



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Tautog Management Board  
**FROM:** Kirby Rootes-Murdy, Senior FMP Coordinator  
**DATE:** July 27, 2021  
**SUBJECT:** Industry feedback on Tautog Commercial Harvest Tagging Program

A Tautog Advisory Panel (AP) meeting was scheduled for June 21 to provide information on the commercial harvest tagging program implemented last year. Only one AP member was in attendance on the call and declined to provide comments. Staff reached out to AP members by email and phone, and received feedback from the following industry members:

### **Industry Members:**

Jim Dawson (Virginia), Captain Mel True (Massachusetts), Denise Wagner (New Jersey), Greg Jackson (Delaware)

Staff recommends that jurisdictions revisit their current AP membership in order to improve attendance and participation. The following are summarized comments provided by industry members who are also Tautog AP members.

### **How has the commercial harvest tagging program gone so far in your state?**

*Jim Dawson (VA):* Virginia has ignored the request from the commercial fishery and its few fishermen to allow us to fish within the months tautog are available due to climate change issues changing migratory tautog patterns. VMRC staff has held no meetings related to Tautog which is problematic. The current VMRC staff may be great people but they need to do more for commercial fishermen in Virginia. Our season is just Nov 1<sup>st</sup> until Jan. 22<sup>nd</sup> and then from March 1<sup>st</sup> through May 15<sup>th</sup>. We (commercial harvesters) have constantly requested for our state to review this situation, only to have them give the recreational sector more days without even one day given to our commercial fishery. Commercial harvesters are not the problem. We would like to fish and have the same seasons along with a (60) day closure to protect the "spawning biomass" and have requested this for 10 years + and have the written records to verify this, yet nothing has happen. If VMRC would take away 15 days back from the recreational closure, then the two seasons (commercial and recreational) could be equal, help save spawning tautog for 15 more days, as well as reduce catch by a large amount which also will benefit the overall stock biomass. Virginia should have a closure for a minimum of (60) days starting May 1<sup>st</sup> ending June 30<sup>th</sup> for both commercial and recreational fisheries

*Greg Jackson (DE):* It is going well as far as I know.

*Capt. Mel True (MA):* There has been a lot of mixed reviews- some harvesters caught on quick and learned how to apply to tags correctly, others did not and there was steep learning curve, handling the fish. Those challenges likely caused some mortality for fish they were hoping to get to a live market.

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**Any change in the number of commercial tautog commercial harvesters following implementation of the tagging program?**

*Jim Dawson:* I am currently unable to answer this question due to the lack of VMRC participation with advisors at this time. The VMRC staff has not held meetings nor telephone conversations with tautog commercial fishermen and has ignored the requests to do so.

*Greg Jackson:* I believe DNREC told me fisherman who never reported tautog signed up for the tags.

*Capt. Mel True:* In Massachusetts, they revoked a whole bunch of permits that weren't being used, but the guys that do it for a living were fine.

**Were there enough tags in your state in 2020?**

*Greg Jackson:* Yes

*Denise Wagner (NJ):* No. they only gave us 50 tags based on our landings...in some instances I could use 50 tags in a half hour of fishing.

*Capt. Mel True:* Yes. They started me off with 200 tags increased to 500, so I went through a lot of tags

**Challenges with applying the tags? Were there any issues with tags adhering to the fish?**

*Jim Dawson:* "Live tautog" tagging during rough weather is a serious problem, especially for those who work either by themselves or with a small crew. Having rules are important, but perhaps there could be a "safe harbor" provision- that allows boats to dock without tagging the fish (still must be tagged before leaving the vessel) but a much higher penalty for those who leave the docks without tagging the fish? In a calm water situation, applying a tag is not an issue, it is just when the waters are rough on a boat that put captains and crew in unsafe situations due to decompression time to prevent barotrauma in tautog intended to be sold in the live market.

*Greg Jackson:* They were easily applied with just a knife and pliers.

*Denise Wagner:* it is very time consuming, it really requires an additional crew member to help, without (additional help) it's a very slow process.

