not working.

2. Regarding the question on how you would like the Tautog fishery to look in the future, I offer a simple solution: Try to turn back the clock. Please find a management strategy that returns Tautog to a primarily recreational fishery. Tautog was not overfished when the resource was primarily harvested by recreational fishers. The present high-market value has created an explosion of directed effort on this fishery. At one time Tautog was an incidental catch in the commercial fishery, and the fish was often not even shipped to market because of low market returns, which often exceeded the cost of shipping. (See page 7 of PID, Tautog value return was 0.03 per lb. in 1962!)

3. Since I am a New York fisherman, I would recommend the following suggestions:

A. Consider reducing the nearly year-round commercial fishery season in New York. Adopt similar regulation as in Connecticut and Rhode Island.

B. ASMFC should mandate a commercial fish-tagging program at point of harvest and point of sale. This tool would allow for future quota management and give a more accurate measure of legitimate commercial sale.

C. New York should consider adopting similar/comparable recreation and commercial regulations as Connecticut. Consider a two-fish recreational possession limit for April 1-30. Consider adopting the same commercial size regulation as Connecticut, i.e., 16 inches. Consider reducing the New York commercial possession limit to 10 fish with a mandatory tagging requirement.

D. New York should consider reducing the recreational possession limit to three fish during the fall and two fish during the proposed April 1-30. The present recreational possession limit of four fish is often unachievable at the present level of stock abundance and simply does not work when fish are co-mingled among anglers.

4. Which management area approach do you support? I believe option 3 offers the best approach, considering the available data. Option 4 may be worthy when additional analysis becomes available.

Thank you for allowing my input in the management of this important resource.

Chester Zawacki  
New York DEC, retired

ASTON - PLEASE PASS THIS ALONG TO  
THE OTHER AP + TANTO6 BOARD MEMBERS  
THANK YOU  
LOOK FORWARD TO MEETING YOU  
ON 09/28

 John G. Mihale  
153 California Place North  
Island Park, NY 11558





09/23/2015

ASHTON HARP  
ASMFC

1050 NORTH HIGHLAND ST.  
SUITE 200 A-N  
ARLINGTON VA 22201

TAUTOG PID

My RECOMMENDATION IS OPTION 1 STATUS QVO

THE FOLLOWING INFORMATION FROM THE ORIGINAL TAUTOG MANAGEMENT PLAN OF APRIL 1996 AND THE PID OF AUGUST 2015 EXPLAIN MY RATIONALE FOR THIS RECOMMENDATION.

1- THE ORIGINAL MANAGEMENT PLAN FOR TAUTOG OF APRIL 1996 WAS NOT FULLY IMPLEMENTED UNTIL JAN 1, 2012 ALTHOUGH ALL STATES HAD INCREASED THE MINIMUM SIZE LIMIT TO AT LEAST 14" BY 1996, (AS REQUIRED BY THE PLAN) THE IMPLEMENTATION OF THE REQUIRED FISHING MORTALITY TARGET OF F 0.15 WAS NOT ACHIEVED UNTIL JAN 1, 2012 IN EFFECT THE FULLY COMPLIANT MANAGEMENT PLAN FOR TAUTOG HAS BEEN IN EFFECT FOR LESS THAN FOUR YEARS.

SOME OF THE FACTS PRESENTED TO US IN THE ORIGINAL TAUTOG MANAGEMENT PLAN OF APRIL 1996 ARE:

A- FROM PAGE 5 "TAUTOG NORMALLY REACH SEXUAL MATURITY AT 3-4 YEARS OF AGE (7-12") ALTHOUGH THERE ARE SOME SEXUALLY MATURE

2 YEAR OLD FISH.

B - FROM PAGE 6 " IN RHODE ISLAND WATERS THE MEAN LENGTH OF A SEVEN YEAR OLD MALE WAS 14.1 INCHES WHILE A FEMALE WAS 13.2 INCHES"

C - ALSO FROM PAGE 6 " OPTIMUM SIZE FOR FEMALE EGG PRODUCTION HAS BEEN ESTIMATED AS 14-16 INCHES"

D - FROM PAGE 7 TABLE 1 TAVTOG LENGTH AT AGE RELATIONSHIP

4	YEAR	OLD	TAVTOG	IS	10.5"
5	"	"	"	IS	12.5"
6	"	"	"	IS	14"
7	"	"	"	IS	15.5"
8	"	"	"	IS	17"

2 - IT IS THEREFORE EXTREMELY UNLIKELY THAT ANY OF THE TAVTOG THAT HAVE COME INTO EXISTENCE SINCE JAN 1, 2012 HAVE COME CLOSE TO THE 15"-16" MINIMUM LEGAL SIZE LIMIT TO BE HARVESTED AND THE OPTIMUM SIZE FOR FEMALE EGG PRODUCTION (SEE C ABOVE).

IT SEEMS LIKELY THAT MOST OF THE TAVTOG THAT HAVE COME INTO EXISTENCE SINCE JANUARY 1, 2012, ARE JUST BEGINNING TO ENTER THE REPRODUCTIVE PHASE OF THEIR LIVES. " TAVTOG NORMALLY REACH SEXUAL MATURITY AT 3-4 YEARS OF AGE 7-12"



THIS SUGGESTS TO ME THAT WE HAVE NOT GIVEN APPENDUM VI SUFFICIENT TIME TO BEGIN TO INCREASE THE STOCK. WE NEED TO BE VIGILANT BUT WE ALSO NEED TO BE PATIENT.

3- EVEN IF THE COMMISSION DECIDES TO PROCEED WITH A REGIONAL APPROACH (WHICH I AM AGAINST) THEY SHOULD DO IT FOR THE RECREATIONAL FISHERY ONLY. IT WILL BE EXTREMELY DIFFICULT TO TRY TO COMBINE THE COMMERCIAL FISHERIES OF STATES WITH DIFFERENT SIZE POSSESSION AND OPEN SEASONS.

