

Atlantic States Marine Fisheries Commission

Tautog Management Board

*May 23, 2013
10:00 a.m. – 11:00 a.m.
Alexandria, Virginia*

Draft Agenda

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

- | | |
|--|------------|
| 1. Welcome/Call to Order (<i>J. Gilmore</i>) | 10:00 a.m. |
| 2. Board Consent | 10:05 a.m. |
| • Approval of Agenda | |
| • Approval of Proceedings from October 22, 2012 | |
| 3. Public Comment | 10:10 a.m. |
| 4. Consider 2012 FMP Review report and state compliance (<i>M. Yuen</i>) Action | 10:15 a.m. |
| 5. Consider Maryland's recreational fishery proposal (<i>J. McNamee</i>) Action | 10:25 a.m. |
| 6. Consider Terms of Reference (<i>J. McNamee</i>) Action | 10:35 a.m. |
| • Overview of benchmark stock assessment progress and Terms of Reference | |
| 7. Elect Vice Chair (<i>J. Gilmore</i>) Action | 10:50 a.m. |
| 8. Other Business/Adjourn | 10:55 a.m. |

The meeting will be held at the Crowne Plaza Hotel Old Town, 901 N. Fairfax Street, Alexandria, VA 22314 (888)233-9527

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

MEETING OVERVIEW

Tautog Management Board Meeting

May 23, 2013

10:00 a.m. – 11:00 a.m.

Alexandria, Virginia

Chair: Jim Gilmore (NY) <i>Assumed Chairmanship:</i> 04/13	Technical Committee Chair: Jason McNamee (RI)	Law Enforcement Committee Representative: Dominick Fresco
Vice Chair: VACANT	Advisory Panel Chair: Pat Donnelly	Previous Board Meeting: October 22, 2012
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NC, NMFS, USFWS (11 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 22, 2012

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the Agenda. Individuals that wish to speak at this time must sign in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Section Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Section Chair may allow limited opportunity for comment. The Section Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Consider 2012 FMP Review Report and State Compliance (10:15 – 10:25 a.m.) Action
Background <ul style="list-style-type: none">• State Compliance Reports are due on May 1.• The Plan Review Team reviewed each state report and compiled the FMP Review report (Supplemental Materials).
Presentations <ul style="list-style-type: none">• Overview of FMP Review Report by M. Yuen
Board Action for Consideration <ul style="list-style-type: none">• Approve 2012 FMP Review and State Compliance reports.• Approve Delaware and North Carolina's request for <i>de minimis</i> status for commercial and recreational fisheries.

5. Consider Maryland’s Recreational Fishery Proposal (10:25 – 10:35 a.m.) Action

Background

- To be consistent with the requirements of Addendum VI to the Tautog FMP, Maryland implemented a recreational size limit of 16 inches in 2012, a 2-inch increase from 2011. This resulted in a substantial decrease in harvest. MD DNR proposes to lower its recreational size limit to 15 inches, consistent with requirements of Addendum VI (**Briefing CD**).

Presentations

- Review of proposal by J. McNamee

Board Action for Consideration

- Approve MD’s proposal for changing its recreational size limit.

6. Consider Terms of Reference (10:35 – 10:50 a.m.) Action

Background

- The Board initiated a benchmark stock assessment for tautog in September 2012. A data workshop was held in March 2013, and the Technical Committee drafted the Terms of Reference (**Briefing CD**)

Presentations

- Overview of stock assessment progress and Terms of Reference by J. McNamee.

Board Action for Consideration

- Approve Terms of Reference for Tautog Benchmark Stock Assessment.

7. Elect new Vice Chair to the Tautog Management Board

- Mr. Jim Gilmore has transitioned from Vice Chair to the Chairman role. The Vice Chair position is now vacant.

8. Other Business/Adjourn

DRAFT

DRAFT

DRAFT

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

**Radisson Plaza-Warwick Hotel
Philadelphia, Pennsylvania
October 22, 2012**

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

TABLE OF CONTENTS

Call to Order, Chairman William Goldsborough..... 1

Approval of Agenda..... 1

Approval of Proceedings, February 2012 1

Public Comment..... 1

Overview of State Implantation of Addendum VI..... 1

Discussion of Federal Waters Tautog Harvest..... 1

Report on the Tautog Aging Workshop..... 5

Report on the Tautog Assessment Scoping Workshop..... 7

Adjournment 10

INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of February, 2012 by Consent** (Page 1).
3. **Motion to adjourn by Consent** (Page 10).

ATTENDANCE

Board Members

David Pierce, MA, proxy for P. Diodati, (AA)	Peter Himchak, NJ, proxy for D. Chanda (AC)
William Adler, MA (GA)	Tom Fote, NJ (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Bernie Pankowski, DE, proxy for Sen. Venables(LA)
William McElroy, RI (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Roy Miller, DE (GA)
Dave Simpson, CT (AA)	Tom O'Connell, MD (AA)
Lance Stewart, CT (GA)	Bill Goldsborough, MD (GA)
Rep. Craig Miner, CT (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
James Gilmore, NY (AA)	Rob O'Reilly, VA, proxy for J. Travelstead (AA)
Pat Augustine, NY (GA)	Kyle Schick, VA, proxy for Sen. Stuart (GA)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Peter Burns, NMFS

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

Ex-Officio Members

Paul Caruso, Technical Committee Chair	Dominick Fresco, Law Enforcement Committee Representative
--	---

Staff

Bob Beal	Genny Nesslage
Toni Kerns	Katie Drew

Guests

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Radisson Plaza-Warwick Hotel, Philadelphia, Pennsylvania, October 22, 2012, and was called to order at 12:20 o'clock p.m. by Chairman William J. Goldsborough.

CALL TO ORDER

CHAIRMAN WILLIAM J. GOLDSBOROUGH: Good afternoon, everybody. My name is Bill Goldsborough. I am Chairman of the Tautog Board.