*Capt. Mel True:* Yes, it can be tricky to apply the tags, especially if you have a bigger fish. But after a bit of a learning curve and you get a routine down, most seemed to stay on the fish well. Still, some do still fall off. Anecdotally, heard of reports of some harvesters waiting until they returned to the dock and applied the tags at the fish house.

**Any observed mortality associated with tagged fish?**

*Jim Dawson:* Not enough time nor tags used to this point to give a valuable opinion. We used to keep thousands of fish live, but since the market has been so devastated for multiple reasons, these kinds of questions cannot be answered at this time.

*Capt. Mel True:* Yes. As mentioned there was a learning curve to reduce mortality.

**Was there any change in the market price compared to previous years? If so, what would you attribute the price change was caused by?**

*Jim Dawson:* Prices have gone down due to “invasive species” being shipped in from other countries, primarily species that have been aqua cultured. This has lowered prices below \$3/pound! Commercial harvesters cannot fish for less than \$6/pound due to expenses over the last 6 years ago. The COVID-19 pandemic further reduced available markets. At the highest point for tautog we once achieved as much as \$12/pound before the Chinese New Year, but since then Virginia closed seasons that did not allow us to participate which we feel was unfair and have expressed this at length.

Again the commercial fishery is not the issue, it is the illegal marketing that remains the issue and those that are “invasive” with no enforcement “willing” to be done by those within a position to do so.

*Greg Jackson:* I couldn’t sell hardly any fish last year due to the COVID-19 pandemic. The dealers offered extremely low prices for any fish, restaurants I sold to were closed and my only limited market was basically to a few private people.

*Capt. Mel True:* The COVID-19 pandemic was an issue, so it’s hard to judge anything last year. It wasn’t a normal season. In the live market offers a better price than the fresh market, but prices for both were lower than they had been in previous years.

**Do you think the tagging program has reduced, or will eventually reduce, the illegal harvest sold into commercial markets?**

*Jim Dawson:* Those making the rules and regulations need to listen to those in the industry, which not happened to date. The tagging program is problematic because the tags can be easily removed. Related there should be more enforcement to accomplish the goal of eliminating illegal harvest. If I were in charge, I would eliminate the importation and sale of invasive species and then start by actually “tracking” the tagged fish. The issue is not simply the illegal harvest, but markets that’s are willing to buy illegally harvested fish; that is a big problem that needs to be addressed.

Separately, VMRC cut our commercial season to basically Winter fishing in nothing but bad weather and limiting what kinds of bait we could use...nothing bait wise is available during our season...no crabs! No fishermen fishing for them either! It is terrible in Virginia! I have been forced to stop fishing by too many regulatory measures for something our state doesn’t even land? Can we get some help? I am calling for “hardship” 100% at this point! Nobody will listen and nobody seems to care.

*Denise Wagner:* Finds it hard to believe that tagging program is preventing or stopping the illegal market; if you are a law abiding citizen, you’re doing the right thing and for those that want to illegally harvest tautog, tagging won’t prevent them from selling to certain markets.

*Capt. Mel True:* I think the people who are going to poach are still going to poach regardless of whether there is a tagging program or not. Because of this, more law enforcement is needed. If no one’s at the dock, there’s little deterrent to keep people from applying the tags after the fish have left the boat.

Personally, (Capt. Mel True) doesn't see the value in tagging a fish after its been in the live well. Waiting to tag may further stress the fish out and induce mortality; just apply the tag while your at sea.

**What was the level of enforcement or monitoring of commercial harvesters and live fish markets (for those states that have them)?**

*Jim Dawson* I did see a few law enforcement officers check recreational fishermen, but they did not go far enough. Fish kept "live" are contained and retained in "live wells". There should be no reason to keep fish "live" on a "recreational" fishing vessel.

