

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

**The Westin Alexandria
Alexandria, Virginia
August 5, 2015**

Approved November 2015

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1. **Motion to approve the Tautog Public Information Document for public comment as revised today** (Page 12). Motion carried on Page 15.
2. **Motion to accept Travis Barao from Rhode Island, Edward Yates from New Jersey and Wes Blow from Virginia to be added to the Tautog Advisory Panel.** Motion carried on Page 15.

ATTENDANCE

Board Members

David Pierce, MA (AA)	Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
William Adler, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Roy Miller, DE (GA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Mike Luisi, MD (AA)
Dave Simpson, CT (AA)	Bill Goldsborough, MD (GA)
Lance Stewart, CT (GA)	David Sikorski, MD, proxy for Del. D. Stein (LA)
Craig Miner, CT (LA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Katherine Heinlein, NY, proxy for Sen. Boyle (LA)	Catherine Davenport, VA (GA)
James Gilmore (AA)	Kyle Schick, VA, proxy for Sen. Stuart (GA)
Emerson Hasbrouck, NY (GA)	Rep. Bob Steinburg, NC (LA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Peter Burns, NOAA
Tom Fote, NJ (GA)	

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

Ex-Officio Members

Staff

Bob Beal	Ashton Harp
Toni Kerns	Mike Waive

Guests

Pat Geer, GA DNR	Jim Dawson
Thad Altman	Bob Ballou, RI DEM
Tom Moore	Chip Lynch, NOAA
Jack Travelstead, CCA	Aaron Kornbluth, Pew
Arnold Leo, Town of East Hampton	Doug Ochsenknecht, VSSA
Meghan Lapp, Seafreeze	Raymond Kane, CCFA
Joe Cimino, VMRC	Steve Train
Dan Mckiernan, MA DMF	

APPROVAL OF THE PROCEEDINGS

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of The Westin Alexandria, Alexandria, Virginia, August 5, 2015, and was called to order at 8:45 o'clock a.m. by Chairman Adam Nowalsky.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: Good morning, everyone. My name is Adam Nowalsky. I'll be chairing the Tautog Board. I have assumed the chairmanship as the previous vice-chair and want to thank Jim Gilmore for his two previous years. I know there was some question about who was chairing this board today. Jim had assumed the chairmanship in April of 2013.

The commission had worked to go ahead and basically bring all the change of the chairs in line with the annual meetings; but with his chairmanship having already run two years and some of the issues we have to discuss I am now the Chair. Again, thank you, Jim, for your two previous years of leadership.

APPROVAL OF THE AGENDA

CHAIRMAN ADAM NOWALSKY: The first order of business here this morning is the agenda. I would just like to add that at the last meeting we had a motion with regards to illegal unreported harvest, tagging and establishing a committee. I do think before we leave today we do need to have some additional discussion about that. If that matter does not come up during the PID discussion itself, it would be my intention to add that to the end of the agenda and to have some discussion so we continue to move forward with that.

Is there any objection to that change to the agenda or are there any other items to add to the agenda? Seeing none; the agenda is accepted with consent with that change.

CHAIRMAN ADAM NOWALSKY: The next order of business is to approve the Proceedings from the May 2015 meeting. Are there any items to be brought up there? Mr. Pierce.

DR. DAVID PIERCE: Mr. Chairman, there is a mistake in the minutes – inconsistency, actually. I draw the board's attention to the Summary Minutes and the Index of Motions, Motion Number 5 – and that's the motion you just referred to, Mr. Chairman, regarding tagging of tautog. It says that the motion made by me and seconded by Pat Augustine was tabled. It actually passed. The fact that it was passed is referenced and made known in the body of the minutes itself. That should be revised to "passed".

CHAIRMAN NOWALSKY: I appreciate that comment, Dr. Pierce. I actually have that meeting summary in front of me, and it indicates so the motion carries without objection in the summary of motions. Are you referring to the actual minutes themselves that say it was tabled?

DR. PIERCE: Yes; I'm referring to the minutes and then again the Draft Proceedings of the Tautog Management Board, Index of Motions and then Number 5 – the motion is there but it says it was tabled. Then down in the body of the text itself, on Page 27 to 28, it is referenced or it actually indicates that it pass. There was no motion to table.

