

# Atlantic States Marine Fisheries Commission

## Tautog Management Board

*May 1, 2018  
11:15 a.m.-12:00 p.m.  
Arlington, 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>D. McKiernan</i> )  | 11:15 a.m. |
| 2. Board Consent  | 11:15 a.m. |
| • Approval of Agenda  |            |
| • Approval of Proceedings from October 2017   |            |
| 3. Public Comment   | 11:20 a.m. |
| 4. Review Connecticut Commercial Measures Proposal ( <i>C. Starks</i> ) <b>Final Action</b> | 11:30 a.m. |
| • Technical Committee Report  |            |
| 5. Other Business/Adjourn   | 12:00 p.m. |

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia; 703.486.1111

# MEETING OVERVIEW

**Tautog Management Board Meeting**  
**May 1, 2018**  
**11:15 a.m.-12:00 p.m.**  
**Arlington, Virginia**

Chair: Dan McKiernan (MA) <i>Assumed Chairmanship:</i> 10/18	Technical Committee Chair: Linda Barry (NJ)	Law Enforcement Committee Representative: Jason Snellbaker
Vice Chair: VACANT	Advisory Panel Chair: VACANT	Previous Board Meeting: October 16, 2017
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NMFS, USFWS (10 votes)		

**2. Board Consent**

- Approval of Agenda
- Approval of Proceedings from October 2017

**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 Board 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 Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

**4. Review Connecticut Commercial Measures Proposal (11:30 a.m.-12:00 p.m.) Final Action**

<p><b>Background</b></p> <ul style="list-style-type: none"> <li>• The Board approved Amendment 1 for management use in October 2017.</li> <li>• Amendment 1 requires commercial measures within the Long Island Sound Region to be adjusted to reduce harvest by 20.3% from the 2013-2015 landings average.</li> <li>• Connecticut has proposed to maintain status quo commercial measures for 2018, deviating from the required reduction under Amendment 1. <b>(Supplemental Materials)</b></li> </ul>
<p><b>Presentations</b></p> <ul style="list-style-type: none"> <li>• Connecticut Commercial Measures Proposal and Technical Committee Report by C. Starks</li> </ul>
<p><b>Board Actions for Consideration</b></p> <ul style="list-style-type: none"> <li>• Consider approval of Connecticut’s proposed commercial measures for 2018</li> </ul>

**5. Other Business/Adjourn**

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

**The Marriott Norfolk Waterside  
Norfolk, Virginia  
October 16, 2017**

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

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    Consider Final Approval of Amendment 1 ..... 4

Consider Approval of 2016 and 2017 Fishery Management Plan Review and State Compliance Reports ..... 17

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**INDEX OF MOTIONS**

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of August 2017 by Consent** (Page 1).
3. **Move to approve option B: 50% probability of achieving the F target** (Page 4). Motion by Jim Gilmore; second by Dave Borden. Motion carried (Page 4).
4. **Move to approve option A: status quo-no reduction schedule to achieve the F target** (Page 5). Motion by Mark Alexander; second by Jim Gilmore. Motion carried (Page 7).
5. **Move to approve Sub-Option B2: LIS Boundaries, Orient, New York to Watch Hill, Rhode Island** (Page 7). Motion by Jim Gilmore; second by John Clark. Motion carried (Page 7).
6. **Move to approve the following tautog recreational measures for the MARI region in Amendment 1 section 4.2.2: 16" minimum size, and bag limits that change seasonally as follows: During January through March: 0 fish; During April and May: 3 fish; During June and July: 1 fish in Massachusetts and 0 fish in Rhode Island; During August through October 14: 3 fish; and from October 15-December 31: 5 fish. MA will adopt the private/rental boat vessel limit as is implemented in RI (10 fish per vessel max) and will adopt mandatory electronic reporting for the Party and Charter sector as soon as is practicable** (Page 8). Motion by Dan McKiernan; second by Bob Ballou. Motion carried (Page 8).
7. **Move to approve the following measures for the Long Island Sound Recreational tautog fishery and reduce the commercial fishery harvest by 20.3%** (Page 8). Motion by Jim Gilmore; second by Mark Alexander. Motion carried (Page 10).
8. **Move to approve Option A1: Status quo (state specific 2% reduction) for the recreational and commercial measures for the NJ-NY Bight** (Page 10). Motion by Russ Allen; second by Emerson Hasbrouck. Motion carried (Page 10).
9. **Move to approve Option D for recreational measures for the DelMarVa region: 16" minimum size limit, up to a four fish bag limit, and a closure of May 16-June 30** (Page 11). Motion by Mike Luisi; second by Joe Cimino. Motion carried (Page 12).
10. **Move to approve for MD and DE to have commercial measures consistent with recreational measures and for VA, status quo for commercial measures with the option for VA to open May 1-15** (Page 13). Motion by Joe Cimino; second by Mike Luisi. Motion carried (Page 14).
11. **Move to approve the following implementation plan** (Page 15):
  - **States submit proposals by December 1, 2017**
  - **Implement all measures other than the Commercial tagging program by April 1, 2018**
  - **Implement the Commercial tagging program by January 1, 2019**Motion by Dan McKiernan; second by Bob Ballou. Motion carried (Page 16).
12. **Move to recommend to the Commission the adoption of Amendment 1 to the Tautog Interstate Fishery Management Plan as modified today and at the August 2017 meeting** (Page 16). Motion by Dan McKiernan; second by Mark Alexander. Motion carried (Page 17).
13. **Move to accept the FMP Review and compliance reports for tautog for the 2015 and 2016 fishing years, and approve *de minimis* status for Delaware and Maryland** (Page 19). Motion by John Clark; second by Mike Luisi. Motion carried (Page 19).

**INDEX OF MOTIONS** (continued)

14. **Move to adjourn by Consent** (Page 19).

**ATTENDANCE**

**Board Members**

David Pierce, MA (AA)	Russ Allen, NJ, proxy for L. Herrighty (AA)
Dan McKiernan, MA, Administrative proxy	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Raymond Kane, MA (GA)	Tom Fote, NJ (GA)
Rep. Sarah Peake, MA (LA)	Roy Miller, DE (GA)
Bob Ballou, RI, proxy for J. Coit (AA)	John Clark, DE, proxy for D. Saveikis (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Borden, RI (GA)	Rachel Dean, MD (GA)
Mark Alexander, CT (AA)	David Blazer, MD (AA)
Lance Stewart, CT (GA)	Joe Cimino, VA, proxy for J. Bull (AA)
Sen. Phil Boyle, NY (LA)	Cathy Davenport, VA (GA)
Jim Gilmore, NY (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
John Maniscalco, NY, Administrative proxy	Peter Burns, NMFS
Emerson Hasbrouck, NY (GA)	Mike Millard, USFWS

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

**Ex-Officio Members**

Jason McNamee, Technical Committee Chair

Jason Snellbaker, Law Enforcement Representative

**Staff**

Bob Beal  
Toni Kerns

Caitlin Starks  
Katie Drew

**Guests**

Sydney Alhale, VMRC  
Chris Batsavage, NC DMF  
Sara Blachman, VMRC  
Justin Davis, CT DEEP  
Allison Ferreire, NOAA  
Colleen Giannini, CT DEEP  
Doug Grout, NH F&G  
Michael Luisi, MD DNR

Arnold Leo, E. Hampton, NY  
Rob O'Reilly, VMRC  
Derek Orner, NOAA  
Kyle Overturf, CT DEEP  
Jack Travelstead, CCA  
Sherry White, USFWS  
John Whiteside, SFA

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Hampton Roads Ballroom V of the Marriott Waterside Hotel, Norfolk, Virginia, October 16, 2017, and was called to order at 1:28 o'clock p.m. by Chairman Adam Nowalsky.

#### **CALL TO ORDER**

CHAIRMAN ADAM NOWALSKY: I am Adam Nowalsky; joined up front here from staff, Toni Kerns and Caitlin Starks.

#### **APPROVAL OF AGENDA**

CHAIRMAN NOWALSKY: Our first order of business this afternoon is going to be approving the agenda as presented here today. Are there any changes to the agenda as presented? Is there any objection to approving the agenda as provided? Seeing none; the agenda is approved.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN NOWALSKY: Next order of business today would be to approve the proceedings from the August, 2017 Board meeting. Are there any changes to those proceedings? Seeing none; is there any objection to accepting them as they were provided? Seeing none; those also stand approved.

#### **PUBLIC COMMENT**

CHAIRMAN NOWALSKY: Next order of business today will be to entertain any public comment for any items that were not on the agenda. Toni, did we have anyone signed up from the public?

MS. TONI KERNS: Not when I checked about five minutes ago.

CHAIRMAN NOWALSKY: Is there anyone from the public who wishes to comment on anything not on the agenda? Okay seeing no hands up; we'll continue moving along.

#### **AMENDMENT 1 FOR FINAL APPROVAL**

CHAIRMAN NOWALSKY: Okay our next item for consideration today will be Amendment 1 for final approval. This is Amendment 1 discussion, Part 2. In the meeting materials and over on the back table was a sheet of items for the decision points in the document that had already been approved. Those were highlighted in green.