Fish found "live" on a recreational fishing vessel should be fined immensely to stop 100% of the "illegal" tautog market. Live tautog are for "commercial sales ONLY"! We commercial fishermen have been stating this for 20 years on record which can be checked! We MUST also have a "federal tautog permit" to go along with our state permits or the "transport clause" will in fact supersede ANY state laws according to Jack Travelstead ages ago. Having a "state quota" he stated would not work due to tautog being landed totally legal by a federal trawl vessel since there are no current laws that can stop a trawler from landing federally caught tautog within the EEZ. He stated that "legally there would be nothing that Virginia could do and ANY quota Virginia may have, could be caught "legally" without enforcement having the ability to stop them because that is NOT within their own jurisdiction, it would be thrown out of court". This ALSO means that whatever the ASMFC may wish to impose, does NOT apply to federally caught fish "when transport laws" allow a fishing vessel to land as long as they do not stop to fish within state waters. Same goes for fish caught in Virginia waters can be landed in Maryland even though Maryland may be closed, they were "legally" caught in Virginia, "transport laws" allow a fisherman to land in a port as long as they do not stop. This again came from a person of the highest status within each council and committee, so I believe what he said...correct me and prove to me that is not true here in Virginia. One thing for sure is: We NEED to discuss EVERYTHING in far greater detail if we wish to help the species as well as the issues of "illegal marketing"!

*Greg Jackson:* Unknown I was not checked at the dock or on the water last year. I usually am checked several times at the dock or on the water. This may have been related to the COVID-19 pandemic.

*Capt. Mel True:* Law Enforcement knows who to keep an eye on in terms of any suspicious harvesters or behavior, but in general, the not tagging the fish immediately opens up opportunities for fish to be sold to illegal harvest and markets. Once a fish gets sold to a fish house, its hard to keep track of where the fish go to unless the fish had been tagged and the tag stays on. Points out that there was a definitely a percentage of fish where after they were tagged, the tag came off in the tank; during transport; etc.

**Any recommendations or considerations for managers in continuing the tagging program?**

*Jim Dawson:* VMRC staff should continue to engage with commercial tautog harvesters-keeping "in touch" would go a long way and be appreciated. We in the industry see a lot of what happens on the water it's important for collaborative partnerships between managers and industry to make fisheries management work better.

*Greg Jackson:* I would like to see an individual quota in DE for those that previously reported fish prior to some date in the 1990s when they started managing tautog. I was nominated for the advisory panel back then because I had reported around 400 lbs one year and that was 85% of the fish reported in DE for that year. I know for a fact that DE did not get credit for

commercially harvested tautog. I used to buy lobsters from the pot fisherman and they had several hundred lbs of tautog on board each time I met with them at the dock. Basically the fish weren't reported and DE didn't get the commercial % of the coast wide quota we should have. I know this is a different issue but DE should have several % of the coast wide quota and not be considered *de minimis* for commercial purposes for tautog. Tautog fisherman in DE with an individual quota should not be limited to the recreational creel limit and only be limited by their quota and applicable size limit.

*Capt. Mel True:* I am curious how (managers and law enforcement) feel about the tagging program. Is the hassle worth the management effort? The applicators are definitely an additional expense, but to stay compliant and do what is needed to stay legal, I'd do whatever I need to do.

If there are undersized fish being caught they (law enforcement) likely won't see it at the port, they will turn up in the market. And I think there will always be some legal of poaching/illegal harvest occurring.

The mortality associated with tagging is a real concern, given the price difference between the live and fresh market; if 10% of your catch dies from tagging, that could make a significant impact to your revenue given the lower price in fresh markets.

### **Other comments**

*Jim Dawson:* Our country MUST find a way to "work together" without each one of us being "divided" because we honestly HAVE the same goals...True fishermen want to save the fish for their fishing families, but ALL SCIENCE must be used in evaluating and those of us left must make it understood that as expenses keep rising; limits and seasons along with losing markets to illegal markets and under-the-table recreational fishermen willing to fish for just gas money or illegal live fish from other countries have driven the tautog fishermen to fishing for other species currently that are far more profitable.

I would like to request that each item that I have gone over will get the time necessary to actually do something and not just discussed by managers. I have understood what ASMFC and others are about, but they also MUST understand what "actually" goes on and what we commercial fishermen are actually witnessing! We NEED that respect and things will flow and we can achieve a GREAT working relationship as long as the corruption can be removed. We are honestly on the SAME wavelength if we can understand and compromise "together"!