E.G. NEW YORKS COMMERCIAL FISHERY HAS A 327 DAY OPEN SEASON AND A MAXIMUM POSSESSION LIMIT OF 25 FISH. THE 25 FISH MAXIMUM POSSESSION LIMIT IS A STATE LAW WHICH CANNOT BE INCREASED BY THE NY STATE DEC

NEW JERSEY HAS AN 88 DAY OPEN SEASON AND SOME OF THE COMMERCIAL FISHERMEN HAVE NO LIMIT ON THE NUMBER OF TAUTOG THEY CAN HARVEST DURING THEIR OPEN SEASONS

AGAIN MY RECOMMENDATION IS OPTION 1 STATUS QUD

RESPECTFULLY



1075 Tooker Avenue  
West Babylon, NY 11704  
September 28, 2015

Ashton Harp  
Atlantic States Marine Fisheries Commission  
1050 North Highland Street, Suite 200 A-N  
Arlington, VA 22201

Dear Ms. Harp:

Thank you for the opportunity to comment on future approaches to tautog management.

I have been a participant in the tautog fishery since the early 1960s, first in western Long Island Sound and then, beginning in 1984, on the South Shore of New York's Long Island. During those fifty years, I have witnessed a sharp decline in both the quality of the fishery and the opportunities provided to tautog anglers. My suggestions for rebuilding and managing the fishery follow.

#### **ISSUE 1: STOCK MANAGEMENT AREAS**

##### **Regional management measures should be adopted, based on Option 3, which groups Connecticut with New York and New Jersey, and does not split Long Island Sound**

The most recent tautog stock assessment notes that "the Tautog [Technical Committee] has determined that the 'coastwide' stock unit is inappropriate...the Tautog TC determined that regions of MA-CT, NY-NJ, and DE-NC would be most appropriate." However, "the Technical Committee expressed concern that this preferred regionalization splits Long Island Sound between the [Southern New England] and NY-NJ regions, so a highly regarded alternative regional breakdown moves CT from the [Southern New England] to the NY-NJ region."<sup>1</sup>

Option 3 represents such "highly regarded alternative regional breakdown," and should be the option selected for tautog management, as it is the only option, other than Option 1, which maintains the status quo, and does not split Long Island Sound into two separate regions.

Maintaining Long Island Sound within a single management region should be one of the goals of the *Fishery Management Plan for Tautog* (the "Management Plan"), as such Management Plan may be amended or otherwise supplemented from time to time. As an angler who spent the first twenty-five years of my angling life fishing almost exclusively in western Long Island Sound, and who still fishes the region on occasion, I can assure the Atlantic States Marine Fisheries Commission ("ASMFC") and its Tautog Management Board (the "Management Board") that tautog anglers in Long Island Sound, and

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<sup>1</sup> Atlantic States Marine Fisheries Commission, *Tautog Benchmark Stock Assessment and Peer Review Reports*, February 2015, p. 13.

particularly those from New York State, travel widely and do not restrict themselves to fishing within their own state's waters.

Although there is some good tautog habitat on the North Shore of Long Island, the majority of the best fishing grounds lie in Connecticut waters. Thus, in the waters where I most often fished, which ran from the Connecticut/New York border to the Norwalk (Connecticut) Islands, one normally fished alongside party boats that docked in New Rochelle, City Island and Huntington, New York, as well as with many private vessels registered in New York State.

The same situation continues today.

Thus, it makes no sense at all to divide Long Island Sound into two different regions, as such division does not reflect the way anglers actually utilize Long Island Sound's tautog resource.

Option 4, which creates a special management region for Long Island Sound, acknowledges that body of water should have unified management, but would create real-world law enforcement issues. Having two different sets of regulations for the same state, as would occur in New York and perhaps in eastern Connecticut, could easily lead to angler confusion.

However, Option 3 raises the issue of including Connecticut in a region with New Jersey even though, as the *Public Information Document for Amendment 1 to the Interstate Fishery Management Plan For Tautog* (the "PID") points out, fishermen in Connecticut and New Jersey do not fish on the same tautog stock.<sup>2</sup>

The only way to answer such objection is to take a practical approach. No region would be perfect in all respects. Grouping Connecticut with the other New England states and New York only with New Jersey would split Long Island Sound. Creating a special management region would make stock assessments difficult and create two different sets of regulations, and potential law enforcement issues, within New York State. And should New York were grouped with the New England states in order to keep Long Island Sound in one region, an option that has not been suggested, it would create problems where New York shares a common fishery with New Jersey.

Thus, ASMFC must select the best, if still imperfect option. That is Option 3, which eliminates shared-waters issues in Long Island Sound for Connecticut and New York, and in the ocean for New York and New Jersey. Theoretically, it might cause a shared-waters issue for New Jersey in Delaware Bay, but given that the tautog fishery in Delaware so small that Delaware was granted *de minimus* status this year,<sup>3</sup> such issue is far more theoretical than real.

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<sup>2</sup> Atlantic States Marine Fisheries Commission, *Public Information Document for Amendment 1 to the Interstate Fishery Management Plan for Tautog*, August 2015, p. 11.

<sup>3</sup> *Ibid.*, p. 6

## ISSUE 2: FISHERY MANAGEMENT PLAN GOALS AND OBJECTIVES

**The goals and objectives presented in the PID are generally proper and appropriate, although some must be modified.**

The goals and objectives of the Management Plan, as set forth in pages 11-12 of the PID are generally proper and appropriate and, if achieved, would probably lead to a rebuilt and sustainably managed tautog population. However, there are certain points that require revision or additional consideration.

### A

**Goal B's stated use of 1982-1991 to determine "utilization patterns and proportions of catch taken by commercial and recreational harvesters" should be updated to reflect changes that have occurred in the fishery over the past thirty years**

Fisheries allocation data should reflect the current state of the fishery and the state of the fishery that managers envision for the future; it should not be permanently locked into past harvest patterns that may have no relation to today's biological, oceanographic or demographic conditions.

Using a data from 1982-1991 might have been barely justifiable in 1996, when the initial Management Plan was drafted. However, it is not justifiable today, when the data from that time period is from 24 to 33 years old. It should be replaced with data that reflects today's conditions.

Furthermore, those 1982-1991 base years include most of the harvest period from 1987 through 1992, a period when, according to the *Tautog Benchmark Stock Assessment and Peer Review Reports* (the "Benchmark Assessment"), "harvest levels were unsustainable."<sup>4</sup> Base years should not include periods of known unsustainability.