APPROVAL OF AGENDA

Has everybody had a chance to look at the agenda and does anybody have any adjustments they want to propose? Seeing none, we will adopt the agenda as written.

APPROVAL OF PROCEEDINGS

Are there any updates to the proceedings from the meeting of February 2012 that anybody wants to offer? Seeing none, the proceedings are approved.

PUBLIC COMMENT

We will offer public comment now on items not on the agenda? Is there anybody here that wants to provide public comment? Okay, going pretty smoothly so far. We will move on to Agenda Item Number 4, overview of state implantation of Addendum VI. Toni.

OVERVIEW OF STATE IMPLANTATION OF ADDENDUM VI

MS. TONI KERNS: At the April 2nd board meeting states agreed to adjust their commercial and/or recreational regulations for a 39 percent reduction in F using the same methodology that they had previously used to do the 59 percent reduction, but we realized through the correction in the assessment that a 39 percent reduction was only required.

It is to the best of our knowledge that the states have implemented those reductions. We will be reviewing those reductions with the compliance reports and report back to the board at the February meeting. To the best of my knowledge I don't know of any issues.

Just so everybody is clear what happened with New Jersey, I had a couple of folks say they didn't receive my e-mails, so I want everyone to know that through the e-mail board vote New Jersey did for just this 2012 fishing year start their fall season on November

1st due to a delay in their regulatory process to start their summer fishery for their commercial fishermen, but next year their fall fishery will start on November 9th. That is that my report. Are there any questions?

CHAIRMAN GOLDSBOROUGH: Are there any questions for Toni? Do you want to move on into the next item?

DISCUSSION OF FEDERAL WATERS TAUTOG HARVEST

MS. KERNS: Along the lines of measures, a New York fisherman brought forward an issue to me looking at the New York commercial food fish landing license and saw a potential loophole for fishermen fishing in federal waters and landing in New York. I am going to ask that Jim Gilmore go over a couple of slides regarding this issue.

MR. JAMES GILMORE: With your permission, Mr. Chairman, we have been getting lots of calls like the other states about the excessive harvest of blackfish and we have been trying to figure out where the problems are. One of them that we actually had been aware of that we have in New York and I think other states have a landing license.

Essentially any New York commercial fisherman that is fishing in state waters has to have a food fish license, but we also – and I think it was done in the late nineties; there was a landing license that allowed that a commercial fisherman fishing in the EEZ could essentially land in New York and essentially legally take from outside state waters including the EEZ and then essentially sell those fish.

The license does not allow holders to take fish or to land fish within state waters and that again it was the opportunity for non-commercial to take, land and sell commercial quantities of fish. We have now seen a bit of a loophole because we have had an increase we believe in these landing licenses, but it is not for the original intended purpose, so we're looking at closing this loophole through probably legislation.

And just to give you a set of the numbers of this type of this landing license that we have had going back o 2008, we can see almost a twofold increase since 2011 into 2012 where – and if you see, its total number of licenses went up gradually from 2008 from 36 to now it is up to 96 and it almost doubled since 2011.

Corporate licenses haven't gone up that dramatically but the New York resident ones have seen a pretty

dramatic increase over the time period and definitely between 2011 and 2012 when we believe the word has gotten out that you can essentially bring blackfish in under this landing license and then essentially sell your catch.

Again, we're already starting procedures to try to close this loophole. The issue is really the concern about the commercial landings of tautog that are harvested in federal waters and the suspicion that the increased commercial effort is leading to an increase in fishing mortality in New York. We're raising this for a couple of reasons.

First off, do the other states have the same possible loophole because we believe we're seeing a large number of fish being landed under this landing license. Part of the thing that is feeding this is that there is no federal fishery management plan for tautog nor are there any rules restricting in federal waters; so under this deal is that even though we have got pretty good restrictions within state waters, that if you essentially have this landing license you go out and it is catch as much as you want and come in say you've caught them legally in federal waters and are landing them.

Again, with our limited enforcement, we really don't know if they actually are going into federal waters. They may be taking them from state waters. The other question with this is – two points to the question; first off, is this a problem that maybe other states have or would they have the same loophole; and, secondly, would federal regulations be appropriate to try to close this issue? I will take questions if anybody has them.

CHAIRMAN GOLDSBOROUGH: Are there any questions for Jim? Pete.

MR. PETER HIMCHAK: Jim, you have seasonal – this is commercial fisheries landings you're talking about; yes?

MR. GILMORE: Yes.

MR. HIMCHAK: Okay, so you have seasonal closures that are based on commercial landings from past years seasonally to account for the percent reduction. Those were from both EEZ and state waters; were they not? I'm trying to understand your problem. We don't have this problem because we have a limited entry program and you would have to have a tautog permit. I'm trying to understand your problem with the increased effort.

MR. GILMORE: The problem goes to – you know, on paper it is a commercial fishery but the landing license is sold to both commercial and recreational fishermen, so anybody can go and get this landing license. The reality is that you have got probably recreational fishermen that are going out into the EEZ. They have this landing license; and since there are no rules restricting them, that they're landing legally right now but they're actually not commercial fishermen.

MS. KERNS: And, Pete, the person who had called me to express his concerns was that he had been seeing an increase of recreational fishermen going out into federal waters following the commercial regulations that New York has in place and then bringing those home and selling those fish. They can do that legally because that landing license doesn't require you to have a commercial permit, so recreational fishermen are using that landing permit to essentially fish as a commercial fisherman.

MR. PATRICK AUGUSTINE: Toni is right, but what you actually have is a 25-fish bag limit for the commercial; and it is assumed by these recreational guys who pay a license fee of \$500, they will load up with six guys on their vessel and they will go out there and they will bring back 300 tautog, and therein lies the issue.

I thought I better use numbers. Toni; you were being kind when saying, well, they were doing this and that. That is what is happening and they're coming back and we know for a fact – this same person that Toni is referring to is an undercover informant, if I can call him that. I won't use his name, but he is on the inside, so to speak, and sees this sort of thing going on.