Our intention today is to go through and address the items that we have not yet taken action on today. Assuming we are able to do so, we would then have the opportunity to take final approval on this; passing that along to the Full Commission for their final action. With that I will turn to staff to begin their presentation on the items that we need to have decisions on today.

MS. KERNS: I just want to make sure that everybody knows Caitlin Starks; who is our new FMP Coordinator. If you guys didn't meet her in August, please make sure you talk to her tonight. She is ready and excited for tautog. Off we go. Just as a reminder, the actions that we did take in August included the goals and objectives, reference points, management to a regional F target, and that we would take action within one year when overfishing is occurring.

#### **REVIEW REGIONAL PROPOSALS**

MS. KERNS: Stock rebuilding programs can be modified through addenda, and we will be using four regions to manage the fishery; Mass/Rhode Island, Long Island Sound, New York Bight, and the DelMarVa Region. We also set commercial quota procedures; as well as a commercial tagging program. Actions that we have before the Board today are the probability to achieve the F target; and F reduction schedule, the Boundaries to use for the Long Island Sound Area, which would then also impact the boundary for the New York Bight Area, as well as the actual management measures for the four regions. As a reminder of the option in the document itself, for the probability of achieving the F target. The addendum had two options; either status quo, which was no probability or



Option B, which was a 50 percent probability of achieving the F target.

There was a range of support for status quo throughout the different hearings; as well as some support for 50 percent probability. In terms of a reduction schedule, this is a reduction schedule to achieve the F target. The addendum put forward three options; the first is status quo, which would be no schedule set.

Option B is to achieve the F target in three years; and Option C is to achieve the F target in five years. There was mixed support for both the three years and the five-year option. Next is looking at the boundaries for Long Island Sound. Option B-1 looks at having a boundary on the east end for either Montauk Point to Watch Hill in Rhode Island; and then Option B-2 is Orient, New York, to Watch Hill, Rhode Island.

Next we will look at the actual management programs for each of the regions. For some of the regions additional proposals were brought forward and reviewed by the TC over the summer. For these regions that additional proposals were brought forward, I'm just going to review the option that the states brought forward; instead of going through all the options that were in the document.

#### **CONSIDER REMAINING ISSUES IN THE DRAFT**

MS. KERNS: If the Board would like me to go through the additional options I can also do that. I have those slides tucked away; in case we need them. For the MARI Region, this region had no reductions that were needed. But they were thinking about making changes to the regulations in the recreational fishery only; to be consistent across the region. They brought forward a proposal that has four seasons; it includes a three-fish bag limit from April 1 through May 31, and then moves to a one-fish bag limit from June 1 to July 31.

This would be just in Massachusetts, and Rhode Island would be closed. This is to provide a

bycatch for fishermen when they're out fishing for species like black sea bass; and if they happen to catch a tautog then it allows those fishermen to keep it, instead of returning it back as a potential dead discard. Then we move back up to three fish from August 1 to October 14, and then up to five fish from October 15 through December 31.

The two states would be at 16 inches; and when the TC reviewed this proposal, they found that it was technically sound and would result in an insignificant change in the harvest between the two regions, and have little to no impact on the stock. For Long Island Sound, the assessment found that overfishing is occurring; and that a 47 percent harvest reduction would be required, in order to achieve a 50 percent probability of achieving the F target by 2021.

The two states, New York and Connecticut, presented a proposal to the Board to have a reduction in the required amount the two states have to reduce by; because of the significant economic impact it would have on the industry as well as the communities that support those industries.

They brought forward six options that looks at a range of reductions anywhere from 18 to roughly 30 percent reduction. All of these have a 50 percent probability of achieving the F target; it just depends on how much time you take to get there. The options can range anywhere from I think 5 years to 14 years to achieve the F target; and a minimum of reaching the F threshold within 3 years. There are a variety of options that you can see up on the screen. There are six total here. Then these are the other three.

I'm not going to read through each of them. The Technical Committee reviewed the proposal and they found the analysis to be robust within the constraints of the provided assumptions. They recommended that the Board favor options that would achieve the F target and threshold with the shortest timeframe; to the extent practicable.

The longer the duration allowed for stock improvements, the more likely the underlying uncertainties could have a negative impact on stock rebuilding. The TC also recommends making tautog a priority species for enforcement; in order to give more progressive options like spot limits, and opportunity to be successful within the intended management strategy.

They recommended an increase in data collection as well; particularly on the discards, in order for the TC to go back and determine the response to management to the changes in the fishery, in particular to the size and age structure. Next is the New York Bight Area, overfishing was occurring.

There needed to be a 2 percent reduction; in order to achieve a 50 percent probability of achieving the F target by 2021. There were no changes brought forward by the Region, and for this area. The first option in the addendum is to just allow the states to continue state-specific measures; and they would bring forward plans that would meet the 2 percent reduction.

The second option would be for both areas to have a 15 inch minimum size, and a four-fish bag limit, and the seasons would be ever so slightly different between the New York Bight and New Jersey waters. New Jersey would be open just slightly longer. The second option is for a 16-inch minimum size with a four or six-fish bag limit, depending on the season.

The New York Bight Area would be open significantly less than the New Jersey Area. Then the last is a slot limit option, which would have a slot of 15 to 18 inches with a four-fish bag. The season again for the New York Bight Area is less than the New Jersey waters. For the commercial fishery, there is again the option for state-specific measures.

The states would come back and bring forward proposals that would meet the 2 percent reduction. Then there are three management

options that would give us a 2 percent reduction for both of the state's commercial fisheries. Then lastly is a slot limit with 15 to 18 inches; both for the commercial fishery again.

Next is the DelMarVa Region. No reductions were needed, but options did go out for public comment to create consistent regulations across the region. These are the current recreational measures within the DelMarVa Region. We could stay status quo, and have the same measures or there were three options that were proposed to have more consistent measures amongst the region.

Option B is four fish at 16 inches with Delaware being at 15 inches; but consistent seasons across the board. Option C has all states at 16 inches, but a range of size limits; depending on which state, and the seasons are consistent. Option D is a 16 inch size limit, a four-fish bag limit, and consistent seasons across all the states. Virginia did bring forward a proposal that if we did go forward with that last Option D, where the recreational fishery is open for two weeks in May.

Virginia would like to open their commercial fishery for those two weeks as well; to have consistency between the fishermen. The TC found that this change in Virginia's measures would not have a significant impact on the stock. If the Board does take action to approve the document today, the PRT suggests an implementation date of January 1, 2018 for the measures contained in the amendment.

Except for those that deal with the commercial tagging program, which is suggested to be implemented on January 1, 2019; to allow the states and industry time to develop the administrative process and procure the necessary equipment for an effective program. If any states have to submit implementation plans for state-by-state measures, then those should be submitted to the PRT by December 1 of this year. Are there any questions?

CHAIRMAN NOWALSKY: Okay, so before we go on to questions. Let me just go ahead and take a moment to thank staff, the TC, as well as all the individual states who took the time to go ahead and hopefully come to some better consensus than where we were in August on the individual regional plans.

I think we've made very good progress here. What we will ultimately be making decisions on, hopefully today, will be a probability of achieving F target, the F reduction schedule, the Long Island Sound boundaries, and then the individual regional proposals or the status quo options for those regions; which would allow state-specific regulations to be set. With that I'll first ask are there any questions for staff regarding the presentation that we just had. Joe Cimino.

MR. JOE CIMINO: I think if I understood correctly, one of the TC recommendations was maybe to task themselves with a performance review. Is that correct?

CHAIRMAN NOWALSKY: Toni.

MS. KERNS: That is correct. To do a performance review of any measures contained in the document in three to five years later; I believe was the date.

CHAIRMAN NOWALSKY: Follow up, Joe?

MR. CIMINO: Yes, thanks, Adam. I would just make a suggestion. I know the Black Sea Bass Committee is still kind of slowly moving forward, the Technical Committee, on what outliers might mean in MRIP estimates and ways to look at that. I would suggest that this TC and the idea of a performance review also consider years or wave estimates for tautog, where they as they're reporting suggest that they may have concerns with some of the MRIP estimates. I would like that reported; as well.

CHAIRMAN NOWALSKY: I think we can make note of that. Are there any other questions on the presentation? Okay seeing none; what we'll do is we'll go through each of these items. As we get to each one I'll just provide whatever information I can to assist in motion making today. The first item that we have before us is the probability of achieving F target; Option A, status quo or Option B the 50 percent probability of achieving F target. I'll add that all of the revised proposals that we've had before us do in fact provide the 50 percent probability of achieving the F target.

The question then becomes, when we get to the next item with regards to timelines. The Long Island Sound proposals in particular lay out some longer timelines; but they do all have that 50 percent probability of achieving the F target. Let's start with that probability. Jim Gilmore.

MR. JAMES J. GILMORE: Mr. Chairman, your plan is to take a motion for each one of these individually?

CHAIRMAN NOWALSKY: Yes.

MR. GILMORE: Okay, I'm ready to offer a motion that we approve Option – the motion up on the board.