CHAIRMAN NOWALSKY: We'll refer that to staff to ensure that is reconciled. Any other issues with the Proceedings? Okay, moving on, is there any public comment today for any items that are not on the agenda? We don't have anyone signed up. Seeing no hands from the audience; we will move to the next agenda item, which is to consider the Public Information Document for Amendment; and for that we'll turn to Mike Waive.

PID FOR AMENDEMTN 1 FOR PUBLIC COMMENT

MR. MICHAEL WAINE: I just wanted to inform the board that Ashton sitting next to me did a great job turning this Public Information Document around in a very short amount of time. I'll try not to mess this up through the presentation here. Just to inform everybody, I'm walking through the Public Information Document. This is on Draft Amendment 1.

I'll start with the process and the timeline here. Our amendment process has two rounds of public input. The first is through a Public Information Document, which is more of the scoping round. The board is reviewing this PID and considering it for public comment at this meeting. The timeline that I'm walking through is basically the quickest timeline that this document could take.

If approved today, it would go out for comment between now and the November meeting. Ashton would bring those comments back for our annual meeting. The board would review those comments and at that point task the plan development team with drafting the amendment document, which would contain specific options that came out of the scoping process.

If it achieves that timeline, the PDT would draft the document for the February meeting of 2016. The board would review that and consider sending the draft amendment out for public comment in February. Hearings would be held in the spring. That comment would be brought back at the May board meeting, at which the board would make final selection of options and decide on an implementation date.

I just want to reiterate that is the quickest timeline this document could take and just note to the board that as you're considering the timeline here the quickest timeline would be done in May of 2016; so think about sort of

implementation and when that might occur. I'm going to overview things fairly broadly and discuss what was included in the Public Information Document.

This amendment was initiated at our May board meeting. That was based on the assessment findings that tautog is overfished and overfishing is occurring on a coast-wide scale. Also, through that assessment document there was a proposal for a delineation of separate regional stock units. It was difficult for the technical committee to decide on what the stock unit should be and so the board decided to move forward with an amendment to the plan to look at the different stock units and how that would relate to management of the fishery.

A quick overview of what is in this document; I'll review the purpose and management, the description of the resource and then get into the issues that we're scoping through the PID. The purpose; generally with these public information documents we're asking broader questions to the fishery; basically wondering how they would like it to look in the future. More specifically in this Public Information Document we're looking for input on what the regional breakdowns in management should be for this stock based off of the assessment that I've just talked about.

In terms of management issues, the stock status is overfished and overfishing is occurring on a coast-wide scale. The F estimate, which is a three-year average from 2011 through 2013, is equal to 0.3. The most recent addenda – there are six of them – tried to reduce F through various harvest reductions.

Included in the PID is just a quick overview of all the addenda that exists for this management plan, and they briefly describe the actions that the board took through those documents. Moving into the description of the resource, tautog are non-migratory and they prefer home sites, which is the life history characteristics that are the basis for separating out these stock units.

This resource has a fishery that is predominantly recreational. Rhode Island's harvest is primarily from Narragansett Bay. Connecticut is primarily from Long Island Sound. There is this dynamic of New York's harvest being split between open water and Long Island Sound and New Jersey is primarily from open water.

This just emphasizes the shared fishery resource between New York and Connecticut that exists in Long Island Sound, which the board has talked about quite a bit. The pie chart in front of you shows recreational landings by state from 1981 to 2014. The take-away message is a lot of the blue shades make up a predominate amount of the harvest.

Historically that is New York and New Jersey accounting for 41.9 percent and Massachusetts has a pretty large percentage at around 18 percent. Then in more recent times, a little bit of shift to New York and Connecticut making up a bulk of the harvest recreationally. As I mentioned, this is a predominantly recreational fishery. The commercial harvest is a lot smaller, around 10 percent.

In terms of management measures, we've got various size limits and possession limits across the states. There are also various open seasons. This fishery is predominantly a fall fishery, and you can see, based on the figure in the bottom right, that there are various season lengths by state through the management unit.