He raised the issue and Jim is addressing it through I guess a legislative procedure, but I think his concern is the same as mine. Are any of your other states feeling or having the same misinterpretation, quote-quote, misinterpretation of a regulation; and if so, we would like to get some advice from you as to how you – if you had it, how you fixed it other than the way we're trying to fix it.

We are short on enforcement people in New York. I guess we've got two shores to deal with, including the EEZ. We essentially have 27 enforcement folks in total. It is not a matter of getting more enforcement people because they're not funding for that. We're looking for a way to clean this up so that what is happening in our state doesn't possibly

happen or could happen in your states and increase the pressure on tautog. Thank you.

DR. DAVID PIERCE: I thought I understood the problem and now I'm not so sure after what was just said by Pat. Is this what is happening? You've got recreational fishermen getting this commercial permit and then using it as a means to fish out of the recreational fishing season, the allowed fishing season and to avoid all the bag limits because they claim they're commercial fishermen. Is that what the issue is?

MS. KERNS: Yes.

DR. PIERCE: Okay, so, yes, it is a problem.

CHAIRMAN GOLDSBOROUGH: And with a solution, Pete.

MR. HIMCHAK: Well, the solution is not an easy fix, but we put a limited entry program in for tautog back in the early 2000s, I guess, so we're actually more restrictive than the FMP. We only have 64 tautog permitted commercial fishermen in the state of New Jersey; so anybody else selling tautog is illegal. I guess that is one thing you can consider, but administratively you would have to put in some kind of a control date and set the criteria for who would qualify for a permit for the future.

MR. AUGUSTINE: I guess to follow up, we talk about the illegal sale of tautog. As you recall, a year or so ago we had the enforcement people come up with their suggestions as to what we could do, and I think the board soundly rejected the possibility of implementing a tagging program. We discussed only briefly the possibility of telling those folks who do not have a permit to sell that the fish should be killed humanely when you came back to the shore, wherever it was when you were being stopped by an enforcement person.

Our situation in New York remains – there is a continuing high sale of illegal tautog and the enforcement people are busy all the time hitting all the various restaurants in New York and so on finding these live tautog that are not permitted or the purchaser or the restaurant owner does not have a permit to purchase them.

They being taken and they're being fined, but the fact of the matter is it still happens. I'm not sure how many more years we're going to avoid the issue of deciding that tautog are a valuable fish and we as a board need to take a little more over action in order to

control the sale of live fish. Maybe most of your other states aren't experiencing what we have in New York with the New York market and the New Jersey market.

Maybe Baltimore and some of those places do have a live market that is alive and well and there is illegal activity going on. But if you don't have it, we do need help. Each time that New York has put it on the table, we did get the enforcement people to move it forward, it was determined gain that the tagging was too difficult or too expensive, and we still have the same issue.

Without having probably twice as many enforcement officers as we have, we see this as a continuing issue. I am convinced that people who are taking their own vessels out need to pay their expenses in their mind and they're doing illegal things, and illegal things happen to be catching these fish, which may be legal, and then selling them to offset their costs.

That is part of the concern we have, and as you know it reaches over into other fisheries. If we can do anything about that, Mr. Chairman, at a later date, to bring that back up on the table, in my humble opinion I think it is kind of a dead issue, but I'd sure like to get some opinion from other members to see if they would be willing to move forward to going back to look at an addendum that would go out to the public. It was drop dead the last time we did this.

I'm not sure whether it was retaliation, whether the recreational people felt that they were being leaned upon, it was not an issue about recreational fishermen. It was an issue about catching or prosecuting blackfish, tautog, and bringing them to market to sell in the live market, and the issue had to be I think presented in such a way as if you are in possession of a live tautog when you hit the dock or at dock and you're approached by an enforcement officer, there should be some means of knowing the end result of what is going to happen to that animal, whether it is going to be taken home to be eaten or whether it is going to be sold on the market.

If it is in a bucket or if it is in a live well, the likelihood is if you've got a lot of them, you're going to sell them. Without that distinguishing change, I'm not sure how we're ever going to fix the problem if we ever will, Mr. Chairman. Excuse me for being so lengthy in my description and concerns.

CHAIRMAN GOLDSBOROUGH: Thank you, Pat. I think you're right that the live capture and potential profitability driving that possible black market is an

issue still in need of a solution. Specifically the concern that Jim's example raises is legal catch in the EEZ that is above and beyond what we anticipated under this rebuilding plan, and we need to get a sense if there are other such examples and if we need to do anything about that.

We, of course, recently implemented significant cutbacks in F toward rebuilding and we don't want some of these activities to be undermining that. I would like to hear from some more folks about whether or not there is something we should do in the near term. I would remind folks that in the last amendment, in the earlier draft we did consider possible actions with respect to EEZ harvest and we ended up not going there, but one of them was actually asking the councils to develop a tautog plan. Instead we focused that amendment on rebuilding, but let's try and get a handle on this issue now and whether there is something we should do. Dave.

MR. DAVID SIMPSON: I think it is making me aware of a potential problem with our landing license which is open access. Although we're moving toward a state-restricted species list that would effectively be limited entry for more species than we currently have, as Pete alluded to, I think that is part of the fix.

The other part is simply having adequate reporting. If it is being taken under a commercial license, you need to have the ability to capture that landing and do the accounting. That is a commercial landing. It counts against the state's quote, which is basically what we have, state-by-state quotas the way we worked out.

For tautog in particular, you know, if you figure out what Connecticut's de facto tautog quota is, divide by the average weight, it is about 3,000 fish for our commercial quota. That starts to get into the realm of very manageable for a tagging program on a much smaller scale that what we have for striped bass; and given the value of this species and its importance, it is something I think we need to think about. So two parts; one, we are thinking about tagging. I don't that is as insurmountable a task as it has been perceived to be previously. The other is simply the full accounting of commercial landings, and then each state manages its quota as it sees fit.