CHAIRMAN NOWALSKY: Would you kindly go ahead and read that for us?

**MR. GILMORE: Move to approve Option B; 50 percent probability of achieving the F target.**

CHAIRMAN NOWALSKY: Okay, do I have a second to that? Seconded by Dave Borden; discussion on the motion. **Is there any objection to the motion? Seeing none; that motion carries.** The next item will be the decision point in Section 2.7.2, the F reduction schedule. The status quo option here would provide flexibility.

As it specifically reads, Draft Amendment 1 does not specify a timeframe to reduce fishing mortality to the regional target F level. The

**CONSIDER FINAL APPROVAL OF  
AMENDMENT 1**

timeframe will be established when the Board initiates a harvest reduction management response. Then Options B and C would set forth specific three and five-year timelines.

As the Board contemplates a motion on this, I'll simply offer that if it is the intention to move forward with one of the alternative Long Island Sound options, we would need to move forward with the status quo option here that would provide that timeline flexibility; having said that I'll turn to the Board for discussion or a motion. I'll turn to Mark Alexander first.

**MR. MARK ALEXANDER: I'll offer up a motion; move to consider Option A, status quo reduction schedule to achieve the F target.**

CHAIRMAN NOWALSKY: Okay, I have a motion by Mr. Alexander; seconded by Mr. Gilmore, discussion on the motion, Bob Ballou.

MR. ROBERT BALLOU: Just more of a process question. I believe there were motions made on this and other issues, motions made at our last meeting that were subsequently tabled. From a process standpoint, would it make sense to bring those motions back first, or are we starting with a clean slate?

CHAIRMAN NOWALSKY: Those motions were tabled and taken up within that meeting that we did. I'll turn to staff for additional clarification.

MS. KERNS: Bob, we only tabled motions that had to do with the regional work. We actually did not take up motions on the F target, and F probability. We skipped over these ones.

CHAIRMAN NOWALSKY: Bob.

MR. BALLOU: I'm led to believe that a motion by John Clark, seconded by me, was made to move to approve Option B, manage to the regional target F. Am I missing something? I'm just reading from the motions from that meeting. I'm sorry if I'm missing something, but I just want to make sure we're on the right page here.

CHAIRMAN NOWALSKY: No, thanks for that and I'll turn back to staff for additional clarification.

MS. KERNS: That's to use the Fs that come out of the regional assessments. This is what is the risk you're willing to accept; so is it a 50 percent probability of achieving that specific regional target F that came out of the assessment, which we've chose before, whether or not you wanted a different probability of achieving that F. This is a separate concept. On your cheat sheet that would be Option 2.71 that you are referencing.

CHAIRMAN NOWALSKY: Nodding, okay to move on? Okay, I saw Mark Alexander's hand up. Go ahead.

MR. ALEXANDER: Yes, I offer this motion because the 47 percent reduction that Connecticut and New York would be facing for Long Island Sound, would truly result in pretty significant economic impacts to our for-hire fishery in particular; but also to our bait and tackle shop businesses.

The disjointed nature of the management measures that would result from the options that appeared in the addendum would make for very different management measures between Connecticut and neighboring states; Rhode Island in particular. Our party charter boat industry is very concerned that having a one or a two-fish possession limit would completely drive their business out of state.

We see that as a pretty significant problem for a species that doesn't really recognize state lines. A good number of our fishermen actually fish in Rhode Island waters, or in the waters of Block Island Sound. This difference between measures in two adjacent states is, in some respects kind of artificial.

We need to manage this fishery on a broader basis than just the regions we define within this action. In order to mitigate the potential impacts here, we need the flexibility to reach F target and F threshold, slightly longer time period than

what had originally been envisioned in the document. I would appeal to the Board to provide us with this flexibility to do this.

CHAIRMAN NOWALSKY: I'll turn to Toni for a minute; who I believe had a follow up.

MS. KERNS: Mark, when you made the motion you said to consider. Is it okay if we say to approve?

MR. ALEXANDER: Yes it is.

CHAIRMAN NOWALSKY: I'll turn to John Clark next.

MR. JOHN CLARK: Just a question about if we don't have a reduction schedule. Is there any purpose of having a probability of achieving F target? Wouldn't any reduction over a long enough time period eventually get us to F target? Just curious, I'm just wondering if the TC could comment on that.

CHAIRMAN NOWALSKY: Well, I'll first add that the goal here is to consider the specific options that were laid out; and those options that were laid out have tied to them the specifics of those timelines; which I think would then establish that reduction schedule. I agree that the motion here says no reduction schedule. The options that the TC reviewed and commented on, and that we intend to consider before we're done here today would actually set that schedule out for us. Follow up.

MR. CLARK: Right, I get that Adam. I was just wondering if there is a purpose of having, maybe they should both just be status quo then, rather than having one say we have a 50 percent probability. You're saying there won't be any set reduction schedule, but in each option approved there will be reference made to it should get to the Target F over X number of years.

CHAIRMAN NOWALSKY: Well, I think that's certainly to the discretion of the Board. Again those timelines were established based on that

50 percent probability. That is where the timelines that you see in the options that are provided in the supplemental materials came from; using the 50 percent probability. If the Board chose to move in a different direction, I think we would have to probably go back, solicit new proposals, have those re-reviewed, and that would alter the timelines that were presented in here. Mike Luisi.

MR. MIKE LUISI: To what Joe Cimino was asking about, and I missed it when he asked the question about the three to five-year review that the TC is going to look at. It was a recommendation that the TC would do a review after three to five years. As part of that review, would information be gleaned from that review to help us be informed as to how well the regulations are working within the states to achieve those reductions? Can they kind of be synced together?

CHAIRMAN NOWALSKY: Toni.

MS. KERNS: I think we can do the best that we can to give you that information; but it will also depend on whether or not states and this is not just New York and Long Island, but any states that want to see how well they're performing that they'll have to give us additional monitoring, outside of what just comes out of the B-2s from MRIP, because they'll need those discard information in order to provide a robust analysis. I'm going to look to Jay to make sure I'm correct on that and he nods his head yes.

CHAIRMAN NOWALSKY: Any further discussion on this motion? Joe Cimino.

MR. CIMINO: You know I appreciate John's question. But I think there is value in having TC reviewed options that talk about 50 percent probability of getting to an F target without this reduction schedule. Because I think really no matter what timeframe we put it into, we always fall to a default of having an assessment update to really tell us where we are, since we need both status of the stock as well as the removals to

know our F rates. I think that's what will really tell us where we are and when we will be re-reviewing these. After those assessment updates, then we look to see if we need to move further.

CHAIRMAN NOWALSKY: Is there any further comment? Seeing none; we have move to approve Option A; status quo, no reduction schedule to achieve the F target. Does the Board need a moment to caucus? Yes, okay we'll take 30 seconds. All right on the motion before us, please raise your right hand for all those states in favor of the motion.

**Put your hands down, please. All those opposed raise your right hand; one opposed, abstentions, one abstention, any null votes? No null votes. The motion carries; 7 in favor, 1 opposed 1 abstention.** Our next item will be the Long Island Sound Boundary. We had contemplated two different boundary points. One is a line from Montauk, New York to Watch Hill, Rhode Island; and the second is a boundary point from Orient to Watch Hill, Rhode Island. I'll turn to Jim Gilmore.

MR. GILMORE: I read the LEC report, and I understand their opinion on this. Is there any update to that before we put a motion up?

CHAIRMAN NOWALSKY: I'll turn to my left.

LIEUTENANT JASON SNELLBAKER: We did not discuss it any further.

**MR. GILMORE: Okay, I move to approve Sub-option B-2, Long Island Sound Boundary; Orient, New York, to Watch Hill, Rhode Island.**

CHAIRMAN NOWALSKY: Do we have a second for that motion; seconded by John Clark, discussion on the motion, Mr. Gilmore?

MR. GILMORE: Just a notation here. We're picking this because it seems to be the best way we're going to be able to do this. Again, this does present a challenge. I know Law Enforcement

has indicated that they can deal with enforcement on it. I think for the start for the recreational fishery we'll see how that goes.

The concern we really have is going to be when we implement tagging next year. That is going to get a little bit more complicated. I think we're going to have to look at this again; because I think once you start tagging fish, depending upon where they're tagged whatever, it could complicate enforcement on this.

Again, it's the best solution we have at this point but as I've said many times before, the east end of Long Island is very complicated in its geography. I think it just makes enforcement very difficult; and again may run contrary to the goals of this amendment. That being said, I obviously support the motion.

CHAIRMAN NOWALSKY: You had asked if there was any update from Law Enforcement, but as I go back to that summer meeting, I believe this was the option enforcement felt comfortable with, correct?

LIEUTENANT SNELLBAKER: Yes, was that the COLREGS line? If somebody could verify was that the COLREGS line?

MR. GILMORE: I believe it was, Jason. Again, it was made based upon that it was line of sight with the island, so that was really the issue that helped improve the enforcement.