In terms of the commercial management measures, there are size limits and possession limits. There are some quotas in some states and gear restrictions that are also used to manage the commercial fisheries; once again, season length varying throughout the management unit. That sort of wraps up the background.

Moving into the issues specifically that are outlined in the PID, there are four of them with

five that encompass the other issues; regional stock management areas, as I've talked a little bit about; FMP goals and objectives; management measures; reference points; and rebuilding timeframes; and other issues.

Starting with Issue 1, regional stock management areas, currently the fishery has one stock unit. As I mentioned, that is the way it was originally assessed and then the regional breakdown was what came out of the most recent assessment; so that stock unit that we're currently using, which is status quo, is from Maine to North Carolina.

I did want to note that North Carolina has indicated to the board that they do not have management interest in tautog; so from here in I'll talk about sort of it being Massachusetts through Virginia. The question that we're asking here is basically which regional breakdown does the fishery support; and those regional breakdowns are the ones that came out of the assessment. Option 1 is status quo. As I mentioned, the stock status is overfished and experiencing overfishing.

You can see in these options that I'm going to move through on the slides that it shows both the target and the threshold for SSB and fishing mortality. You'll note that the text that is in red indicates that it is essentially in an overfished or overfishing condition. For spawning stock biomass, that would be below the threshold; and for fishing mortality, that would be above the threshold.

Option 2 is a regional breakdown, which would be Massachusetts, Rhode Island and Connecticut as one region; New York and New Jersey as another; and then Delaware, Maryland and Virginia as a third breakdown. You can see that we have SSB and F estimates for each of these regional stocks. The SSB estimates are below the threshold for all of these regions within Option 2.

In terms of fishing mortality, the New England Region is experiencing overfishing. New York/New Jersey is in between the target and the threshold. The Delaware, Maryland and Virginia, indicated in green, is basically right at the fishing mortality target.

Option 3 is a second regional breakdown. This is Massachusetts and Rhode Island as one region. Connecticut moves to this New York and New Jersey region and then the Delaware, Maryland and Virginia. With this regional breakdown, the first two regions are overfished and experiencing overfishing, and then DelMarVa has not changed from Option 2.

Issue 2 in the document is a review of the goals and objectives of the plan. It has been a while since there has been a review of these goals and objectives as this is the first amendment to the fishery management plan. As part of that, the intent here is to ensure that the goals and objectives of this amendment are appropriate and adequate for how the fishery is being managed and what is involved in that.

The questions that we're scoping in this document; are the goals and objectives still appropriate for the fishery and the resource; what changes need to be made to reflect the current status of things and which five objectives do you feel are the most important? Through the scoping process, there are the goals and objectives included in the document that the public can review and think about and make recommendations.

Moving to management measures, as we talked about during the description of the fishery, we have various management measures throughout the states; bag and size limits, some quotas for the commercial fishery. Some of the questions that we're scoping through this document are is there support of the regional management measures.

That would mean managing with similar measures throughout those regional

breakdowns that were outlined in Issue 1. What is the most effective management measures currently in place? We've got quite a bit of flexibility going on across the management unit; so which management measures are most effective?

Can they be improved upon to better achieve what the goals and objectives are of the plan? Are there any additional management efforts that should be included on the FMP? The fourth issue in the PID; it talks about reference points and rebuilding timeframes. Those reference points are essentially the ones that were included in Issue 1 when I talked about the regional breakdowns in addition to the status quo option.

Given that depending on the breakdown the stock is in an overfished and overfishing condition, there would likely be rebuilding timeframes established to get the stock back to a healthy status. Ultimately the questions that we're scoping around that are does the public support the ability to change reference points based on the latest peer-reviewed stock assessment recommendations without the need of a management document?

Let me just take a minute and explain that question a little bit more. As you observed if you were here for lobster, there were reference points that came out of that stock assessment; and so the Lobster Fishery Management Plan has the flexibility to adopt those reference points if they get peer reviewed and are recommended to be changed through board action instead of through an actual management document.

That is basically what that question is asking; can reference points be adopted from a peer-reviewed assessment without a management document? The other is do you support the regional reference points that Issue 1 talked about? That would be essentially reference points that are specific to a region of states that would implement management measures to

achieve whatever the reference points are that the board would like them to achieve like the target reference points?