CHAIRMAN GOLDSBOROUGH: Well, Jim indicated that New York is evaluating a couple of different possible solutions to their immediate problem. I guess the question before us is, is there a broader problem that might warrant action here or not

or do we need a little further study into that question. I take it we're going to take it under advisement and give this some more thought?

MR. GILMORE: Mr. Chairman, this discussion has been helpful because again we're going to try to fix this. I guess the question we really have is that there has been an indication that there are some large populations in the EEZ which is I think something we're not going to address now and I would have to talk to the council, but I don't know.

We're going to follow up with the feds to see if there is data that indicates that because it is a surprise to me when they said there were that many fish out there, which gets me to the point that they may be being taken in state waters, but we will pursue that and bring it up at a later date for the next incoming chair, whoever that poor guy is. Thank you.

DR. PIERCE: In New York specifically, since it has been raised in the context of New York, does a similar problem exist with scup and with fluke and with sea bass; that is, recreational fishermen getting a commercial permit and then fishing out of the recreational season and not adhering to bag limits because they don't need to.

They can claim they're a commercial fisherman when at sea, when boarded at sea, they get away with it very easily. Is this a widespread problem and not just one specific to tautog. And then, of course, as a collective of states we do indeed need to give this further thought to see if there is a generic solution to it.

CHAIRMAN GOLDSBOROUGH: Jim, that would be a question for you.

MR. GOLDSBOROUGH: David, I think it is limited to blackfish now and it really comes down to the economics of it. The cultural markets with the live sale of the blackfish, they can make a really good profit on this. It may be happening with those other species, but you're not seeing similar economic incentive. From what we have seen in our enforcement guys in the markets, they're not seeing those other species. They're just seeing lots of blackfish so I think we're probably limited to blackfish at this point.

MR. ADAM NOWALSKY: Mr. Chairman, I think this issue is definitely what we're talking about today is not going to be solved by making this a federal waters issue. There is no doubt that catch occurs in federal waters, but by and large up and down the

coast enforcement and the management is still taking place because these people have to transit state waters.

Recreationally they have to land the fish in state waters so you have a very significant enforcement component of that catch already. Jim has done a good job of bringing to our attention an isolated incident, which it certainly sounds like their state is going to attend to, and it is good information for us all to go home and just see if there is some similar issue there, but I don't see this as an impetus to go crying for the need for federal management.

MR. RICK BELLAVANCE: Mr. Chairman, just one other thing that I was thinking about why we were having this discussion that might help some of the states, and that involves a different agency, the United States Coast Guard. The new regulations that have come into play recently requiring every commercial vessel that is fishing commercially in the EEZ to have a commercial fishing safety examination. Those are pretty expensive.

The requirements to get that decal are more than I think a regular recreational fisherman would be interested in undertaking. Just as you move forward and that becomes more enforced, it might be another avenue that the states can use to help to get to the difference between a recreational fisherman and a commercial fisherman. Thanks.

CHAIRMAN GOLDSBOROUGH: Jim, did you hear that?

MR. GILMORE: I got most of it, Mr. Chairman, yes. Thank you.

CHAIRMAN GOLDSBOROUGH: Okay, I think where we are is we're going to give this some more thought and particularly in our individual states take a look and see if there might be similar legal loopholes, if you will, that might need closing, and I expect we will revisit this at a future meeting. Thanks for bring it up, Jim. Okay, let's move on to the report on the Aging Workshop. Katie.

REPORT ON THE TAUTOG AGING WORKSHOP

DR. KATIE DREW: I'm just going to go over real quick the results of the Tautog Hard Part Exchange and Aging Workshop that was conducted this spring. This is just a quick outline, some background on tautog aging, the goals and the purpose of this

workshop and this exchange as well as our results and conclusions and future work.

As I'm sure you all are aware tautog have traditionally been aged with opercula bones, so basically the bone that covers the gill, which you can see a picture of right here forms nice rings and you can count those to assign an age. In 2001 Old Dominion University modified their aging technique for tautog and started using paired otoliths and opercula samples to sort of train readings of the opercula.

This is a concern because ODU actually does the aging for Virginia's commercial samples and recreational samples of tautog. VMRC collects the samples, ODU ages them and those are the ages that go into the assessment. At the last assessment, which was conducted in 2005, the technical committee had concerns about Virginia's small size at age.

They were seeing an unusually low size at age for some of Virginia's tautog samples in recent years indicating they're growing faster than some of the other states. We couldn't resolve the issue of whether this represented legitimate geographical differences in growth or rather it represented aging differences between the states since ODU had switched their technique.

As a result, the 2001 to 2003 samples were excluded from the 2005 benchmark and further samples have not been included in the update. We organized an aging exchange in a workshop to resolve these differences before we go on to the next benchmark. Nine labs from eight states participated and each state provided ten to twelve matched pairs of tautog otoliths and opercula with the exception of Connecticut, which was not at the time collecting otoliths from tautog.

Each state aged the pooled samples using their own protocols and their own labs and then we examined the consistency of age assignments between states and between the otolith and operculum ages. We then held a workshop to review the results of the exchange and recommend the best practices for tautog aging. 154 samples were looked at and that included 82 opercula and 72 otoliths. Most fish were in the 12 to 24 inch size, so we can't extrapolate too far for the oldest ages.

The most important finding was that ODU was not significantly biased compared to most states. I am not going to go through all of the state-by-state comparisons. They are in the report that was given to

you as part of the briefing materials, but I wanted to go over these figures just so you get an idea of how to read them and understand what is going on.

Basically the important part here is that this one-to-one line is perfect agreement. Down here is ODU's age and this is an example plot from New Jersey where you can see this is the line where everything agrees and they fall mostly on both sides of this line meaning that while there is error and disagreement, they're not biased in one direction or the other.

This is a plot from Maryland where there were difference between ODU and Maryland where you can see Maryland's ages are falling higher than ODU so they're aging them older than ODU. This was a significant difference statistically. ODU for the most part was biased compared to some states but not biased compared to the others, and that was true for most states.