LIEUTENANT SNELLBAKER: Yes, we specifically, we like the COLREGS line because we know it's in everybody's charts; and it's a definitive line. If there are land references that helps, but as far as enforceability the best option is the definitive line.

CHAIRMAN NOWALSKY: Is there any further discussion on this motion? **Seeing none, move to approve Sub-option B-2, Long Island Sound Boundaries; Orient, New York, to Watch Hill, Rhode Island. Motion by Mr. Gilmore, seconded by Mr. Clark, does the Board need to**

**caucus on this? Seeing no need to caucus is there any objection to this motion? Seeing no objection the motion carries.**

Next we're going to get into the regional management measures. Again, we had a number of proposals that came forth from the states in these regions. I'll offer that what we can contemplate here today would be one of the specific sub-options that were offered in the document.

If the motion for a particular measure or set of measures is not exactly what was in the document, we would just make sure that it is within the range of options that were offered in the document. That's what we would be looking at. Our first region will be Massachusetts/Rhode Island. I'll turn to the Board for this item. Dan McKiernan.

MR. DANIEL McKIERNAN: Yes, I would like to thank Jay McNamee and the other Rhode Island folks for putting this together with us. We had a number of conference calls; and used the skills of our technical staff. We think we've come up with a really good option that satisfies many of the interests in our two states; so I have a motion to make, can I read it?

CHAIRMAN NOWALSKY: Please do.

**MR. McKIERNAN: Move to approve the following tautog recreational measures for the MARI Region in Amendment 1, Section 4.2.2; 16 inch minimum size and bag limits that change seasonally as follows. During January through March, 0 fish, during April and May 3 fish, during June and July 1 fish in Massachusetts and 0 fish in Rhode Island, during August through October 3 fish, and from October 15 to December 31, 5 fish. Mass will adopt the private-rental-boat vessel limit as implemented in Rhode Island, 10 fish per vessel max; and will adopt mandatory electronic reporting for the party and charter sector as soon as practicable.**

CHAIRMAN NOWALSKY: Do we have a second to that? Seconded by Bob Ballou, and again I'll just reiterate that this was an option that was reviewed by the TC; and deemed to be within the range of available options that we could implement through this addendum. **Further discussion on this, okay seeing none is there a need to caucus? Seeing none; is there any objection to the motion? Without objection that motion carries.** Okay next we'll go on to the Long Island Sound measures. I'll turn to the Board again. Jim Gilmore, thank you.

**MR. GILMORE: I'm going to make a motion that is going to magically appear on the screen in a moment. Move to approve the following measures for the Long Island Sound recreational Tautog Fishery and reduce the commercial fishery harvest by 20.3 percent. The measures are listed in the table.**

CHAIRMAN NOWALSKY: Do we have a second to that motion? Okay seconded by Mr. Alexander. I'll just turn to staff for clarification. We had decision points in the document, 4.2.3.1 and 4.2.3.2 and 4.2.3.3. It's my understanding that this motion basically consolidates all of those individual sub-options, and addresses all of those in one motion. Is that correct?

MS. KERNS: That is correct, and the two states would have to submit proposals to the PRT to reduce their commercial fisheries. The Board can deal with that in two ways. You can either wait to approve those proposals until after the TC has reviewed them; or you can conditionally approve them based on Technical Committee review and finding of those proposals being sound science.

CHAIRMAN NOWALSKY: Further discussion on the motion, I'll turn back to Jim Gilmore and then I've got Bob Ballou.

MR. GILMORE: Just to sort of amplify what Mark Alexander had said before. This has been very difficult getting consensus; because again we have several different water bodies. We have

the north shore and the south shore of Long Island. We have different needs. We're trying to keep, most particularly the for-hire industry in business.

If anybody had heard about our hearings last summer, they were rather interesting to say the least; made YouTube on a couple of episodes of the worst meetings ever held, and drove Ashton out to the west coast or if she was thinking about not going that would definitely put the last nail in the coffin.

Again, we're trying to keep the industry in business; and there is a longer time building schedule. It is a longer timeframe for the rebuilding; which is important. We understand that the fishery needs to rebuild, but this was I think a good option that even though it's a longer time period, we'll hopefully keep the industry in both states and on the north and the south shore in business without unduly harming one area, particularly in Long Island Sound.

We hope the Board will understand that that this is a very complicated issue that we're dealing with. It's kind of a first time thing in that we're going to throw on tagging on top of this for commercial later on; because I think we heard at many of those meetings that the bigger problem is the illegal harvest. We're planning to address both of those; first for the recreational fishery, and then the tagging program.

The other thing to keep in mind is remember all our problems with MRIP. Remember MRIP still is a coastwide assessment. Now, we're looking at taking monitoring of this of 1.5 states quite frankly, which is really stressing the precision of the MRIP estimate. We're expecting to see a lot of variability, in terms of landings, which is going to make it difficult to track how well we're doing over time.

CHAIRMAN NOWALSKY: Again, I'll thank New York and Connecticut for working together on this issue. Bob Ballou.

MR. BALLOU: I just want to, I guess note for the record, and correct me if I'm wrong, Jim. But this would be Option 1, which would have a projected timeframe of 12 years to achieve the F target; with a 50 percent probability. I realize based on the prior vote of the Board that is no longer binding; in terms of a lesser number of years.

But I find it interesting that there were other options that would have involved lesser timeframes that are not being recommended. I was looking to you, the maker of the motion, as to why some of those other options were not given more serious consideration; given the overfished status of the stock. In essence I think Jim just answered the question; but if you had anything more to add I would appreciate it, just because of this very long timeframe. Twelve years seems quite extensive for a stock that is overfished and experiencing overfishing.

CHAIRMAN NOWALSKY: I'll confirm that this is Option 1 in the document that does highlight a 33 percent probability of being under the F threshold in three years, a 50 percent probability of being under the F threshold in five years, and as you duly noted, a 12 year timeframe to have a 50 percent probability of achieving the F target. Did you have anything else to add, Jim?

MR. GILMORE: No, Mr. Chairman, you covered it very well.

CHAIRMAN NOWALSKY: Mark Alexander.

MR. ALEXANDER: Yes, I just want to respond. As we all know tautog is a very slow growing, long lived fish; so we did not feel that it was too unreasonable to think in terms of extending the time period to achieve F target. We do note that it is a shorter time, five years to get under F threshold. From the assessment itself the past two out of three years of the data used in the assessment showed that there were some good years, above average years of recruitment.



The estimates of spawning-stock biomass from the assessment have shown steady increases in the terminal four years, as well as total abundance. We feel that the measures we're proposing here on top of the measures implemented in the last action show good prospects of helping restore tautog in a reasonable fashion that will cause minimal trauma to the fisheries in Connecticut.

CHAIRMAN NOWALSKY: Further discussion on the motion? Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Yes I agree with what both Jim and Mark have stated in support of the motion. Obviously I'm in support of this motion as well. I would just like to add that recreational and commercial fishermen would otherwise suffer a really devastating reduction of about 50 percent of harvest in Long Island Sound. That is really significant, and I think we can help to rebuild the stock utilizing this other option that will also provide some relief to fishermen in Long Island Sound. Also, keep in mind that the rest of New York, outside of Long Island Sound, will only experience a 2 percent reduction. You have one part of the state that will be reduced by 2 percent, commercial and recreational catch. It provides some relief in Long Island Sound; in some, not complete parody, but at a little bit of parody to the rest of the state, so that the fishery can continue to exist in Long Island Sound.

**CHAIRMAN NOWALSKY: Any further discussion on the motion? Is there a need to caucus? Seeing no need to caucus; is there any objection to the motion? Okay seeing no objection the motion carries.** Next we'll move on to New Jersey/New York Bight. I'll turn to Russ Allen.

**MR. RUSS ALLEN: I would move to approve Option A-1 for the New Jersey/New York Bight state-specific reduction.**

CHAIRMAN NOWALSKY: Russ, did you want to take up the commercial here as well, or did you just want to stick to the recreational?

MR. ALLEN: Yes we would like to add in the commercial also in that. Thank you, Adam.

CHAIRMAN NOWALSKY: Okay, I believe what I heard then is move to approve Option A-1, status quo, for New Jersey/New York Bight recreational management measures, and Option A-1, for New Jersey/New York commercial management measures. Correct?

MR. ALLEN: Correct, thank you.

CHAIRMAN NOWALSKY: Do I have a second to that motion, seconded by Mr. Hasbrouck? Discussion on the motion, and again just clarifying that Option 1, it's labeled status quo, it is a 2 percent reduction. The status quo here is how the spec setting process would take place. The states would go back and look at the individual measures.

In having discussion in particular with New York on this issue; they had indicated this gave New York the flexibility to modify their measures to bring it closer on the south shore to what the north shore would now be experiencing as a result of the previous option. That was the intent as they had described. I'll turn to the Board for any further discussion on this option.

Okay seeing no need for discussion; is there any need to caucus? I think staff is suggesting here Russ and Emerson that we include the reference to the 2 percent reduction. Does the Board have any objection to that clarification? Okay seeing none; I'll just go ahead and read this one more time.