Then do you support stock rebuilding timeframes that correspond to the needs of each regional management area; so what are the timeframes that the public suggests that we try to end overfishing and bring our spawning stock biomass back to its target levels? That is a quick review of the specific options in the document.

Obviously with an amendment, we're scoping a lot of issues so we've included some other issues for consideration by the public; remembering that basically any issue that deals with the tautog fishery or the resource can be brought up through this Public Information Document process. Some of the other issues that were discussed were the adaptive management sections to achieve the FMP goals and objectives, remembering adaptive management allows for the board to use the addendum process to make changes to the management plan. That addendum process is quicker than the amendment process as it only has one round of public input in drafting of a document.

There is also landings' and biological monitoring requirements being included in that other section; so reporting timeframes, collection of age-and-length samples that would lead to more robust stock assessments and information to conduct those. This has come up quite a bit, illegal fishing of undersized tautog. That is another issue that is brought up in this PID.

The questions that go along with that is do you support use of the adaptive management process? Do you support increased monitoring to help with the stock assessments? There are questions that probe the undersized and is this a concern, the live fish market, the poaching that has been documented?

Then as a structural-oriented species like we've talked about; are there any habitat recommendations that would go along with this plan to protect the habitat that tautog use throughout their life history or that would aim at protecting the habitat. Then what other changes should be made to the tautog fishery that are not currently covered in the issues that we addressed?

Like I said, because we want to this to be an open and transparent process, we've provided the opportunity for the public to bring up any issues that are not currently scoped in the Public Information Document. That's a brief run through of the document, Mr. Chairman, and I'd be happy to answer any questions.

CHAIRMAN NOWALSKY: Thank you, Mike, for your presentation and thank you and Ashton for your work in putting this document together. To frame the discussion here, what we'll do is first we'll take any questions for staff about the creation of the document or specific questions about the content included therein. We'll then proceed to specific comments about the document.

If there are some minor modifications, text changes, inclusions to a certain section, I'd like to take those by board consensus where possible. If there are substantive changes to the document such as the addition of new issues, then those we will do as motions with a vote. At the conclusion of that, we will decide at the will of the board whether they wish to make a motion to send this out for public comment or if there is some other tact moving forward. With that, I'd like a show of hands for people that have questions about the presentation. We will start at the front of the room and go to the two hands I have for questions for staff about the presentation. Mr. Adler.

MR. WILLIAM A. ADLER: On the live market issue, I see several comments or questions to ask the public about undersized live market. Is there anything in this document – I didn't see it

– that had any questions about having a live market for legal-sized fish or is that just not in the document? I’m not trying to put it in here unless you’ve got something there on that, the live legal-size market.

MR. WAINE: The document just lays out that the preferred size for this live market is below a lot of the current minimum sizes for the states, but that doesn’t necessarily mean that there aren’t fish of legal size in the live market. It just talks about the preference for fish being below the minimum sizes.

MR. ADLER: All right, so we’re just talking about the undersized, illegal size live market here?

MR. WAINE: We do address that specifically, but that doesn’t preclude the public from talking about the live legal-sized market that exists. It just specifies the size ranges below the current minimum sizes preferred for the live market, but that doesn’t exclude legal fish from the live market.

MR. EMERSON C. HASBROUCK, JR.: Thank you, Mike, for a very good presentation. I have two questions and they’re both relative to process. Mike, there were a whole list of other issues that you had there. If the public provides input on those additional issues, then if we want we would incorporate those when, in November or February? How does that work? I also have a follow-up question.

CHAIRMAN NOWALSKY: Mike can correct me if I’m wrong. Once the board decides to send this out for public comment, the next step in the process will be for staff to collect those comments and develop a proposed amendment that would come back to the board that we would discuss and could include pretty much any of the information that comes back from the public as part of this process. Maybe, Mike, you could just go back to your earlier slide that had the specific date for when that proposed amendment might come before the board.

MR. WAINE: It is exactly as Adam described. If the board were to approve the Public Information Document for comment at this meeting, we would hold public hearings between now and the November meeting, bring back public comment at the November meeting and present it to the board.