The data from the current 1982-1991 base years are also skewed by questionable recreational landings estimates for 1986, which approached 17 million pounds, nearly twice the landings in any other year in the entire 1981-2014 time series. The Benchmark Assessment refers to 1986 as "a unique year in which recreational harvest in Massachusetts was unusually high,"<sup>5</sup> which should probably be viewed as the assessors' understated criticism of the 1986 estimate. Base years should also not include such clearly erroneous data.

The Management Board should instead select more recent base years that better reflect today's fishery. As a practical matter, that will make little difference with respect to allocation. During the period 1982-1991, the de facto allocation was about 90% recreational, 10% commercial, whether or not the 1986 data was taken into account. Updating the base years to 2009-2013, the last five-year period

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<sup>4</sup> ASMFC, *Tautog Benchmark Stock Assessment*, p. 16

<sup>5</sup> *Ibid.*, p. 15

for which both recreational and commercial landings data is available, only shifts the allocation by a single percentage point, to 91% recreational, 9% commercial.<sup>6</sup>

However, by resetting the base years, the Management Board will set an important precedent that shows its willingness to adapt management measures that change with changing conditions in the tautog fishery, and not mire itself in harvest and usage patterns that prevailed in the past.

## B

### **More emphasis needs to be placed on Objective D and, in particular, in controlling tautog harvest in federal waters**

In order to better coordinate federal landings with state regulatory frameworks, ASMFC should work with the National Marine Fisheries Service to institute federal regulations that would, at a minimum, 1) require any fisherman participating in the fishery to hold all state licenses that would be required of such fisherman in the water of his or her home state and the state which the vessel departed when making the relevant trip and 2) require each fisherman to abide by the more restrictive of the tautog regulations in his or her home state or the state which the vessel departed when making the relevant trip.

## ISSUE 3: MANAGEMENT MEASURES

### **ASMFC must adopt science-based management measures which promptly end overfishing and begin the timely rebuilding of overfished stocks.**

To be blunt, ASMFC and the Management Board should be embarrassed of its failure to rebuild blackfish stocks and the hesitant manner in which it has adopted management measures.

As acknowledged in the PID, ASMFC and the Management Board were fully aware of the need to reduce fishing mortality to 0.15 by 1996, if not earlier. However, *fully nineteen years* after it was made aware of that fact, it has still failed to do so. The Benchmark Assessment informs us that as of 2013, fishing mortality was still at the very unacceptable level of 0.30.<sup>7</sup>

The fishing public should be outraged at such failure to constrain harvest, and ASMFC and the Management Board should be embarrassed by their demonstrated inability or unwillingness to begin the recovery of the stock, even though nearly two decades have passed.

Much of the failure is due to the Management Board's unwillingness to end overfishing. As mentioned earlier, it knew in 1996 that fishing mortality had to be reduced to 0.15; however, it decided to wait—to let overfishing continue—until 1999 before reducing fishing mortality to 0.15. A year later, it

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<sup>6</sup> Allocation percentages derived from data obtained from the National Marine Fisheries Service's websites <http://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index> for commercial data and <https://www.st.nmfs.noaa.gov/SASStoredProcess/do?> For recreational data.

<sup>7</sup> ASMFC, *Public Information Document*, pp. 4-5.

extended the deadline to the year 2000. Two years after that, it extended the deadline again, to allow two more years of overfishing. And that was only the beginning. It was not until 2011 that the Management Board finally required states to adopt regulations that might actually reduce fishing mortality to 0.15, and even then, as the Benchmark Assessment shows, those regulations were not tough enough to get the job done.

If ASMFC is to meet its obligation to restore and sustainably manage the tautog stock, it must completely overhaul its management approach and adopt the following approach.

For both the commercial and recreational fisheries:

1. Set an annual catch limit for each sector, denominated in pounds. “Soft” catch limits based on estimated fishing mortality are not effective, particularly in the case of a badly overfished stock and/or one that is still experiencing overfishing, since they require substantial retroactive analysis of both landings and tautog abundance to determine whether the  $F_{\text{target}}$  and/or  $F_{\text{threshold}}$  were exceeded. It is far faster and easier to determine whether harvest exceeded hard-poundage catch limits, by simply referring to commercial landings data and the Marine Recreational Information Program (“MRIP”).
2. Base regulations, and the annual catch limit, on a reasonable probability that they will not lead to overfishing and will, in fact, help to rebuild the stock. A 50% chance of success—a management effort that is as likely to fail as succeed—is NOT acceptable. The Management Board should be seeking to adopt measures with a 60 to 75 percent chance of success.
3. Overfishing must be ended immediately, not with a three-year, six-year or, in the case of tautog, sixteen-year phase-in before mandated (but still inadequate) measures are put in place. Yes, people will complain of “socio-economic impacts” if managers live up to their responsibilities. But that is inevitable, because such impacts will always occur in the short term when harvest is meaningfully reduced, and unless harvest is meaningfully reduced, the fishery will never be restored. However, the short-term economic impacts caused by meaningful regulation will, in the long term, be more than offset by the benefits of fishing on a fully-restored stock.

In the recreational fishery:

1. Accountability measures adequate to deter overfishing and remediate its effects when it occurs should be put in place. Today, with the “soft” fishing mortality targets used to manage the fishery, there is no real incentive for states to devise measures that will reduce harvest to the fishing mortality target. Instead, they reap short-term benefits by proposing regulations, based on notoriously imprecise single-state and single-wave data, that incorporate the greatest level of risk that ASMFC’s Tautog Technical Committee (the “Technical Committee”) might approve. Then, if the state exceeds the fishing mortality target, it faces no sanction; it must merely adopt the more restrictive regulations that it should have put in place in the first place. Accountability measures that require sanctions such as quota paybacks, should the fishing mortality threshold be exceeded, would provide far more incentive for states to adopt more appropriate regulations without first attempting to game the conservation equivalency system.