**Move to approve Option A-1; status quo, state specific 2 percent reduction for the recreational and commercial measures for the New Jersey/New York Bight, motion by Mr. Allen, seconded by Mr. Hasbrouck. Is there any objection to the motion, okay seeing no objection that motion stands approved; one clarification from Toni?**

MS. KERNS: Just a question to the Board. Since these are the only two regions that have to do reductions and both have some additional state proposals that would need to come back to the PRT. Does the Board want for those proposals to be conditionally approved upon TC review being technically sound; or do you want to have either an e-mail vote or a conference call to review those proposals after the TC has reviewed them?

CHAIRMAN NOWALSKY: We'll turn to the Board. Jim Gilmore.

MR. GILMORE: I would vote for Option A, the former that it was essentially TC review.

CHAIRMAN NOWALSKY: Toni, are you looking for a specific motion and vote here or you're just looking for Board discussion on the record?

MS. KERNS: I just want Board discussion on the record for direction to staff on how you want us to handle this.

CHAIRMAN NOWALSKY: What I heard from Mr. Gilmore is that those proposals would be submitted; and assume that staff sees that they're approved by the TC that those would stand approved by this Board without further Board action.

MS. KERNS: Correct, if no one objects.

CHAIRMAN NOWALSKY: Emerson Hasbrouck.

MR. HASBROUCK: I have a question on that. It is clear to me that if we go with Option A; as Toni just described for us. That is relevant to the recreational and commercial fishery for New York Bight and New Jersey; as well as for the recreational fishery in Long Island Sound. Is it correct to assume that that will also apply for the commercial fishery in Long Island Sound?

CHAIRMAN NOWALSKY: I believe the last motion included the 20 percent reduction; but wasn't specified in the table, so I think that's a fair clarification. What you're asking is if the

same idea would stand that that 20.3 percent commercial reduction in Long Island Sound, those proposals would be reviewed by the TC; and if the TC gave them a thumbs up, no further Board action would be required. Would you agree with that Toni, that that would be helpful to clarify here?

MS. KERNS: Yes that was my intention.

CHAIRMAN NOWALSKY: Okay so to make it clear then, TC would then be reviewing three items; New York Bight, New Jersey recreational measures, New York Bight, New Jersey commercial measures, and Long Island Sound commercial measures. Okay I'm seeing nods around the table; any further discussion on that? Dan McKiernan.

MR. MCKIERNAN: Just a quick question; and I apologize for my ignorance. New York doesn't have a 2017 commercial quota, so how will New York demonstrate that they had a 2 percent reduction in catch, unless they're actually fishing to a quota? How will a lack of a quota allow them to meet that conservation mandate?

CHAIRMAN NOWALSKY: I'll turn to staff for ideas, while New York discusses it amongst themselves as well. Thank you for the question, Dan. Katie Drew.

DR. KATIE DREW: Essentially we would treat it the same way that we would do a recreational measure; that the state would come to us with a proposal, in terms of closed seasons, trip limits, things like that in comparison. What do they do now, what's the management structure now to control harvest; and basically propose more restrictive season, a more restrictive trip limit, something like that to bring the commercial catch down, the same way that you would do with bag and size limits for the recreational component.

CHAIRMAN NOWALSKY: Dan. No, okay. Did you have anything to add to that Jim, or was Katie's answer sufficient?

MR. GILMORE: No Katie's answer covered exactly what John just told me, so thank you.

CHAIRMAN NOWALSKY: Thank you, good discussion. Okay, so that will take us to the Delaware, Maryland, Virginia recreational and commercial management measures. Turn to the Board, Mike Luisi.

**MR. LUISI: On behalf of the DelMarVa Region, I move to approve Option D, for the DelMarVa Region, 16 inch minimum size limit, up to a four-fish bag limit, and a closure of May 16 through June 30.**

CHAIRMAN NOWALSKY: That option was for the recreational measures specifically, Mike?

MR. LUISI: Recreational measures only, yes.

CHAIRMAN NOWALSKY: As we did with the New Jersey/New York Bight, did you have something to combine for the commercial measures here; or would you like us to take those up separately? We had the two options for the commercial management measures, status quo and Option B was to adopt recreational measures as commercial measures for Delaware and Maryland.

Let's go ahead and we'll take those up separately. Let's deal with this first. Okay, so we have a motion; do I have a second for this, seconded by Joe Cimino? Move to approve Option D for recreational measures for the DelMarVa Region, 16 inch minimum size limit, up to a four-fish bag limit, and a closure of May 16 to June 30; motion by Mr. Luisi, seconded by Mr. Cimino, discussion on the motion. Mike.

MR. LUISI: I do want to go on record to say that Delaware is doing the heavy lift here by increasing their size limit from 15 to 16 inches. Virginia and Maryland essentially are falling out at status quo; and I won't bore you with all of the details of our conference calls together, but we see this as a good opportunity to find that

balance between our states, putting us all on the same size limit.

We will ultimately, like we may deviate slightly from the provisions in this motion; however, Virginia and Maryland would be considering something more restrictive than what is up there. As long as that's okay, this would set the baseline for all three states. Then if we choose to be more restrictive, we can take that up on our own at the state level.

CHAIRMAN NOWALSKY: While you're mentioning the lift of Delaware, I'll recognize the lifting at the last meeting that Mr. Clark did with the number of motions he had prepared. Delaware has been a great teammate in this process. Additional discussion on the motion, okay seeing none; does the Board need to caucus? **Seeing no need to caucus; is there any objection to this motion? Seeing none; the motion carries.** That leaves as the last decision point right now the DelMarVa commercial management measures; Option A, status quo, and Option B, adopt recreational management measures as commercial measures for Delaware and Maryland. I'll turn to Toni for a moment before I come back to the Board.

MS. KERNS: There was also the additional proposal that Virginia brought forward to have their commercial fishery open for two weeks; which the TC found to not have an impact on the stock, because the landings were insignificant relative to the total amount that the DelMarVa Region could harvest.

CHAIRMAN NOWALSKY: Thank you, Toni, for highlighting that additional proposal. I'll turn it back to the Board for action on this item. Joe Cimino.

MR. CIMINO: I didn't know if that late add-on of Virginia's proposal had an official lettered option or numbered option for a motion. If not, the motion would be to approve that proposal.

CHAIRMAN NOWALSKY: We'll give staff a moment here and we'll go ahead and get that up for you, if we can.

MS. KERNS: Joe, just so I make sure I understood you correctly. You're looking for status quo with the option to open Virginia's fishery for two weeks in May? Is that what I'm hearing?

MR. CIMINO: If the harvest is considered insignificant and it could be considered status quo, then that is a fine way to do it. I didn't know if the proposal would end up as its own option; and if so.

MS. KERNS: I think that we need to get the language for transparency of what the region has the option to do on the table; and so I think we could say to have status quo measures, but include the option for Virginia to open two weeks in May. Then that gives the state the ability to do it if you want, and if you decide not to then you don't have to.

MR. CIMINO: Very good.

CHAIRMAN NOWALSKY: I guess there are two decision points here. One, well we have the status quo as highlighted in Table 31, plus the two week opening in Virginia; or the alternative was for a change in Delaware and Maryland to have the management measures commercially the same as recreationally, plus the two week opening in Virginia. Mike Luisi.

MR. LUISI: I think where some of the confusion is, is that Option B is the status quo for Maryland and Delaware. We have our commercial measures as our recreational measures. It's one and the same, so by going forward with Option A, which is status quo, essentially sets Delaware and Maryland's commercial limits as their recreational limits as they now are. Then what Joe is asking for is a provision to allow for the consideration of those extra days. I am understanding it that we don't have to change anything; as far as our commercial fishery, which we don't have one.

CHAIRMAN NOWALSKY: Okay, so that would keep the measures on Page 81 in the document from Table 31. Toni.

MS. KERNS: Joe, are Virginia's measures the same for commercial and recreational? That is the small glitch here. Would it be accurate to say move to approve for Maryland and Delaware, commercial measures are the same as the recreational measures. For Virginia to keep status quo measures except to open the season from May 1 through May 15, and that would reflect what everybody's regulations would look like. Okay, I'll work with Katie.

CHAIRMAN NOWALSKY: All right so Delaware and Maryland will stay status quo; which is already the same as the recreational measures. However, Virginia presently has different commercial measures as outlined in Table 31, Page 81 of the document. Then we're going to modify that with this additional 15 day opening. I'm getting nods, and we've just got to work on getting that reflected. Dan McKiernan.

MR. McKIERNAN: Adam, you mentioned the table on Page 31, so in the cell for Virginia under possession limits, there is just a dash. Is that going to be different in the final version of the amendment?

CHAIRMAN NOWALSKY: I'll turn to Joe for a question about Table 31; with regards to why the possession limits weren't filled in there.

MR. CIMINIO: Yes this goes back to the question on how New York would manage this. Virginia managed their commercial fishery under seasonal limits. They are closed for over 200 days out of the year. The reductions that we saw after 2008 and 2012 after the last two addenda, does seem to suggest that the measures worked. There is no trip limit. It is mainly a commercial hook and line fishery that's just limited by days right now.