The board would consider that input and essentially task the plan development team with drafting the amendment that includes either the issues scoped in the Public Information Document or any other issue that came out of the public input process. Between November and our next meeting in February of 2016; that is when the plan development team would draft the amendment document that contains those specific options and would bring it back for the board’s consideration at that February meeting at which point they would consider sending that document out for public comment, which would be the second round of public input.

CHAIRMAN NOWALSKY: So to summarize that, from the time we send out a Public Information Document we would likely see two meeting cycles later a draft amendment that this board would then potentially take action on for sending out another round of public comment. Does that answer your question?

MR. HASBROUCK: Yes, it does. A follow-up – and it is related to Question 1 – Mike, I believe you said the earliest that this process would be completed would be May of 2016; is that right: If so, the earliest the states would be able to implement any changes will be in the middle of the year. Delaying this process may not have much of an impact on what occurs in terms of implementing regulations in 2016.

CHAIRMAN NOWALSKY: Well, again, let me take a first crack at it and we will turn to Mike. Once the final document is approved; one of the elements of that document will be for this board to include an implementation date at that timeframe. Historically, once the board

has approved a management action; that implementation date is not usually that date that we vote on.

It is usually some point in the future. If the board completed action in May, they would go ahead and propose an implementation date for the states, which would likely – I'll simply say and I think most heads would nod in agreement; it would be very difficult even if we implemented the final amendment in May of 2016 to implement changed measures for 2016.

I think a more likely scenario would be whatever was approved some time during Calendar Year 2016 would then have an implementation date probably for the following fishing year. I will turn to staff if they have any other comments.

MR. WAINE: I think Adam summed it up perfectly.

CHAIRMAN NOWALSKY: Another question? Mr. Miller.

MR. ROY MILLER: I'm going to expose my ignorance for just a second. I'm curious why there is not an option similar to what we have for another species that is not subject to management at this particular meeting wherein it was proposed that there be a Delaware Bay specific region. Why do we not have a Long Island Sound specific region that would lump Connecticut and New York?

CHAIRMAN NOWALSKY: Mike, I'll let you touch on that.

MR. WAINE: From my understanding, Roy, the regional breakdowns come right out of the stock assessment. Because we don't have reference points for that sub-stock that exists in Long Island Sound, it wasn't included in the regional breakdowns that are in this Public Information Document at this point.

CHAIRMAN NOWALSKY: And I do think that's going to be a topic for discussion here as we move forward.

MR. MILLER: Just a quick follow-up, Mr. Chairman. It just seems to me that we would want to take a look at that because it appears to me as an outsider on this particular issues that that seems to be the crux of the controversy is how to treat the catches in Long Island Sound. I think the sooner we tackle that and see if that is a fertile area to explore, I think the better off we'd be.

CHAIRMAN NOWALSKY: Are there additional hands for questions here before we move into discussions. Mr. Luisi.

MR. MICHAEL LUISI: Following up on Emerson's comments regarding implementation; so if we're thinking that we move this forward and we implement in 2017, this current assessment that was done only has – the terminal year is 2012, so we're looking at a pretty significant time period between the terminal year of the assessment and implementation of management measures.

I'm curious as to whether or not there is a planned update of the assessment between now and when management measures would fall into place. The reason I ask is that we've recently made some changes. I think it was in 2014 when states implemented measures for a reduction to protect a growing stock and that we're now at the time period where the protected stock at that time could now be coming into those fish that could be part of the fishery. If you have any thoughts on what those plans are, it would be helpful.

CHAIRMAN NOWALSKY: I'll turn to staff to address potential updates we might get; and based on that answer, also how this board may act to further that process and meet your concerns.

MR. WAINE: Currently there isn't a stock assessment update or a benchmark stock assessment on the schedule. If the board wanted to receive a stock assessment update, they could task that noting that trying to basically fit it into what is an already pretty jam-packed assessment schedule; but directly to answer your question, Mike, there is no specific date as of right now for an update or a benchmark to occur.

CHAIRMAN NOWALSKY: Okay, seeing no further hands on the topic of questions, let's now proceed to comments, suggestions, motions for how to move forward. I've got a number of hands up. We will turn to Mr. Miller here on the right side of the room and work our way around counterclockwise.