2. No recreational fishing should take place in Wave 1 unless recreational harvest data, which the Technical Committee determines is at least as precise as the MRIP data available for Waves 2-6, is available for the relevant fishery. As it is, Wave 1 harvest is not included in the recreational landings estimates, despite the fact that significant winter tautog fisheries exist. No one can accurately estimate the volume of tautog landed between New Jersey and Virginia Wave 1. However, a report issued by the Maryland Department of Natural Resources earlier this year describes tautog fishing as being “good on the wreck and reef sites located off Ocean City since the season opened on January 1<sup>st</sup>,” and describes a potential all-tackle world record tautog of 28 ½ pounds being caught on January 2<sup>nd</sup>.<sup>8</sup> A New Jersey newspaper article from the end of January a few years ago begins with the line “Though we are entering the second month of 2010 already, tautog continue to hound dog all around the reef and wreck sites, and dedicated anglers are having a ball with some serious sized whitechins. The largest of all tautog usually come up from the depths in late January, and this week there were catches of titanic tog from 12 to 20.5 pounds along the coastline, with a 19-pounder taken off Cape May.”<sup>9</sup> Thus, it appears that the Wave 1 fishery is substantial, and that the lack of Wave 1 data could thus be causing a substantial underestimate of the recreational landings, very possibly contributing to the stock’s failure to recover.

In the commercial fishery:

1. Requiring a permit identifying all participants in the tautog fishery. Right now, the fishery is open access in many states and the number and identity of participants is largely unknown; in New York, for example, only a basic foodfish license is needed to participate, as there is no tautog-specific permit, making it impossible to identify those who are actively involved in the fishery.
2. Establishing a hard quota either at the coastwide, regional or state level, and shutting down the fishery when it appears that such quota will be landed. Without such hard quota, the commercial harvest could easily exceed expected levels, while managers have no ready remedy to correct the situation.
3. Requiring weekly or bi-weekly reporting of harvest at the state level. Such reporting is necessary to assure that the stock can be shut down before overfishing occurs.
4. Adopting accountability measures that require the commercial sector to pay back overages when the annual coastwide, regional or state quota is exceeded. Without accountability, fishermen have little incentive to constrain their harvest, and there is no ready means to remediate the damage to the stock caused by overfishing.

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<sup>8</sup> <http://www.dnr.state.md.us/fisheries/fishingreport/index.asp?d=02112015>

<sup>9</sup> <http://blogs.courierpostonline.com/fishhead/2010/01/29/saltwater-fishing-report-titanic-tautog-keeping-anglers-busy/>

#### **ISSUE 4: REFERENCE POINTS AND REBUILDING TIMEFRAMES**

**ASMFC should adopt the same approach used by the Mid-Atlantic Fishery Management Council with respect to reference points and rebuilding timeframes.**

It is clear that ASMFC's approach to tautog management hasn't worked. The stock has been under management for a full nineteen years, yet remains overfished and, at least in the northern part of its range, subject to overfishing as well.

That being the case, ASMFC and the Management Board should be seeking to emulate a management approach that has worked well. One good example is the approach taken by the Mid-Atlantic Fishery Management Council (the "Mid-Atlantic Council"), which until recent work showed that summer flounder is again overfished, has not had an overfished stock or a stock experiencing overfishing for a number of years.

ASMFC should thus follow the Mid-Atlantic Council's example, with respect to managing not just tautog, but all other species.

#### **A**

**The contents of a peer-reviewed stock assessment should be incorporated into the Management Plan without the need for a management document or public hearing process.**

A peer-reviewed stock assessment represents the "gold standard" in fisheries management. There is no better science available.

That being the case, it makes no sense for ASMFC to undergo a prolonged management process, involving a formal addendum and public comment obtained at multiple hearings, when it knows that the probability that it will receive a comment supported by the level of scientific certainty needed to discredit a peer-reviewed stock assessment is indistinguishably close to zero.

Instead, ASMFC and its Management Board representatives will be forced to endure the usual litany of comments that include "There's nothing wrong with the stock, we're catching plenty of fish," "Those scientists don't know what they're talking about, they're not out on the water every day like I am," "It's just the cycle, the fish will come back," and "If you accept the recommendations of the stock assessment, you'll put me out of business." None of those comments have any real relevance as to whether the reference points recommended in a peer-reviewed stock assessment should be incorporated into the Management Plan, but they still delay the adoption of the updated reference points by many months, thus perpetuating overfishing while delaying stock recovery, while at the same time devouring ASMFC resources that could be better put to other uses.

The management process will be considerably streamlined, and substantial time and money saved by ASMFC, if the reference points included in a peer-reviewed stock assessment were automatically incorporated into the Management Plan, with no public comment required.



## B

### **The same stock rebuilding timeframes required by federal law should be incorporated into the Management Plan.**

The Mid-Atlantic Council's fishery management plans are successful largely because they follow the timeframes set out in the Magnuson-Stevens Fishery Conservation and Management Act.<sup>10</sup> Overfishing must be stopped immediately, while the stock must be rebuilt in no more than ten years if biologically feasible.

Such timeframes instill a discipline in managers that forces them to make the difficult decisions needed to rebuild a depleted stock. Without such mandates, as the history of tautog management sadly depicts, managers are too often tempted to yield to stakeholder pleas to minimize socio-economic impacts by deferring needed actions and/or adopting half-measures that are not stringent enough to rebuild the stock, but instead lead to a descending death-spiral of similar half-measures that are never restrictive enough to rebuild the stock, but instead continue to place additional restrictions on fishermen in exchange for little apparent conservation benefit, and so end up harming both fishermen and fish.

The disciplined adoption of stock rebuilding measures that have a high probability of successfully constraining harvest to target levels and rebuilding the stock within a time certain will ultimately lead to a rebuild stock. Failing to do so, and adopting a flexible management approach that includes rebuilding measures which are at least as likely to fail as succeed, and do not require rebuilding within such a time certain, are the best way to perpetuate ASMFC's record of failure with respect to rebuilding the stock.

## **ISSUE 5: OTHER ISSUES**

### **Action must be taken to reduce the illegal harvest of tautog.**

The illegal commercial harvest of both undersized and legal-sized tautog is a pervasive, long-standing problem which is hindering managers' ability to rebuild the stock. It would not be surprising to learn that the illegal commercial harvest is greater than the licit commercial landings.

It is a difficult problem to remedy, as virtually all of the illegally harvested tautog in the commercial fishery are destined for the live-fish market. The need to keep the fish healthy and alive rules out the use of tags that interfere with their ability to breathe, and other tag designs have not been developed or proven in use.

Having said that, it might well be appropriate to institute a tagging requirement, which would effectively eliminate the live fish market until such time as the marketplace could design a tag,

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<sup>10</sup> 16 U.S.C. 1801 et seq.

acceptable to the Management Board and ASMFC's Law Enforcement Committee, which could be successfully used in live fish and would allow the live fish market to continue.