CHAIRMAN NOWALSKY: Joe, did you want to take a stab at that motion one more time; based on the discussion we've had here?

MR. CIMINO: Thank you, I'll read it aloud here. **Move to approve for Maryland and Delaware to have their commercial measures consistent with recreational measures; and for Virginia status quo for the commercial fishery measures with the option for Virginia to open from May 1 through May 15.**

**CHAIRMAN NOWALSKY: Seconded by Mike Luisi, discussion on the motion, is there a need for caucus on the motion? Is there any objection to the motion? Seeing none; that motion carries without objection.** Okay so I'll just double check with staff, in terms of the decision points in the document. Is there anything else we have to address before we move on to decisions on dates and final approval of passing this on to the Full Commission?

MS. KERNS: No, we can move on to implementation.

CHAIRMAN NOWALSKY: To get Board input we have the state implementation plans. We need a date for submission of those proposals; and the PRT had suggested December 1, as a date for that. We needed an implementation date for all other measures outside of the commercial tagging program. We need an implementation date for the commercial tagging program. I'll turn to the Board for discussion and/or a motion on those items. John Clark.

MR. CLARK: I'm just checking here. The implementation date would be the first of 2018; so states would have to start acting now, those with lengthy regulatory processes to get this in place by January 1. I think that is a pretty short timeframe.

CHAIRMAN NOWALSKY: I'll turn to Toni for other thoughts.

MS. KERNS: The January 1, 2018 was based on the discussion by the Board that they wanted this document to be approved for the upcoming year's fishery. The PRT assumed that there were some states that had fisheries that were in January; so therefore they gave that January 1 deadline. The PRT recognizes that not everybody's fishery starts in January; but we were trying to be consistent to capture that early start for some states.

CHAIRMAN NOWALSKY: Again, this is at the discretion of the Board here today for those dates.

MR. CLARK: We will be open on January 1, 2018. I just wanted to maybe change it that the implementation process must be in place by January 1; because our process, we're a small state with a very long regulatory process. There is no way we could start now and have it done by January 1. I mean I don't want to be technically out of compliance with this plan. I just want to make sure that whatever is approved today, we have a little more of a buffer.

CHAIRMAN NOWALSKY: Again, what are up on the board right now were those recommended dates; and again it's at the discretion of the Board to make a specific motion. I've got Jim and Dan, but I've also got Toni in my ear. Let me turn to her momentarily and then I'll come to Jim Gilmore and Dan McKiernan.

MS. KERNS: John, it is totally at the discretion of the Board. There have been times that as long as a state shows that they have been making a good faith effort to get regulations in place, the Board gives them a pass on not making that implementation date.

MR. GILMORE: That's actually what I was going to ask Toni; as long as we have that discretion. I mean realistically John makes a good point. I would probably be more comfortable, which may be a March 1 date, but understanding our fishery starts in January. The problem is that for what we just approved.

We're going to have to sit down, bring the commercial guys in and meet with Jersey and Connecticut and come up with things by December 1; which is going to be a tall order. Since we're talking about three states there might be some back and forth. Our emergency process usually takes the better part of a month. We're probably going to slip past that date. But as long as we're working diligently, and everyone is agreeing with that then I'm okay with the January 1.

CHAIRMAN NOWALSKY: Again, I'll reiterate. These were just the suggestions that came out of PRT. I would leave it up to the Board whether to use these in a motion, with the discussion that there might be some slippage; but understanding that states were working towards them or for the Board to put different dates on a motion. Dan McKiernan.

MR. McKIERNAN: Yes, from my situation in Massachusetts, April 1 would be a preferred date for implementation.

CHAIRMAN NOWALSKY: Based on what I heard, despite the PRT recommendations, it sounds like perhaps January 1 for the proposals, April 1 for the implementation of the noncommercial tagging might sit better with individual states; based on the discussion around the table. Toni, would you have any feedback about if a motion was made with those dates?

MS. KERNS: Like you said it's the Board's discretion of when you want to implement this document; and for what fishing year it impacts.

CHAIRMAN NOWALSKY: Back to the Board. Does somebody want to make a motion with the dates? We talked about changing that first part to January 1, and the second part to April 1. Dan McKiernan.

MR. McKIERNAN: I would make that motion to implement the compliance date of April 1; but I see John Clark across the room kind of struggling with those dates. But we need more discussion.

CHAIRMAN NOWALSKY: Were you going to make a specific motion?

**MR. McKIERNAN: I would make a motion that it be December 1 for the proposals, and April 1 for implementation on the recreational measures.**

**CHAIRMAN NOWALSKY: Well we've got on the April 1 also, commercial measures we wanted to implement too for the 2018 fishing year; or as much of it as we can.**

**MR. McKIERNAN: Yes, I would add that as well; April 1 for the adoption of the recreational and commercial measures with an implementation date of January 1, 2019 on the commercial tagging aspect.**

CHAIRMAN NOWALSKY: Okay so I think what I heard was: Move to approve the following implementation plan: States submit proposals by December 1, 2017. Implement all measures other than the commercial tagging program by April 1, 2018. Implement the commercial tagging program by January 1, 2019; motion by Mr. McKiernan, and if staff could also update in Number 2. Thank you very much. Do we have a second to that motion? I'll go with Bob Ballou; discussion on the motion, Mark Alexander.

MR. ALEXANDER: I can appreciate this motion for commercial April 1. I'm just looking at the compilation of the commercial regulations; and quite a few states, basically New York and south implement their commercial fisheries. They have the season opens January 1. Just for clarification they would be operating under present rules for the first three months of the year; then switch to the amendment rules April 1, right?

CHAIRMAN NOWALSKY: They would be operating under the present rules until that state implemented that plan by April 1. There is nothing here that would preclude a state from enacting something prior to April 1; if they were able to do so. Toni.

MS. KERNS: I will just point out that if we do implement on April 1, the Plan Review Team for the very first year would not be able to give a performance evaluation, I don't believe, because you would be breaking the fishing year in half; and it would be difficult to give an actual reduction based on the measures, I believe. Jay, is that correct?

CHAIRMAN NOWALSKY: Jay, would you like to come up to a microphone?

MS. KERNS: As my TC Chair. I told him I wouldn't need him, but.

MR. JASON McNAMEE: I think it depends on where you are. In the north the fishery doesn't actually get going until after April 1. I'm thinking it's probably a progression as you move south; so it probably depends on where you are along the coast. I'm trying to think a little bit, I'm not thinking there are a lot of landings prior to April 1, in maybe Long Island Sound either; or New Jersey I'm not sure about. But certainly to the north it's not an issue. It probably becomes more of an issue the further south you move.

**CHAIRMAN NOWALSKY: Back to the Board for what they would like to do with this motion; accept it as it is, and this would have the proposals due December 1. All right, I don't see any further discussion on this. Does the Board want a moment to caucus on this motion? Not seeing any request for caucus. Is there any objection to this motion? Seeing none; the motion stands approved.**

Before we go ahead and recommend final approval on this, I just want to briefly turn to the public; to see if there is any additional public comment on any of the actions that were taken here today. Okay, seeing no additional public comment on any of the actions; we come back to the Board. The next item that would be needed would be a motion to recommend approval of Amendment 1 by the Full Commission. Dan McKiernan.

**MR. McKIERNAN: I'll make that motion. Move to recommend to the Commission the adoption of Amendment 1 to the tautog interstate fishery management plan as modified today; and at the August, 2017 meeting.**

CHAIRMAN NOWALSKY: Motion by Mr. McKiernan. Do I have a second to that? Seconded by Mark Alexander, Amendment 1, what other fishery do we have with one amendment?

MS. KERNS: Jonah crab doesn't have any amendments, Adam.

CHAIRMAN NOWALSKY: But three addendums; all right, discussion on the motion, Peter Burns.

MR. PETER BURNS: I really appreciate the work that's gone into this amendment. I think it really does a lot to help with the conservation of these four distinct stocks now of tautog. My concern is with the recommendation for federal regulations for tautog, complementary regulations. As you know we don't have any federal regulations now for tautog; and this issue has come up in the past.

We've been pretty consistent on the record, questioning how a federal regulatory program for tautog would come into place; and how it would complement what the states are already doing. I was just wondering if the Law Enforcement Committee or if there has been any analysis on how a federal program like that might look; because we are looking for some guidance on how that would work, and whether these measures are really necessary.

CHAIRMAN NOWALSKY: The document 4.15 ASMFC recommends federal government promulgate all necessary regulations to implement compatible measures in the EEZ. Specifically the ASMFC recommends that the Secretary fully implement regulations for tautog in the EEZ that are in accordance with state minimum sizes, possession limits, closed

seasons, and other possession requirements for the commercial and recreational fishery. This amendment outlines that as a recommendation. Are you essentially going on the record here and saying that despite that recommendation, there is likely to be no action taken on this?

MR. BURNS: It's certainly something we'll consider if the Commission recommends it. But I think we would have to really think long and hard about what kind of program we could devise that would actually complement what the states are already doing. You've got a very complex four-region management program here. Just trying to understand what the benefits of that would be, and trying to weigh in all the other factors as well.