Some states were biased compared to other states. Massachusetts was the only one that was consistently biased compared to all other states and they were aging them younger than most of the other states. You can see here everything is falling – this is ODU's age and this is Massachusetts' age and ODU's ages are older compared to Massachusetts' age.

They have gone back and looked at the samples again and they concluded they're missing the first annulus in some of the samples. They recently changed aging personnel at the lab so we can't say how far back this problem goes, but we're looking into that further. We also looked at operculum ages versus otolith ages and they agreed over the range of the ages that we examined.

These plots show your otolith age down here plotted against the average operculum age for those samples, so for age five what was the average age assigned to the opercula ages. What you can see is they're falling along this one-to-one line.

Unfortunately, we have very few of these oldest fish up here so we can't really extrapolate to say whether this relationship falls off for the older ages; but given that we used a plus group of about 12 in the assessment, we're showing pretty good agreement between opercula ages and otolith ages over the range of ages we actually modeled.

This is ODU. Obviously, they have been doing otolith ages for tautog longer, but this is true for – I think this is for New Jersey again. Even for states

that don't have experience aging tautog otoliths, you can see they're still mostly agreeing and falling on this one-to-one line, and there was not a significant bias.

The overall precision for operculum ages was about 13 percent and the otolith ages were also about 13 percent. I just wanted to point out that even though most states have almost no experience aging tautog otoliths, the agreement was pretty much on par with the operculum ages, which everybody has been doing for longer, so we we're getting decent precision on that.

In conclusion, Virginia's ages should be included in the next assessment as they are assessed now and operculum collection should remain the standard for biological sampling of the tautog catch, but we are recommending paired sub-samples of tautog and otoliths should be added to see if we can move forward on improving the precision of the ages that we assign.

Future work; spot check the historical samples. Basically right now we get an idea of where everybody is in terms of precision and in terms of bias for the ages who are working on it now, but the question that remains is that true over the past 30 years that we have age samples for. Basically people now are going to go back and check themselves against their own samples in the past to see if they're sort of still in agreement with the way they have been doing things in the past.

ASMFC staff will coordinate with states to get that done some time after the fall field season. We also recommend assembling regional reference collections of paired operculum and otolith samples as well as conducting exchanges in the future to ensure consistency across the regions when assigning ages. That's it so any questions?

CHAIRMAN GOLDSBOROUGH: Are there any questions for Katie? Rob.

MR. ROB O'REILLY: Mr. Chairman, I guess I have a couple of questions. One would be the VPA that was done in 2011; that was more or less an update. You indicated that the ODU ages were not included in the 2005 assessment and they weren't included in the 2011 update. The recommendation is to include them in the next assessment.

My concern is has there been any thought by the technical committee as to what inclusion of those ODU ages would be like compared to what the

results were in 2011. For example, younger fish in general are going to be added at size than are in the VPA or were in the VPA in 2011; that should have some effect on the fishing mortality rate and the SSB.

The only reason I bring this up is there is a part of the documentation we received that indicates by the time the next assessment is done there will not be information available on the effects of the current recent management measures that have been put in place. Does that mean that anything – and I will come back to that later on, if I may, but does that mean any type of changes will be difficult to detect once you do the assessment on the effect of adding these ages or what are the thoughts on that? It is a little bit puzzling.

DR. DREW: It will be a little hard to tell I think because for our next benchmark I think we're going to abandon the coast-wide VPA completely, so it will be hard to separate out the effects of those different ages or the different size at age versus using a new model; hopefully a better model and hopefully a more regional model. Paul will get into that in a little bit. I think we could look at it if it is something you're concerned about, but I think probably those effects will be swapped by the switch to hopefully a better model.

MR. O'REILLY: If I may follow up, has anyone really looked at that as sort of a straw run or anything or did the technical committee just decide to wait until – in other words, wait until the next assessment? If you have a 2011 assessment and you feed in the ODU ages to the VPA, even though you're moving towards a different model, is there any information to be gained by looking at what the inclusion of those ages does with the last standard you used, which was the VPA.

MR. PAUL CARUSO: Rob, I just wanted to add something to what Katie had mentioned that might help you out a little bit. You have got to remember that the age keys we use in the assessment are regional keys. Generally most states are supplying 200 to 300 age samples; so to me without rerunning the VPA, et cetera, I would just kind off the cuff assume that if we added another 200 ages from Virginia for the last – you know, retrospectively all the way back to whatever year, it probably wouldn't change the overall coast-wide F or any of the other output values of the VPA. That is just speculative guess on my part, but considering it is 200 out of a thousand in that region and another thousand from the northern region, it is probably not going to change things significantly.

CHAIRMAN GOLDSBOROUGH: Have you got what you need, Rob?

MR. O'REILLY: Yes, that was a good off the cuff; I like that.

CHAIRMAN GOLDSBOROUGH: Are there any other questions for Katie? All right, let's move on to the report on the Assessment Scoping Workshop. Paul.

REPORT ON THE TAUTOG ASSESSMENT SCOPING WORKSHOP

MR. CARUSO: I'm going to be remiss here if I don't thank ASMFC staff, Katie in particular, for the last two workshops. As most of you know, we haven't had many of these workshops in the past. They were very well run and very productive. Everybody contributed and it is something you can all be proud of as far as the workshops and what was determined.

Also, I'm here on behalf of Jason McNamee. Jason is the new technical committee chair; I'm the outgoing chair. He was just elected vice-chair a month ago. His term was short because Andrea Hoover left Maryland. So like I did in the past, he had a very short vice-chairmanship. I am sure you will welcome Jason back again. He is a repeat offender like myself.

Okay, on to the Assessment Workshop, I am just going to briefly review the motivation and goals of the workshop; the 2005 assessment peer review recommendations that we reviewed; a review of potential new models that we looked at; and finally our recommendations for the next assessment.

Okay, the motivation for the workshop was the lack of confidence in the continued use of the coast-wide assessment approach and the use of the VPA Model for tautog assessments, develop recommendations to move forward, and just lack of confidence I think as the board as well as the technical committee – you have all expressed I think differences of opinion and I guess the need to move forward here with tautog.