Tagging must take place at the time and place of capture to avoid the possibility of untagged fish being sold "under the table" to restaurants and other small-scale outlets; requiring a system that tracks fish by tag number from the fishermen to the retail outlet would be useful if the logistics are not impossible to work out.

Imposing such requirements will, as a practical matter, be very difficult. However, without them, the illegal commercial fishery is unlikely to be controlled.

Illegal recreational harvest is also a difficult problem to remedy. Many illegal tautog are retained, both for use as bait and for human consumption. Outside of dedicating additional law enforcement assets to the problem, which is essentially a budgetary issue for the states, it's not clear what else can be done, as retaining undersized tautog is already illegal, and adding another layer of penalties will do nothing to increase the rate of apprehension.

## SUMMARY

In order to more effectively restore and manage the tautog fishery, ASMFC and the Management Board should adopt measures that

- Establish multiple management regions, including a central management region composed of Connecticut, New York and New Jersey;
- Update the base years used to determine allocation of the resource;
- Prevail upon the National Marine Fisheries Service to adopt complimentary regulations for federal waters;
- Establish an annual catch limit, denominated in pounds, for both the recreational and commercial sectors;
- Have at least a 60% chance of successfully rebuilding the stock;
- Have at least a 60% chance of constraining fishing mortality to or below 0.15 within one year;
- Impose poundage-based accountability measures on the recreational fishery should it exceed its annual catch limit in any year;
- End all Wave 1 recreational fisheries unless and until harvest estimates that the Technical Committee deems equal or superior to those provided by MRIP for Waves 2-6 can be provided for such Wave 1 fisheries;
- Require species-specific permits to be obtained by all commercial fishermen participating in the fishery;
- Establish weekly or bi-weekly reporting of all commercial landings;
- Require the commercial fishery to be closed when landings approach the sector's annual catch limit;
- Impose poundage-based accountability measures on the commercial fishery should it exceed its annual catch limit in any year;

- Allow ASMFC to incorporate reference points and other data from peer-reviewed stock assessments into the Management Plan without prior public input;
- Recover the stock in no more than 10 years, unless that is determined to be biologically impossible, in which case the recovery time shall be as short as possible, although greater than 10 years; and
- Reduce the illegal harvest of tautog.

Thank you for considering my views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles A. Witek, III', written over a horizontal line.

Charles A. Witek, III



**New York Coalition For Recreational Fishing**

89 Narwood Road  
Massapequa, NY 11758-5925  
Tel: 516-647-8492



## **Comments on Tautog Management**

### **Responding to Public Information**

### **Document for Amendment I**

**ASMFC**

**N.Y. Coalition for Recreational Fishing**

**Submitted by: William A. Young, Pres.**

*William A. Young*

## **Introduction:**

**The Coalition for Recreational Fishing** is concerned about the status of the tautog (blackfish) fishery. In fact, recreational fishermen and their organizations on the east coast have been concerned since the 1980s when the non-traditional practice of potting for tautog began and the resulting simultaneous decline of the fishery.

When potting began in NY State, anglers implored the DEC to stop the practice. We argued that it was a non-traditional harvest method. Further, traditionally there was only a small commercial market and the population had been stable for many decades. Our arguments seemed to us to be logical since when lobbying for restrictions in harvest methods for other species such as weakfish and striped bass we were told repeatedly that such changes could not be made to management measure because these practices were traditional. **At that time we wondered if the “traditional” argument only works one way.**

Our requests for quick and stringent restrictions on what was a traditionally recreational species gained little traction. The population continued to decline and the number of older larger specimens declined. As the public document correctly points out, *blackfish are long-lived and slow growing*. Thus, we were dumbfounded by the failure of managers to take speedy and dramatic action.

The Coalition for Recreational Fishing applauds the apparent intentions of the ASMFC to finally move management from lip-service to a meaningful plan and take effective measures that actually have a chance of restoring the population to traditional levels of abundance and age distribution. We believe the  $F_{target}=0.10$  value will restore the fishery over several decades, yet recent history (2011-present) suggests that without drastic action this mortality rate will not be

met. We believe the most important issues on the table, and consequently those that have the best chance of restoring the fishery, are to ban potting and the live fish market.

### **Responses to Issues**

#### **Issue 1: Stock Management Areas**

We support Option 1: Coast-wide Management.

We believe one set of regulations throughout the range of the tautog is the fairest approach, the easiest to enforcement both intrastate and interstate, and will reduce distracting discussions about “unfair and varying rules,” state to state.

#### **Issue 2: Fishery Management Goals and Objectives**

Management questions:

1. Are the goals and objectives still appropriate? Yes, but regulations need to be changed and enforcement stepped up to achieve  $F=0.10$ .
2. What changes to the goals and objectives are needed? Goals and objectives (F and I) need to embrace more stringent regulations. That includes a higher size limit, lower bag limit, and the end of potting.
3. Which 5 goals and objectives are the most important:
  - a. A, D, E, F, I

#### **Issue 3: Management Measures:**

Management questions:

1. Do you support regional management of tautog?

NO. We support timeframes based upon the biology of the species. In this case related to the fact that the species is slow growing and long lived in order for the species to have the opportunity to recover as soon as possible.

#### Issue 5: Other issues

**The overall question presented in this section of the document is “How would you like the tautog fishery and resource to look in the future?”**

We would like to restore the fishery to levels that existed prior to the introduction of potting for blackfish and the rise of the live fish market. That means we'd like the stocks to return to levels of abundance and age distribution prior to potting.

#### Management questions:

1. Do you support the use of adaptive management to meet the goals and objectives of the fishery?
  - a. Yes
2. Do you support increased monitoring?
  - a. Yes
3. Are undersized tautog harvested for use as recreational bait for other species?
  - a. Although we have not witnessed this practice, we have heard that it is being done. Yes, it concerns us, but it is yet another example of how some users believe that the laws and regulations are meaningless because so few people are penalized. There is a need for more enforcement across the fisheries board!
4. Should there be a commercial tagging mandate for commercially harvested blackfish?

NO.

2. What are the current measures that are most effective?
  - a. Size limits
  - b. Bag limits.
3. Which *existing* management measures can be improved upon?
  - a. Increase size limit
  - b. Decrease bag limit
4. Are there additional measures that should be included in the FMP?
  - a. Yes, end potting and the live blackfish market.