CHAIRMAN NOWALSKY: Well, Peter, do you have any recommendation or a request for action on this particular section?

MR. BURNS: I would ask the Board, or maybe the Law Enforcement Committee to provide some specific recommendations on how this kind of a program could work; and what the utility or what the necessity of it would be as it relates to this amendment.

CHAIRMAN NOWALSKY: Okay so what Peter is suggesting is that this would stay in here, but we would try to get some feedback from the Law Enforcement Committee, and anyone else who could chime in about how it might actually be implemented; complementary management at the federal level.

Is there any additional discussion on that or anything else relative to this amendment? Seeing none; Toni, do we need a roll call vote or just go through any objection at this point? Does the Board need a moment to caucus on this? Seeing none; I'll ask is there any objection to this motion. Did you want to entertain abstaining at all from the service, Peter?

MR. BURNS: Yes, if you will Mr. Chairman, yes I'll abstain on the vote pending the issue on the federal regulations.

**CHAIRMAN NOWALSKY: The motion stands approved without objection; but with an abstention by the Service.** Let me again extend a word of thanks to Toni for stepping in here, and carrying this over the goal line with help from Caitlin getting herself up to speed, and other staff who pitched in, and all the states and their work going ahead and putting this together. This will then go on to the full commission at their Business Session.

**CONSIDER APPROVAL OF 2016 AND 2017 FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE REPORTS**

CHAIRMAN NOWALSKY: But, we're not done yet. We've got a brief Fishery Management Plan Review and I'll turn to staff for that presentation.

MS. CAITLIN STARKS: Thank you, Mr. Chair. I'll just make this very brief, since we're running out of time. The tautog FMP Review was not approved for last year, so I'll be going over both the 2015 and 2016 fishing years in this review. This is just an overview of the coastwide tautog harvest. You'll see commercial, recreational and total harvest on this graph. It's declined gradually over time; and from 2015 to 2016, there was a commercial landings increase of 9 percent from 200,045 pounds in 2015 to 268,000 pounds approximately in 2016. That is excluding some confidential data. Both of these are slightly lower than the 2014 commercial harvest of 200,079 pounds. New York had the highest commercial landings in both 2015 and '16.

As for recreational harvest, there was an increase from 2015 to 2016 of 35 percent; with totals of 2.0 and 2.7 million pounds in each year. Both of these are lower than 2014 numbers, which was 4.6 million pounds total; and New Jersey and New York had the highest recreational landings respectively in 2015 and '16.



In general recreational landings are accounting for around 90 percent of total coastwide harvest, with commercial landings making up the other 10 percent. There have been no changes to the federal commercial measures or recreational measures from 2015 to 2016. The commercial measures are shown here.

The recreational measures are shown in the FMP document itself on Pages 24 and 5, if anyone is interested. Toni kind of went over this in our discussion of Draft Amendment 1, so I'll go briefly. The benchmark stock assessment was accepted in May, 2015, and an assessment update was completed in 2016.

This was done for the four regional stocks, and it found that in MARI there was no overfishing occurring. The assessment update found that all regions except MARI were overfished in 2015, and that overfishing was occurring in LIS and the New York/New Jersey Region in 2015. Another assessment has not yet been scheduled.

There were two states requesting de minimis status for this year; those are Delaware and Maryland. They qualify for the status, so the PRT recommends that the Board approve these states' requests. The PRT also recommends the Board find all states in compliance with the requirements of the FMP.

Only Rhode Island was unable to meet the 200 age-length sample requirement. The PRT suggested that the required number of samples should be proportional to a state's harvest, up to 200 rather than set at a fixed number. But the PRT also recommended that the TC be tasked with evaluating the biological sampling needs to support continued regional stock assessments for tautog; and recommending any revisions to the biological sampling requirements. That is a very quick review; so if there are any questions I can take those.

CHAIRMAN NOWALSKY: I'll ask, I think I get to be the first one to ask you a question. That PRT recommendation for the TC, would that require

motion here today? Would that require Board discussion in the affirmative, or without objection from the Board, would that just likely occur moving forward?

MS. STARKS: Only Board discussion and tasking. There would be no motion required.

CHAIRMAN NOWALSKY: Okay, so additional questions, Dan McKiernan.

MR. MCKIERNAN: My question has to do with the de minimis requests. Would this give those states a pass on future commercial tagging; or is it only in the mandate for sampling? What do you get with the de minimis finding?

CHAIRMAN NOWALSKY: Mike, did you want to chime in, no. I'll turn to Toni.

MS. KERNS: Dan, I need to look it up. I don't think you get any. I think you get out of your 200 required samples but that's it.

CHAIRMAN NOWALSKY: Go ahead, Mike.

MR. LUISI: That's how I believe it to be. We'll do what we can, and in the case we can't get the 200, we're going to get what we can out of it. But we don't have any expectation that we would be outside of the tagging program. We're fully onboard with that.

CHAIRMAN NOWALSKY: The de minimis would exclude them from the sampling only. Joe Cimino.

MR. CIMINO: I was getting ready to jump into the discussion on the sampling, if that's okay, if we're moving on. I would look to weakfish where we use a percentage instead of a hard target. It's always been a little confusing. Since we use the previous year's landings to project what we need to sample, and then the required sampling actually is based on that same year.

You won't know until six months into the next year whether or not you met the required

sampling, based on a harvest level. Yet, in weakfish we know that even when folks don't hit that target either, as long as we know they made a good faith effort we always let them go. I don't know that I would be in a hurry to move away from a simple 200 fish target; because I think we'll be in a very similar situation either way.

McKiernan will be taking over as Chair. Thank you very much for your business here. We stand adjourned.

(Whereupon the meeting adjourned at 2:57 o'clock p.m. on October 16, 2017)

CHAIRMAN NOWALSKY: Again, we wouldn't be taking any action here today. We would just be asking the TC to take a look at that and see if that is still appropriate. Are there any additional questions? This is where we're at. At this point we would need a motion to accept the '16 and '17 FMP Reviews and State Compliance Report, and approve the de minimis request. That would need a formal motion, and then we would just need something in the affirmative; if we do in fact want the TC to look at those sampling requirements or not, back to the Board, John Clark.

MR. CLARK: I'll make the motion. Would you like me to read it?

CHAIRMAN NOWALSKY: Yes, please.

**MR. CLARK: Okay, move to accept the FMP Review and Compliance Reports for tautog for the 2015 and 2016 fishing years, and approve de minimis status for Delaware and Maryland.**

CHAIRMAN NOWALSKY: I believe I had erroneously said '16 and '17, so thank you for making that motion correctly. Do I have a second for the motion, seconded by Mike Luisi? **Is there any discussion on that motion? Is there any objection to the motion? That motion stands approved.** Thank you. The last question then would be does the Board object to tasking the TC with looking at those sampling needs? Okay seeing no objection we will so task them.

#### ADJOURNMENT

CHAIRMAN NOWALSKY: Is there any other business to come before this Board? Okay seeing none; when this Board next convenes Dan

## Caitlin Starks

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**From:** PATRICK WHITE <fisherman01@comcast.net>  
**Sent:** Thursday, December 14, 2017 2:07 PM  
**To:** Caitlin Starks  
**Subject:** tautog

Hi Ms Starks

I have been writing to the ASMFC about the tog regulations for many years. As a retired math and chemistry teacher, I realize my evidence is anecdotal. I spend over 100 days a year fishing for tog at Barnegat Light jetty.

I had responded to the October 2017 Amendment 1 for Tautog. I was planning on commenting again after the end of the season. I wanted to relate my observation to the proposed regulations in the document. However I could not find the regulations that I had originally commented about.

In my past comments, I stressed the problems of poaching. Fortunately this year I observed a reduction in poaching. During the "summer season" July 17 to Nov 16 , there was very little poaching. When the quantity went up to 6 , the amount of poaching increased but was still for lower than the last several years. I am not sure why, but many quit keeping shorts fish once they had 6. In the past most just kept on keeping.

If you are interested I will send more details about the tog fishery at Barnegat Light.

Pat White

## **Memorandum**

**TO:** Toni Kerns, Interstate Fisheries Management Program Director  
Atlantic States Marine Fisheries Commission

**FROM:** Justin Davis, Matt Gates, Greg Wojcik  
Connecticut Dept. of Energy and Environmental Protection, Marine Fisheries Program

**DATE:** April 11, 2018

### **Proposed Connecticut Tautog Commercial Fishery Measures for 2018**

In October 2017, the Atlantic States Marine Fisheries Commission (ASMFC) Tautog Management Board approved Amendment 1 to the Interstate Fishery Management Plan (FMP) for tautog. In response to the 2016 Tautog Stock Assessment Update which determined that the Long Island Sound (LIS) tautog stock was overfished and experiencing overfishing, Amendment 1 called for the states of New York (NY) and Connecticut (CT) to adopt measures that would achieve a 20.3% reduction in annual tautog harvest from state waters within LIS. Amendment 1 specified LIS recreational measures for tautog, but did not specify commercial measures, stating instead that “Commercial measures within LIS will be adjusted to reduce harvest by 20.3% from the 2013-15 landings average” (4.2.3.1, 4.2.3.2 in Amendment 1). Connecticut Department of Energy and Environmental Protection (DEEP) Marine Fisheries Program (MFP) staff were tasked with developing commercial measures that would achieve the prescribed 20.3% reduction.