We all know it is more of a regional type stock and you all want to move forward and the technical committee shares those concerns. We wanted to develop draft recommendations for the board regarding a new benchmark assessment timeline and address some of these previous shortcomings.

As far as the data issues and concerns, these come from the peer review as well as some of the technical committee reviews of our own assessments and our assessment updates over the years. Nothing new here; I think you all have a pretty history with tautog, but we know there is a lack of commercial catch and biological sampling data. The commercial catch is not really characterized. We currently use the recreational length frequency distributions as a proxy for the commercial fishery.

We have limited recreational length sampling in the early years of the time series and lately that is dropping off as well. Because we have implemented tautog restrictions, the sampling has gone downhill a bit. The perpetual question of trawl surveys for a benthic organism like tautog has come up time and time again.

The peer review panel was particularly strong on this one, but I would say the committee is about split on that. Some states seem to have some good trends there. Other states seem to catch a lot of tautog of different ages one year and nothing the next, so it is kind of an on again and off again switch type of index.

There are no independent indices of abundance south of New Jersey. That is the major issue with the coast-wide assessment. We literally have nothing but harvest information south of New Jersey. They had issues regarding the discard mortality rate assumptions. I am not sure the technical committee shares all of those.

I think we can all say that tautog are a pretty hardy species. The recreational fishery and the commercial fishery is taking place in fairly shallow water, so there is a pretty low discard mortality rate, but nonetheless it was something they brought up. The big elephant I expect here is the geographic differences in growth and maturity.

In the past it was not seen that there was much of a difference. Recent Virginia data would maybe call into question that prior assumption. The model concerns and issues from the peer review – again, nothing new here; the coast-wide model as we all know is probably not the best approach for a population with a lot of substock or local stock structures, and the VPA assumes that catch is known without error. Those are the two major flaws of the VPA Model.

We talked next about what potential new or improved data is out there. Some of this is not necessarily new

data but twists on how we can use the data, but I'll go through it, anyway. The state angler-based data programs have kind of built up in the last few years. We can probably mine some good information out of there to at least augment what we currently use from the MRIP.

The peer review panel wanted us to go back and look at the stock-independent indices, and they recommended standardizing them with a GLM. I think we worked on that back about ten years ago, but nevertheless it kind of tasked us to go back to the workbench and work on it some more. I think the committee is in agreement that is a worthwhile exploration.

The peer review panel also recommended exploration of the MRIP angler catch-per-unit effort as an index of abundance. It is also something we might have to treat with a GLM or some other standardization to work. Then the big question always comes about putting a fisheries-dependent index in with independent indices. We will probably want to go back and explore the New England Fisheries Trawl Survey, the NOAA Survey.

The URI GSO Trawl Survey Data Series is out there. It is a long series. I know Mark has used it in the past and we will probably explore that as well. Some of the states have juvenile seine surveys for winter flounder, et cetera, and we may want to go back and revisit that. I think New York has implemented a pot survey, a fairly limited geographic but something we might want to look at in the next assessment.

The new model types – they're brand new here – the statistical catch at age; the ASAP Model, it has been around for a while. It is used for bluefish and I think fluke and standardized with that assessment, so that is a good model. We will probably, when we do a coast-wide run – if we do a coastwide or regional run we will probably use that particular model out of the toolbox.

We also looked at some of these data-poor models which we will talk about a little bit more. So like I said, the statistical catch-at-age model, the ASAP Model addresses many of the concerns with the VPA Model structure; the most important of which is the assumption that catch is known without error.

We can go in there and put error factors in there on some of the indices and hopefully come out with a little better idea. It is still a data-intensive model; that is the most important point here. Like the VPA, it is a data-intensive model and you need a lot of

catch-at-age data indices. All those need to go into the model.

We talked at length about three data-poor models. Jeff Brust came to the table with three of these that he has used in the past. I guess the DB-SRA was used in the recent eel and river herring assessments. We also talked about a depletion-based stock reduction assessment model and a Martell and Froese's Simple Method Model.

All these models to my knowledge require a pretty good knowledge of the stock dynamics and a time series of catch. The recommendation from the committee is that the data-poor models could potentially make a regional assessment approach more feasible. Obviously, like I said, with the coast-wide VPA south of New Jersey things fall apart.

We may be able to go in and look at a region south of there and use some of these data-poor models. We will probably run all of the data-poor models in addition to some type of statistical catch at age either on a regional or coast-wide basis; the reason being they're pretty simple to run. We will lay them all on the table and probably delve into all of them and see which ones look good and which ones look bad.

We talked at length about regional splits in the geographic range of the assessment. I know we had this discussion way back in '95. I know Dave Simpson was sitting there at the table when we had it. There is really no good answer as to where to split things. I think as a committee we're leaning a little bit more towards kind of the management option we took in the past, the north/south split.

We will go back and look at any new genetic information, the life history data, some of the growth information and any tagging studies and reexamine where a regional split might make sense or where several regional splits might make sense. Nothing new here; some regions may support more sophisticated models than others. We know that the VPA has been done on a coast-wide basis. It has also been done on the regional basis.

Massachusetts and Rhode Island have a VPA. We will probably try to extend that statistical catch-at-age model as far as we can and maybe even to a coast-wide run. Hopefully, we can pare that down to a more regional scale. The timeline we suggested – we put our heads together and were kind of thinking in the future here on what we need for data – we figured this winter we can have a planning call to kind of get

people in tune with what they should bring to the table for a data workshop.

We could have a workshop for the data as early as the spring of 2013. In the fall of 2013 we would do a modeling workshop or webinar, if necessary. We could probably crank out all the model runs and have an assessment workshop in the winter of 2013. If things went right, but the summer of 2014 we could probably have a product ready for peer review. I will take any questions.

MR. O'REILLY: I guess the lack of independent data is obvious, and, Paul, your comment that the technical committee was split on which trends and which series were valuable runs counter to what is portrayed by the peer review at least where they had concerns with the independent data, the trawl, because of the structure-oriented situation.