Issue 4: Reference points and rebuilding timeframes:

Management questions:

1. Do you support the ability to change regional reference points based upon the latest peer-reviewed stock assessment recommendations without the need for a management document?

No, we support coast-wide reference points. If coast-wide reference points are used, then yes we support that approach.
2. Do you support the use of regional reference points?

NO. We support the use of overall coastal reference points.
3. Do you support stock rebuilding timeframes that correspond to the needs of each regional management area?



**We Support:**

- a. Hook and line harvest only, with strict controls on numbers and size limits.
  - b. Eliminate potting and the live fish market.
  - c. Tagging should be done at the point of harvest. Yes.
5. Do you have recommendations regarding habitat for tautog?
- a. Let nature take care of the structure.
6. What other management changes should be made to protect, conserve, and nurture tautog stocks that are not mentioned in the document?
- a. **End the potting and live market for blackfish. Reason: Simple, there was no problem with blackfish stocks prior to the use of potting and the live fish market!!! This is not rocket science, and the solution lies in returning to traditional harvest practices, with suitable bag and size limits.**



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President  
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Capt. Rick Bellavance  
Capt. Steve Anderson  
Capt. Andrew D'Angelo  
Capt. Paul Johnson  
Capt. Nick Butziger

October 17, 2015

Ashton Harp  
1050 North Highland St., Suite 200 A-N  
Arlington, VA 22201

Dear Ashton,

As President of the Rhode Island Party and Charter Boat Association (RIPCBA) I represent 65 small businesses, their crew members, and thousands of clients who sail aboard our vessels each year. As requested in the ASMFC Public Information Document for Amendment 1 to the Interstate Fishery Management Plan for Tautog, I would like to offer the following comments for the RIPCBA.

Tautog is an important species for the Charter/Party Boat industry in Rhode Island, most notably in the late fall when other species like summer flounder, striped bass and pelagic's are less available. We support the responsible management of Tautog based on the best science available. Rhode Island has a history of proactive and responsible management of Tautog.

Issue 1:

Specifically, the RIPCBA supports the peer reviewed 2015 benchmark stock assessment where it suggests the use of regional stock units as management areas. Alternative Stock Definition Option 3 offers the best use of regional stock units based on available science and data. More research and data collection should be undertaken prior to expanding management any further than 3 stocks. We oppose Option 2, which also recognizes 3 socks, but does not accurately reflect the strong site fidelity that Tautog exhibit and would result in poor management of the species.

Issue 2:

Regarding goals and objectives:

Goal's A, C, D and E are appropriate as written

Goal B should specifically include charter/party harvesters in addition to commercial and recreational harvesters.

The objectives are generally appropriate to meet the goals of the FMP. The RIPCBA would suggest removing law enforcement from objective E and creating a specific objective that addresses law enforcement. Tautog are particularly and frequently subject to illegal harvest by unlicensed fisherman. Poaching has been documented and anecdotally reported for years. We feel in order to manage Tautog responsibly, enforcement of regulations should take a higher priority in all states.

The five most important objectives for responsibly managing the Tautog resource are Objective A., E., G., H., and I. (see above comments regarding enforcement in Objective E, if enforcement were to be developed into a specific objective, it would be added to the list of important objectives in addition to those we listed.)

Issue 3:

The RIPCBA supports the use of regional management measures as a way to work with the species limited migration patterns and to provide Tautog fishermen with the best experiences possible.

We support the use of spawning closures, like in place in RI, when coupled with the necessary research to determine appropriate closures.

Issue 3 continued:

Managing Party/Charter permitted vessels separately from the private and shore based anglers would result in better fishing experiences for all recreational anglers, and this should be seriously considered in the amendment. RI has had success with this management practice for years. RI uses a maximum boat limit to manage the private recreational fisherman, while recognizing the individual nature of the Charter/Party fisherman by maintaining a per person limit for fisherman fishing on a charter/party boat.

The current 16 inch size limit is appropriate for Tautog across the board. Smaller size limits have been sited as a means to perpetuate illegal harvest in some areas.

Additionally, MRIP data used to characterize the recreational Tautog fishery is subject to additional biases due factors that affect this fishery, such as weather and the time of year that the bulk of the fishing takes place. Extreme year to year fluctuations in catch estimates are common. Modern electronic reporting technologies are available, particularly in the Charter/Party industry that could help to better characterize not only catch and effort, but also collect discard data and temporal/spatial information important to the management of Tautog.

The RIPCBA feels any changes to reference points should be vetted through a public process, to the extent possible. If the science and data supports the use of regional reference points, they should be used. Regional management means just that, so yes, reference points and rebuilding timelines should correspond to any regional management areas ultimately determined for management of Tautog.

A research priority should be given to determining the applicability of slot limits for use in the recreational fishery due to the increased fecundity of larger females.

Thank you for the opportunity to comment on this important amendment to the Tautog FMP. We look forward to participating in the entire public process as we all work to rebuild this important species for RI's Charter/Party Boat industry.

~Rick

Capt. Rick Bellavance, President  
R.I. Party and Charter Boat Association



**RHODE ISLAND**  
**SALTWATER**  
**ANGLERS**  
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September 30, 2015

Ashton Harp  
Atlantic States Marine Fisheries Commission  
1050 North Highland St., Suite 200 A-N  
Arlington, VA 22201



Subject: Tautog PID

Dear Sirs:

The Rhode Island Saltwater Anglers Association, representing over 7,600 recreational anglers and 29 affiliated clubs, submit the following as our preferred options for the Tautog Public Information Document for consideration by the Tautog Management Board.

#### ISSUE #1 STOCK DEFINITIONS

**We support Option 4:** Four stocks - MA-RI, L.I. Sound (CT-NY), NY-NJ (no LIS), DE-VA

#### ISSUE #2 FISHERY MANAGEMENT GOALS

We support the following five objectives:

B. To allow harvest that **maintains spawning stock biomass (SSB)** in a condition that provides for perpetuation of self-sustaining spawning stocks in each spawning area, based on maintain young-of-the-year indices, SSB, size and age structure, or other measures of spawning success at or above historical levels as established in the plan

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**

E. To promote **cooperative interstate** biological, social, and economic research, monitoring and law enforcement

F. 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.

H. To adopt and promote **standards of environmental quality** necessary to the long-term maintenance and productivity of tautog throughout their range

#### ISSUE #3 MANAGEMENT MEASURES

• Do you support the use of regional management measures?