Upon formulation of potential measures, it became apparent that imposing a 20.3% reduction would create a greater than expected hardship for participants in the CT commercial tautog fishery. The potential for hardship stems from the relatively modest scale of the fishery. An average of 48 commercial fishers landed an average total of 6,100 lbs of tautog in CT annually during 2013-15. This harvest equates, on average, to only 7% of the annual LIS commercial harvest (CT and NY aggregated) and 0.5% of the total annual LIS harvest (CT and NY, commercial and recreational aggregated; see Fig. 1) during 2013-15. The current small scale of the CT fishery is partially a result of conservative measures that CT implemented in 2012 in response to Addendum VI to the FMP. Addendum VI required a 49% reduction in commercial harvest; the measures implemented by CT produced an even greater reduction than required, reducing average annual harvest by 66% from 17,787 lbs (2008-11) to 5,985 lbs (2012-15; see Fig. 2). These statistics demonstrate that CT has already, in recent history, substantially curtailed commercial tautog landings and achieved conservation above and beyond that prescribed by the FMP.

Currently, a 20.3% reduction in CT commercial harvest equates to only 1,238 lbs, or 295 fish (based on an average per-fish weight of 4.2 lbs in the commercial fishery). However, given the modest participation in the fishery and resulting low average catch-per-day rates, CT would be required to reduce the commercial season by 56 days (from 170 to 114) to reduce harvest by 295 fish (for comparison: a one day reduction in the NY commercial season would accomplish a

harvest reduction of similar magnitude). A 33% reduction in the CT commercial season represents a disproportionate reduction in harvest opportunity for that sector, given that the recreational sector accounted for 99.3% of CT tautog harvest on average during 2013-15 but is only facing a 5% reduction in season length in 2018 (for illustration: based on MRIP estimates of CT recreational tautog harvest during 2013-15, we estimate a 295 fish harvest reduction could be accomplished with a two hour recreational fishing closure during Wave 5).

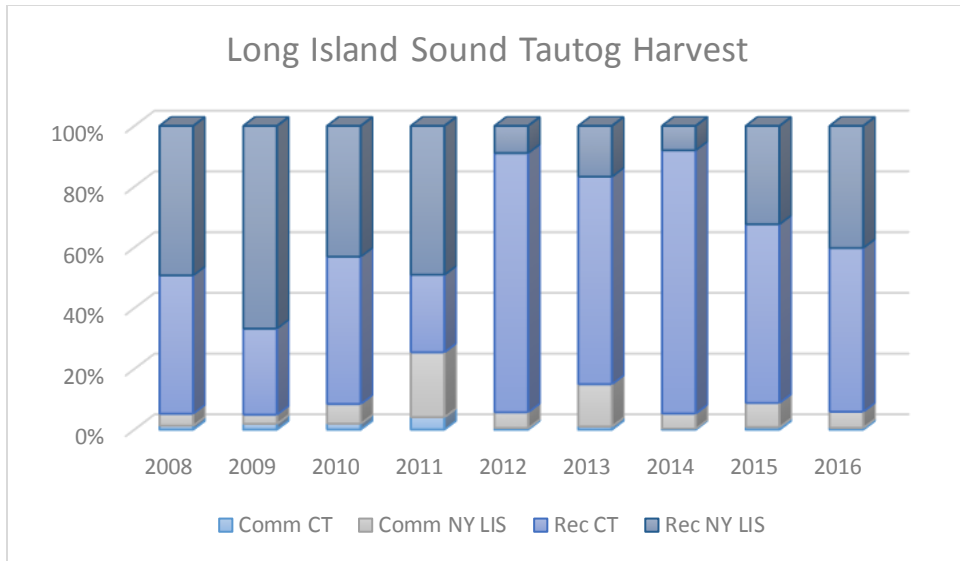
To avoid imposing undue hardship upon the small-scale CT commercial tautog fishery, DEEP prefers to keep CT commercial tautog measures status quo for 2018 (Table 1). Allowing CT commercial fishermen to maintain their already extremely low level of harvest would result in a mere 0.1% projected overage in tautog harvest for the LIS management region in 2018. It is worth noting that the tautog fishery in LIS is predominantly a recreational fishery, and MRIP harvest estimates therefore played a central role in setting the measures that will achieve the lion's share of conservation prescribed by Amendment 1. Given the precision of MRIP LIS tautog harvest estimates during 2013-15 (average 18.3% PSE), expected annual variation in recreational harvest (tens of thousands of fish) is orders of magnitude higher than the projected harvest overage (295 fish) that would result from maintaining status quo measures for the CT commercial fishery. In short: from a conservation standpoint, a 20.3% reduction in the CT commercial fishery is statistically meaningless.

A secondary, less preferred option would consist of shortening the CT commercial season to 142 days, such that the commercial season will match the duration and open/close dates of the recreational season (Table 1). The minimum length limit (which is already the same as the recreational limit at 16 in.) and bag limits in the commercial fishery will remain status quo. This 28-day (16%) reduction in season length will produce an estimated 5.2% reduction in CT commercial tautog landings, or a reduction of 76 fish rather than 295 fish.

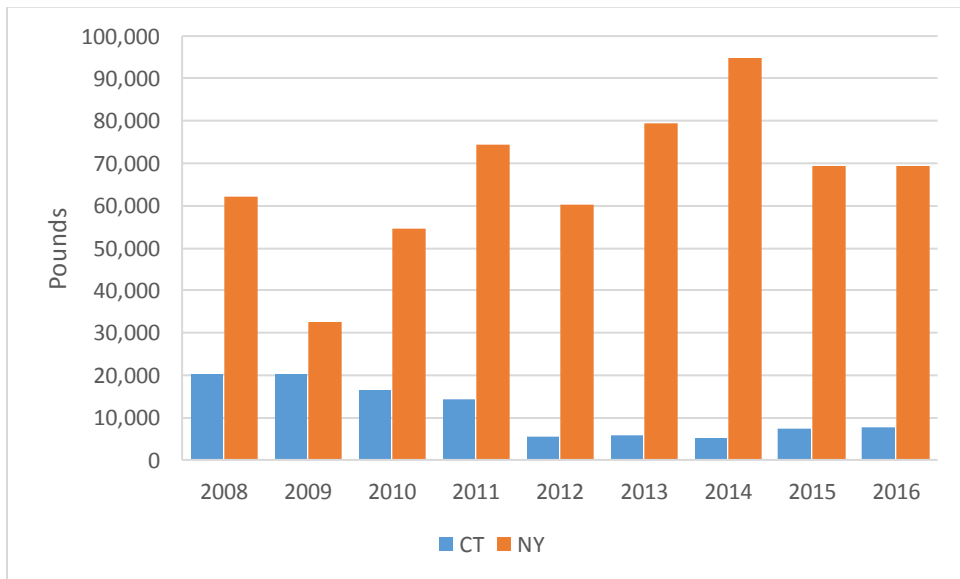
In closing, the process by which CT and NY independently formulated measures for their respective LIS tautog commercial fisheries, which could result in starkly different operating parameters for fisheries occurring on a common stock within a FMP-defined management region, runs counter to the collaborative process that produced relatively congruent CT-NY recreational measures for LIS tautog. A recurrent theme in recent revisions of ASMFC management has been the advantages of regional cooperation and reductions in intra-region regulatory disparities. We accordingly propose that the Tautog Management Board task the Tautog Technical Committee with exploring means by which more consistent and equitable inter-state commercial LIS tautog measures could be crafted.

**Table 1.** Proposed LIS commercial tautog regulations for NY and CT in 2018. The CT preferred (status quo) and non-preferred (28-day reduction) options are shown, along with measures that would be necessary to achieve the 20.3% reduction prescribed by Amendment 1.

<b>State</b>		<b>Min Length (inches)</b>	<b>Bag Limit</b>	<b>Season Open/Close Dates</b>	<b>Total Season Days</b>
<b>NY</b>	2018 Proposed	15	25*	05/07-07/31 09/01-11/23	170
<b>CT</b>	2018 Preferred	16	10**	04/01-04/30 07/01-08/31 10/08-12/24	170
<b>CT</b>	2018 Non-Preferred	16	10**	04/01-04/30 07/01-08/31 10/10-11/28	142
<b>CT</b>	20.3% Reduction	16	10**	***	114
*Unless fishing with lobster gear and in possession of >6 lobsters; then 10 fish					
**Unless holder of a restricted license; then 4 fish					
***CT has not yet determined season open/close dates associated with a 114 day commercial season					



**Figure 1.** Percent composition, by state and fishery type, of tautog harvest in Long Island Sound during 2008-16.



**Figure 2.** Commercial tautog landings by state from Long Island Sound during 2008-16.