MR. MILLER: I can be very brief. I just wanted to point that on Page 3 of the PID there is an apparent omission. It lists the states from Massachusetts to Virginia, and I don't see Delaware listed among those states. Thank you.

CHAIRMAN NOWALSKY: We're just double-checking that and let you know how best to address that.

MR. WAINE: It wasn't personal; I can promise you that.

CHAIRMAN NOWALSKY: No objection to including Delaware, I wouldn't think. Seeing none; we'll make that correction. Thank you very much. Mr. O'Reilly.

MR. ROB O'REILLY: Mr. Chairman, just a brief comment on the tables. These are going out to the public. I didn't look over all the information, but I do notice that on Page 16, Table 3-B, there is radically different information for Virginia in terms of the open seasons and the gear restrictions. I forwarded a copy of our regulation, which has been in existence since 2013, to Mike Waine just to kind of double-check that, and other states might

want to look as well since the public is going to see this. Thank you.

CHAIRMAN NOWALSKY: Okay, we'll double-check to make sure that all those measures included are accurate. Mr. Fote.

MR. THOMAS FOTE: I guess I have two points that we should be discussing. One is, of course, the Long Island Sound Issue. Lumping New Jersey in with Long Island Sound makes no biological sense; and really it makes no habitat sense either. The two bodies that we're talking about have completely different geographical information.

Long Island Sound, in some of the sections is 150 feet deep, 160 feet deep, has a rocky bottom and everything else. When you look at the coast of New Jersey, except from maybe Shark River north, there really is no structure like that. As a matter of fact, in Cape May they go out – to find 165 feet of water, you have to go out many miles.

It just doesn't make any biological – and to put it there just because of changing reference points or to basically smooth out mortality just doesn't make any sense, so we need to have a long discussion that. If we're going to start doing regionalization – and that's what I think the future is going to have – we really need to do regionalization on places that have the fish that are regionally the same.

Tautog is a perfect example; they just go in and out; so we should be looking at regions like the Delaware Bay or Raritan Bay and then the rest of the area. We should be looking at Long Island Sound and then we should be looking at the coast of New York and not just regionalization that makes no biological sense.

The other thing is I think we need at least an updated assessment in 2016 if we're going to move forward with a new plan. There are a lot of regulation changes that have gone on in the last couple of years. As we know with tautog,

when we change from one size to another size limit and raise that size limit, for two years you have a reduction in mortality but then it catches up. We need to have an assessment to basically look at all those factors. Those are the two points I would like to have further discussion on and hear other people's opinions.

CHAIRMAN NOWALSKY: Well, I think that is a wonderful segue as we recognize Mr. Simpson.

MR. DAVID SIMPSON: Continuing on that theme, yes, as I expressed before, I have concerns about Long Island Sound and the need to recognize that there is a great deal of overlap in the fisheries in Long Island Sound between New York and Connecticut, and the fish themselves move freely between the two states. As others have commented and evidenced by their comments, it is important to the coast; because based on the pie chart that Mike put up earlier, Long Island Sound represents more than 40 percent of coast-wide tautog harvest at this point. It is important on a coast-wide scale.

In the issue statement, I noted that the concern would be that separating the Sound would result in differing management measures for Connecticut and New York within the Sound, and that is not the concern at all. We have different rules now and that is common, so that is not a concern at all. It is that these same fish could be assessed differently and we essentially have two management objectives for this same exact fish, which can only lead to problems not only for New York and Connecticut but for our neighbor.

I mentioned before and I'll reiterate here the University of Connecticut received a grant from Sea Grant to conduct a stock assessment for Long Island Sound. That assessment we expect to be done in the next several months. New York staff and Connecticut staff along with the UConn researchers met last week in New York to discuss how we might populate the assessment with recreational and commercial

data and I think arrived at an understanding of how New York landings could be parsed out to support a Long Island Sound assessment.

I think it is important for multiple states that we take advantage of the information that will be coming on the tautog population within Long Island Sound that this stock assessment will bring. I'm not at all anxious to put off the Public Information Document, but I think you can anticipate the comments you'll get from the public from at least Massachusetts to New Jersey and maybe even Delaware because there can be sort of cascading effects that there is this need.