What I'm wondering is when you mentioned the data-poor approach is the committee already using anything like a relative F? I see in the document under the future of assessments it mentions a fishery-dependent CPUE, and I know that has been used for the Mid-Atlantic for weakfish, so is this something that could be used region by region as you move along with the possible benefit that since the assessment is not going to tell us what we're doing right now by the time it is completed, perhaps there is a couple of years at least of information from a relative F exercise where you're using the total catch and also using the catch-per-trip data. Has that been contemplated by the technical committee?

MR. CARUSO: Rob, we have looked at relative F over time in the past, and it is my recollection that the trends in relative F follow the VPA Fs quite well. I think the second part of your question is kind of what are we going to do for the southern states south of New Jersey. I think it is pretty much our intent that we're going to try to pull out something for those southern states with these data-poor models.

I think the issue will become at that time, or maybe before that if you guys address it, is how are you going to work that into your compliance with your addendum or your amendment? Right now it says pretty specifically that any assessment will be comparable in precision to the analytical models, and you're kind of boxed in.

I think that is something the board is going to have to discuss down the road, but the intent I think of the committee is to bring something to the table for the southern states that we can all agree on is a

reasonable picture of what is going on in your waters because we don't have much faith that the coast-wide assessment is capturing that now.

ADJOURNMENT

CHAIRMAN GOLDSBOROUGH: Are there any other questions for Paul? All right, that moves us to other business. Do we have any items of other business? Seeing none, I think we are adjourned.

(Whereupon, the meeting was adjourned at 1:10 o'clock p.m., October 22, 2012.)



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

In November 2011 ASMFC Tautog Management Board approved changes to Maryland's management regulations developed to achieve a 49% reduction in exploitation required following the adoption of Addendum VI. Proposed options were calculated per the methodology approved by the Technical Committee guidance document prepared in May 2011 and were given a 'risk neutral' rating by the ASMFC Tautog TC in September 2011.

In March, 2012, the Board agreed that corrections to the coast-wide assessment update would allow states to take a 39% reduction to the harvest. Current Maryland regulations and percent savings per each measure after making adjustments to meet the required reduction of 39% reduction in harvest are presented in Tables 1 and 2. These regulations apply to both the recreational and commercial fisheries.

Preliminary MRIP estimates of tautog harvest in 2012 under new regulations show a significant reduction in the harvest (A+B1) to historically record low level (5,012 fish, PSE=69.6), increase in discards and very significant increase in discarded/kept fish ratio. Specifically, the harvest in numbers of fish in 2012 declined by 81% from the average of the 2008 and 2009 harvest used as a reference period in original proposal. The harvest in 2012 declined by 82% relative to the average of 2000 -2011 Maryland tautog harvest. The ratio of discarded and kept fish in 2012 has risen to 21.6, while the 2000-2011 average ratio was 6.25 (Table 4, Figure 1).

Maryland Department of Natural Resources Fisheries Service received numerous comments from recreational anglers regarding inability to catch a legal size fish, while having to release a large number of undersized fish. Considering MRIP survey results and Maryland constituency reports, Fisheries Service concluded that new regulations adopted in 2012 resulted in much more significant reduction in harvest than expected. While this reduction was likely to result in increased population abundance, it appears to have been excessively restrictive. Based on the analysis or the available data, Maryland DNR proposes a reduction of the minimum size for all seasons from 16 to 15 inches, while maintain current bag and season limits (4 fish – January 1 to May 15, 2 fish – May 16 to Oct. 31, 4 fish – November 1 to 26). According to the original table of percent savings as a function of minimum size (Table 3), increase of minimum size from 14 to 15 inches is expected to produce 28.83% savings in numbers of harvested fish and increase from 14 to 16 inches is expected to produce 36.27% of savings. Based on these numbers, the harvest at 15 inches minimum size is expected to be $(100 - 28.83) / (100 - 36.17) = 111.5\%$ of harvest under the 16 inch minimum size, an 11.5 % increase. Since total Maryland harvest in 2012 with 16 inch minimum size in effect was estimated at 5,012, the 2012 harvest under 15 inch minimum size would have been $5,012 * 1.115 = 5,588$ fish, significantly below the target of 16,304 based on average 2008-09 harvest and 39% target. While the actual number might deviate from theoretical calculations, there is a substantial buffer between the expected harvest (5,588) and the target harvest (16,034) that equates to 39% reduction. Based on these calculations, Maryland believes that proposed changes in regulations will continue to comply with Addendum VI requirements.

Table 1. Maryland Recreational and Commercial Tautog Regulations

Regulations Effective Date	Size	Season	Creel
2008-2011	14 inches	May 16 th – October 31	2 fish
2008-2011	14 inches	January 1 – May 15 th , and November 1 – November 30	4 fish
2012 - 2013	16 inches	January 1 – May 15 th , and November 1 – November 26	4 fish
2012 – 2013	16 inches	May 16 th – October 31	2 fish

Table 2. Percent Harvest Reduction for each Measure;

Total Reduction $X + \{(1-X) * Y\}$	Original Reduction (48%)	Corrected Reduction (39%),
X (Season)	0.186 (15 day closure)	0.0496 (Four day closure)
Y (Size/Bag)	36.17 (16" size)	36.17 (16" size)

Table 3. Percent reduction calculations used to estimate required bag limits and season closures to achieve target % harvest reduction.

$$\text{Total reduction} = X + \{(1-X) * Y\}$$

Where X = season closure, Y= size/bag reduction

Parameters

X =	0.0496 (4 days reduction)
Y=	0.3617

% Reduction 39.3

4 Fish bag limit - Waves 2 and 6

Percent reduction							
Bag size	14	14.5	15	15.5	16	16.5	17
1	9.41%	9.58%	16.51%	16.51%	16.64%	27.90%	38.68%
2	2.80%	4.94%	15.76%	15.78%	15.99%	27.29%	38.16%
3	0.32%	4.44%	15.27%	15.36%	15.62%	27.01%	37.96%
4	0.00%	4.13%	15.00%	15.12%	15.44%	26.88%	37.89%

2 Fish bag limit - Waves 3, 4, and 5

Percent reduction							
Bag size	14	14.5	15	15.5	16	16.5	17
1	7.00%	7.00%	14.01%	19.94%	20.90%	21.25%	21.74%
2	0.00%	6.83%	13.84%	19.76%	20.73%	21.08%	21.74%
Sum	0.00%	10.96%	28.83%	34.89%	36.17%	47.96%	59.63%

Estimated seasonal harvest reductions expressed as a proportion of total harvest per wave day rates.