YES we do, but as noted in Stock Definitions option 4.

\* Are there additional state management efforts that should be included in the FMP?

Rhode Island has tautog regulations that, in addition to usual size/season/bag, an additional provision of "**10 fish maximum per private vessel**" and we feel that this should be adopted for all states.

#### ISSUE #4 REFERENCE POINTS AND REBUILDING TIMEFRAMES

• Do you support the ability to **change reference points** based on the latest peer-reviewed stock assessment recommendations without the need of a management document?

**NO**, we do not.

• Do you support the use of **regional reference points**?

**YES**

• Do you support **stock rebuilding timeframes** that correspond to the needs of each regional management area?

**YES**

#### ISSUE #5 OTHER ISSUES

We support:

**YES, we support the use of adaptive management** to meet the goals of the fishery

**YES, we support increased monitoring**

**YES, we agree that taking undersized tautog is a major concern** in Rhode Island

**NO, we do not agree with a mandated commercial fish tagging program**

**YES, we agree that habitat is important for tautog, and we encourage any methods for protection and increasing structure, such as the creation of artificial reefs.**

Our response to other changes that should be made not covered in this document is **greater enforcement of size and bag limits.**

Respectfully,



Stephen J. Medeiros  
Executive Director

MY ONLY COMMENTS ARE TO CLOSE SPRING TAUTOG SEASONS COASTWIDE TO PROTECT SPAWNING FEMALES. ALSO TO MAKE SIZE LIMITS THE SAME FOR ALL STATES.

REGARDS,  
WALTER KELLY  
MARION, MA.  
[ COMMERCIAL TAUTOG ANGLER]

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I won't be attending the Tautog AP meeting but I support Option 2. I have a concern with Option 1 as that could potentially result in DE having to take further reductions as a result of states to the North of here not properly managing their fishery. I have a concern with Option 3 because if NJ has to take significant reductions it could potentially result in charter and head boats from NJ to start operating out of DE.

Greg Jackson



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

October 27, 2015

**To: Tautog Management Board**  
**From: Law Enforcement Subcommittee**  
**RE: Illegal Harvest of Tautog**

At the August, 2015 meeting of the Tautog Management Board of the Atlantic States Marine Fisheries Commission (ASMFC), members requested that a subcommittee of Law Enforcement representatives to the ASMFC and members of the Tautog Management Board be formed to review and address the illegal harvest of tautog. The subcommittee includes the following members:

*Commissioners*

Adam Nowalsky, (Tautog Board Chair)  
Dan McKiernan (MA)  
David Simpson (CT)

*Law Enforcement Committee*

Lt. Jason Snellbaker (LEC representative to Tautog Board)  
Capt. Timothy Huss (NY)  
Capt. Doug Messeck (DE)  
Major Pat Moran (MA)

*Staff*

Ashton Harp  
Mark Robson

The subcommittee conducted a telephone conference call on October 20, 2015. After reviewing some of the public comments that have been received in response to the draft Public Information Document for Draft Amendment 1 to the Interstate Fishery Management Plan for tautog, the subcommittee discussed illegal harvest issues and provides the following comments and recommendations to the Tautog Management Board. While these comments reflect a consensus of the subcommittee, some variations on the nature and extent of illegal harvest and sale occurred among the states.

**The Subcommittee believes there is significant illegal harvest of tautog.**

This is primarily evident in the market for live tautog. Illegal harvest is coming from both the recreational and commercial fishing sectors. The market for live tautog, including undersized fish, is being driven by high demand for consumption purposes and consequent high prices. Evidence of illegally harvested fish has been documented in cases against fishermen, fish houses and at retail markets and restaurants. In Massachusetts there have been a number of large cases made against licensed commercial fishermen, whereas in Delaware, New Jersey and New York illegal harvest seems mostly concentrated in the recreational fishery. Regardless of source, most

undersized, out-of-season or illegal quantities of live tautog are associated with the demand for tautog at ethnic food markets or restaurants. These markets are often found in large cities such as New York City and Philadelphia. While the subcommittee agrees that the primary concern rests with the illegal harvest for the retail/restaurant markets, a subset of illegal activity does occur among individuals and small groups harvesting fish for personal consumption or subsistence. This latter group may not even be aware they are violating specific regulations. Additionally, a large number of cases are made against recreational fishermen in possession of illegal, dead tautog.

**There are a number of factors making the illegal harvest intractable.**

***Language Barriers.***—Because of the involvement of many ethnic food markets, enforcement officers frequently encounter language barriers with dealers and retail owners, especially in the live-fish market. The State of Delaware has attempted to address this issue by posting advisories in different languages. The subcommittee agrees however that an illegal harvester (poacher) is not likely to be from any particular ethnic group or age. When inspecting markets officers may encounter language barriers with owners or employees and be presented with written records or receipts in non-English languages.

***Dispersed Activity.***—Because of the amount of illegal activity among recreational fishermen, there is a very dispersed and fluid type of poaching activity. A state may make a large number of cases against illegal recreational fishing, but because so many individuals are moving in and out of the fishery, it is hard to have an impact. Small groups of fishermen are collaborating to post lookouts, coordinate landings and transport fish away from docksides. Illegal landings and transport is occurring very late at night in remote and unpredictable locations. High prices for fish and high demand seem to be exacerbating this dispersed and widespread activity.

***Inconsistent Regulations.***—In Delaware, where regulations are less strict than neighboring states, fishermen are going there specifically to take advantage of those less restrictive regulations, and also engage in illegal activity. In other words, variable regulations are placing more fishing pressure on states with more liberal harvest regulations. The lack of a uniform, coast wide minimum size limit and the absence of compatible regulations in federal waters is a major impediment to effective enforcement.