At this point I am hoping that the board will support holding off, looking for that Long Island Sound assessment. I talked with Bob Beal back in May and he seemed to indicate there would be the ability for the commission to conduct the peer review science so that you'd have the exact same quality of assessment and review to base management on. Then I think we can properly align assessment areas and management areas as the fish are trying to tell us it should be done.

CHAIRMAN NOWALSKY: Thanks, Dave, I appreciate it. Before we recognize Dr. Pierce, let me just go back to Tom Fote for a minute who had suggested an update to the assessment for 2016. I have been informed by staff that the Policy Board had previously approved that; so we are scheduled to see an update which will just take information from the previous couple of years and at least get us past the 2012 terminal year. Any other comments from staff on that?

MS. TONI KERNS: It is not in response to the 2016 schedule but in response to Dave. If we do move forward with utilizing the Long Island Sound assessment, it does have implications for how the rest of the stock has been assessed in that we would have to do another benchmark in order to have reference points for New Jersey south and the other portion of New York

because they weren't separated in a way that would give us reference points for those areas. If we were to utilize this Long Island Sound assessment, we would still need a benchmark to get reference points for the other areas.

DR. PIERCE: Mr. Chairman, I have a suggestion for two additional questions that can be added to the PID, and they're actually related. These questions focus on the motion that you have already mentioned earlier on in this meeting, the motion made at our last meeting, one that I made and was passed by the board. It is regarding an ASMFC mandated fish-tagging program to minimize the unlawful commerce of tautog and to improve the traceability of all fish in commerce; trace it back to the state or origin and harvester.

My suggestion, Mr. Chairman, is to get that comment that we're going to need regarding this particular issue; that we could add this question. I have not e-mailed it to the staff; I'll just read it. It is relatively brief. The question would be – and this could be in the list of questions on Page 13 of the PID, which is just after the section that deals with illegal fishing of undersized tautog.

The question would be should there be an ASMFC-mandated fish-tagging program to minimize the unlawful commerce of tautog and provide traceability of all fish in commerce back to the state of origin and harvester? The related question would be should the tag be at point of harvest or sale? This gets to the heart of the matter, frankly, regarding what perhaps our major problem is; overfishing caused by too much catch, which very well could be due to illegal harvest. Again, this ties continued discussion with the public to that motion.

CHAIRMAN NOWALSKY: Okay, so I'm hearing you would like to add that under the management questions and not as a whole new issue; and I think that is probably a reasonable place for it. Does staff have that; that we could put up just so everyone could see it?

MR. WAINE: Yes; I think I understand the intent. Ashton and I have talked about this as well; so as long as the board is comfortable with us communicating directly with Dr. Pierce or the sub-group who is going to be working on this issue moving forward, I'm happy with where we are.

CHAIRMAN NOWALSKY: Is there any objection from the board with staff communicating directly with Dr. Pierce to encapsulate that question under management questions for Issue 5? Two hands went up. We'll go back to Dr. Pierce first and then Jim Gilmore.

DR. PIERCE: Yes; it wouldn't be just with me. It would be with the subcommittee that is going to be established. It involves law enforcement and other individuals. Again, this is a PID, get the question out there, and then the specifics would be worked on in the meantime by the subcommittee as a charge from the board. The charges have already been provided by the board. I just made the motion and now we just get comments from the public regarding whether we should deal with similar to striped bass, for example. It is just not me; it is the board.

CHAIRMAN NOWALSKY: So hearing your reference to the subcommittee that we have not yet completely populated or convened; are you comfortable that staff could craft a question or questions to put in this document at this time?

DR. PIERCE: Yes; I am.

CHAIRMAN NOWALSKY: And staff concurs?

MR. WAINE: Yes.

MS. KERNS: We do have members of law enforcement on the subcommittee that we did establish, and I just wanted to let the board know who those members were. I wasn't under the understanding that we wanted board

members on that subcommittee; so if we could get people who are interested for board members, to let Ashton or myself know. We had Pat Moran from Massachusetts, Tim Huss from New York, Doug Messeck from Delaware, Jason Snellbaker from New Jersey. Logan Gregory from NOAA Fisheries can't be on this subcommittee, but he is going to try to get somebody from NOAA on the committee as well. That is the law enforcement members that are going to participate. If we get commissioners, that would be great.