Wave	1	2	3	4	5	6
MD	0	0.002	0.0062	0	0.0022	0.0124
Total days in Wave		61	61	62	60	30
Days reduced in Wave		0		0		4
Total wave reduction		0	0	0	0	0.0496

Table 4. Tautog recreational harvest and discards in MD.

Year	Total Harvest (A+B1)	PSE	Released Alive (B2)	PSE	released/kept ratio
2000	20,129	50.3	128,284	29.7	6.37
2001	23,715	40.9	137,821	30.1	5.81
2002	42,038	29.2	294,850	30.8	7.01
2003	13,555	31.4	96,365	31.1	7.11
2004	8,690	75.6	23,681	47.6	2.73
2005	28,129	41.2	147,401	38.6	5.24
2006	14,894	49.9	186,462	53	12.52
2007	43,308	37.4	178,029	59.7	4.11
2008	19,128	42.3	151,035	74.1	7.90
2009	37,963	32.5	132,545	30.5	3.49
2010	57,338	29	361,392	34.7	6.30
2011	11,853	35.5	76,120	31.4	6.42
2012	5,012	69.6	108,340	43.9	21.62
08-09 average	28,546		141,790		5.69
2000-2011 average	26,728		159,499		6.25

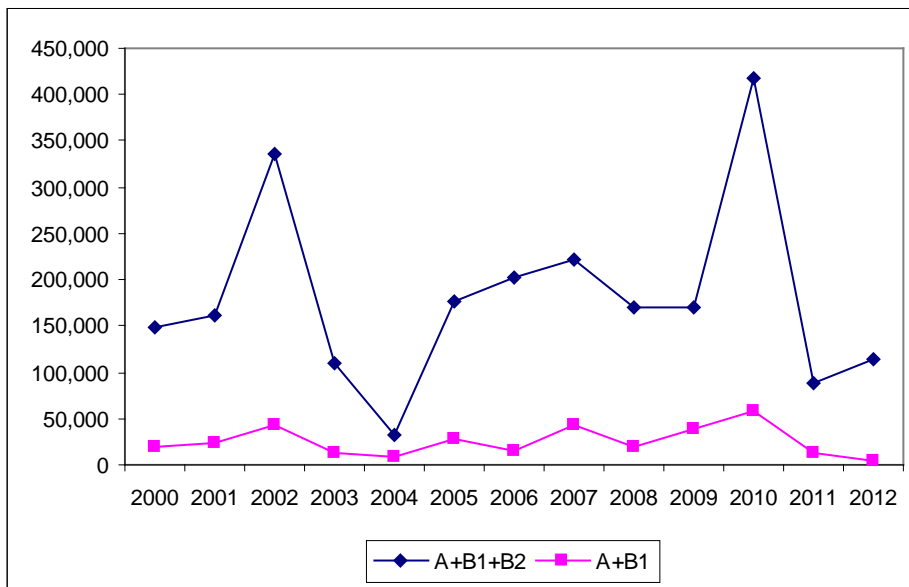


Figure 1. Tautog recreational harvest and discards in MD.

**Atlantic States Marine Fisheries Commission
Tautog Benchmark Stock Assessment
TERMS OF REFERENCE**

DRAFT for BOARD REVIEW

ASMFC Spring Meeting: May 23, 2013
Alexandria, VA

1. Characterize precision and accuracy of fishery-dependent and fishery-independent data used in the assessment, including, but not limited to:
 - a. Provide descriptions of each data source (e.g. geographic location, sampling methodology, potential explanation for outlying or anomalous data)
 - b. Describe calculation and potential standardization of abundance indices.
 - c. Discuss trends and associated estimates of uncertainty (e.g. standard errors)
 - d. Justify inclusion or elimination of available data sources.
 - e. Discuss the effects of data strengths and weaknesses (e.g. temporal and spatial scale, gear selectivities, aging accuracy, sample size) on model inputs and outputs.
2. Justify assumptions about stock structure and the geographical scale at which the population is assessed.
3. Develop models to estimate population parameters (e.g., F, biomass, abundance) and biological or empirical reference points at the coastwide and regional basis, and analyze model performance.
 - a. Describe model structure, assumptions, and parameterization for both population and reference point models. Clearly and thoroughly explain model strengths and limitations.
 - b. Justify choice of CVs, effective sample sizes, or likelihood weighting schemes.
 - c. Describe stability of model (e.g. ability to find a stable solution, invert Hessian).
 - d. Perform retrospective analyses and sensitivity analyses for starting parameter values, priors, major assumptions, etc. and conduct other model diagnostics as necessary for both population and reference point models.
 - e. Perform continuity run with approved model from the previous benchmark assessment.
 - f. Justify the choice of preferred model and explain any differences in results among models.
4. Characterize uncertainty of model estimates and biological or empirical reference points.
5. Recommend stock status as related to reference points (if available). For example:
 - a. Is the stock below the biomass threshold?
 - b. Is F above the fishing mortality threshold?
6. Develop detailed short and long-term prioritized lists of recommendations for future research, data collection, and assessment methodology. Identify recommendations that have been addressed since the last assessment, or that are in the process of being addressed. Highlight improvements to be made by next benchmark review.
7. Recommend timing of next benchmark assessment and intermediate updates, if necessary, relative to biology and current management of the species.