***No Accountability Requirements.***—The nature of the live fish market means that effective, focused enforcement could take place at local seafood markets and restaurants. Such inspections do in fact occur regularly, depending on the states' authorities. However, the lack of any tagging or documentation requirements for live fish in possession significantly reduces the effectiveness of such oversight. A restaurant may have a tank with live fish. There may or may not be any records for these fish, which could be a mix of legal and undersized fish from multiple sellers. They may have been in the tank for many months. The records, if they can be produced, may be written in a language that the inspecting officer cannot read. In some cases the subcommittee discussed, fish were tracked back to major market sources in Pennsylvania. However Pennsylvania officers have more limited inspection authority and must demonstrate probable cause or have a warrant to check for suspected illegal fish being purchased and held for resale.



## **Recommendations for Enhancing Enforcement.**

***Uniform, coast wide minimum size limit.***—The subcommittee strongly recommends that a uniform, minimum size limit be established. It would allow standardization of enforcement effort in the field and eliminate loopholes when fish are moved across state lines. It is difficult to effectively enforce and prosecute cases involving undersized fish in markets and restaurants when those fish may be legal in one jurisdiction, and illegal in another.

***Federal Waters Consistency.***—The subcommittee strongly recommends that the ASMFC ask federal fishery managers for consistent harvest regulations for tautog in federal waters consistent with adjacent state waters. Ideally this would include a single minimum size limit for all federal waters.

***Implement a Tagging System.***—The Subcommittee strongly supports development of some form of tagging system, especially for live-harvested fish. The subcommittee recognizes the difficulty in developing a safe and effective tag for live fish. However, a tag requirement would take care of a number of problems and limitations currently hindering enforcement efforts. It would greatly enhance the effectiveness of inspections at dealers, markets and restaurants, allowing officers to determine when, where and from who fish were obtained. To be successful, tags must be useable only one time, and they must prominently identify state of origin, year and a unique identifying number or code. Fish should be tagged immediately upon harvest.

Members of the subcommittee provided examples of significant monetary penalties for possession of illegal fish, including elevation of penalties to felony-level depending on the amount and severity of the illegal harvest. The subcommittee believes that current fines and penalties are in some cases significant, but cannot say whether stricter penalties across the board would have a damping effect on illegal activity. For reference, existing penalties for some states are presented below.

## **APPENDIX**

### **Pennsylvania Regulation**

The subcommittee discussed problems with illegal fish in markets and restaurants in Pennsylvania. Following is the pertinent regulation for tautog in these markets:

#### *63.50. Importation of tautog.*

It is unlawful for a person to import into this Commonwealth, sell, offer for sale or purchase tautog (*Tautoga onitis*) measuring less than 15 inches in length.

### **Fines and Penalties**

#### **Delaware**

There is a \$50.00 fine plus assessments (\$107.00 total) per violation. Each fish is a violation and each time the daily limit is exceeded is a separate violation.

#### **New York**

71-0923 (generally for recreational violations, but can be applied to commercial offenses)

8.a. for violations involving one to five fish, shellfish or crustaceans, twenty-five dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

b. for violations involving six to twenty-five fish, shellfish or crustaceans, fifty dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

c. for violations involving more than twenty-five fish, shellfish or crustaceans, one hundred dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections; or by both such fine and imprisonment.

For purposes of determining the applicable fine pursuant to this subdivision, the number of fish, crustaceans or shellfish shall be the aggregate number involved in the violation, regardless of species.

Sec. 71-0924. Illegal commercialization of fish, shellfish, crustaceans, and wildlife.

Notwithstanding any other provision of this chapter, when a violation involves the sale, trade or barter of fish, shellfish, crustaceans, wildlife, or parts thereof, the sale, trade or barter of which is prohibited by the fish and wildlife law, the following additional penalties shall be imposed:

1. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, is two hundred fifty dollars or less, the offense shall be a violation punishable by a fine of five hundred dollars and/or not more than fifteen days of imprisonment;

2. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, is more than two hundred fifty dollars but does not exceed one thousand five hundred dollars, the offense shall be a misdemeanor punishable by a fine of five thousand dollars and/or not more than one year of imprisonment;

3. where the value of fish, shellfish, crustaceans, wildlife, or parts thereof, exceeds one thousand five hundred dollars, the offense shall constitute a class E felony under the provisions of the penal law; and

4. where the value of ivory articles, as defined in section 11-0535-a of this chapter, exceeds twenty-five thousand dollars, the offense shall constitute a class D felony under the provisions of the penal law.

5. For the purposes of this section the value of fish, shellfish, crustaceans and wildlife shall be the fair market value of or actual price paid for such resource, whichever is greater. For purposes of this section, "sale" shall include the acts of selling, trading or bartering and all related acts,

such as the act of offering for sale, trade or barter, and shall also include the illegal possession of fish, shellfish, wildlife or crustacea with intent to sell. It shall be presumptive evidence of possession with intent to sell when such fish, shellfish, wildlife or crustacea is possessed in quantities exceeding the allowable recreational quantities, or is possessed in a retail or wholesale outlet commonly used for the buying or selling of such fish, shellfish, wildlife or crustacea, provided, however, that nothing in this subdivision shall preclude the admission of other evidence which may serve to independently prove a defendant's intent to sell.

### **Massachusetts**

Tautog regulations at 322 CMR 6.40 are promulgated pursuant to the authority at G.L. c. 130 s. 17A. Per state law, the criminal penalty would be \$50-\$1,000 w/no potential jail time (G.L. c. 130 s. 2) and the non-criminal citation would be \$50 (G.L. c. 21A s. 10H). So it would be a \$50 citation for 1 fish up to some unspecified number, unless criminal charges are filed.

If the violator is commercially fishing w/o a commercial permit, the criminal penalty is \$10 - \$10,000 and up to three years imprisonment but not both (G.L. c. 130 s. 80) and the non-criminal penalty is \$100 (G.L. c. 21A s. 10H). The same goes for any entity involved in the primary purchase of tautog without a commercial dealers permit authorized for the primary purchase of finfish.

We do not have a per-fish penalty although it is something we have desired for years. We can talk to the courts and make recommendations of a per-fish penalty and although in some cases they have gone along with our request, ultimately it is the judge's discretion.

### **New Jersey**

Currently the penalty for undersize, over-limit, and closed season tautog is \$30 per fish. The penalty will be increasing to \$100 per fish in the near future due to the documented and continued noncompliance with the current regulations. The commercial penalties are \$300 to \$3000 for 1<sup>st</sup> offense and \$500 to \$5000 for 2<sup>nd</sup> Offenses.