CHAIRMAN NOWALSKY: Great; and once we finish the other items we've got on the agenda, I did put that under other business to come back to, and we can do that. Jim Gilmore.

MR. JAMES J. GILMORE, JR.: Mr. Chairman, wasn't the intent of that subcommittee – and I'm not sure, David, it was yours or the board's – to analyze cost of what this would be to implement?

MS. KERNS: I don't think the law enforcement officers will be able to help us with the cost to implement these measures. I can find out maybe the cost for enforcement, but we would need help from the states to let us know what it cost to implement these types of programs. I think we could use things like the Striped Bass Tagging Program to look at estimates, potentially.

MR. RUSS ALLEN: Mr. Chairman, I have a few things I'd like to discuss. First off, on Page 6 in the recreational fishery, the second and third paragraphs, we talk about historical harvest and then recent harvest. Then there is a short paragraph on recent harvest. I think it would be beneficial for just some context there to have some historical harvest numbers; maybe a short paragraph to fit in there also. I think that would be helpful to the public.

Also at the end of that paragraph, it talks about 3,851 fish in Table 4 and Table 4 is in pounds and not fish. That maybe needs a little thought

process there. Also on Page 7, under the statement of problem for Issue Number 1, it talks about tagging studies indicate tautog are non-migratory. I think it would be helpful there to have just a short sentence to talk about the inshore/offshore migration. That might be helpful for the public or for those who aren't aware of that.

Also since Rob mentioned Table 3-B, under New Jersey the open season – the third season should be November 9th and not November 1. That is an issue. I also would like to see a little bit more under Issue 1, stock management areas. I know there is a discussion there on Long Island Sound; and I know we're having that discussion. I don't want to get into it too much, but I think there should be some discussion there on how different New Jersey is in regards to the Long Island Sound fishery as other people have already mentioned. I think there needs to be more information in there also. Thank you, Mr. Chairman.

CHAIRMAN NOWALSKY: Okay, so let me go through that laundry list to make sure we've got everything here recorded. On Page 6, where there was the recreational data, you are looking for staff to make some additions to the historical information there as well as to reconcile Maryland's fish with the pounds that are offered elsewhere in the document. Staff is nodding they're okay with that.

The second item you had was for Page 7, a better description or replacement of the word "non-migratory" that reflects the science suggestion about the east/west migration of these fish, primarily north of the Chesapeake Bay. Staff is giving me a thumbs up on that one as well. You brought up another issue with regards to the commercial regulations. Again, that we will reconcile. Then the final item there was under Issue 1, was it, for Page 9, I believe; just adding some additional information. If you could repeat what you're looking for there again.

MR. ALLEN: It talks about emphasizing the shared fishery between New York and Connecticut, which is nice, but there are options in here that has New Jersey linked in there. The New Jersey fishery is completely different from that fishery. It does have the same type of fishery as the New York open water fishery, but I think that should be in there where there is more discussion.

This makes it look like, okay, this is the best option in my mind; so I think there should be just some break there to talk about how New Jersey has an open water fishery and that they don't link exactly. I think as we have that discussion and depending on how far we're going to wait or not wait for information on Long Island Sound; that might make a big difference to whatever gets in there. Thank you, Mr. Chairman.

MR. MILLER: Mr. Chairman, if I may follow up on Russ' comments and also on Dave Simpson's and Toni's comments, it would appear from their comments that the UConn stock assessment that is planned for – Dave wasn't specific – I guess 2015 or 2016; that information, according to Toni, can't be incorporated for management purposes until a new benchmark is done, which I presume couldn't occur before 2018. Am I correct in that, Toni?

MS. KERNS: I'm not saying that it can't be incorporated. It is just that if we do utilize the Long Island – if the board wanted to take management action on reference points that came out of this Long Island Sound assessment, we would need to do a benchmark assessment to deal with the rest of the southern portion of the stock.

Because the current stock assessment, the regional breakdowns don't match up with pulling Long Island Sound out, because New Jersey was included in the northern portions, not in the southern portions. Then the other half of New York would need to be shifted into

one of the areas. If you only use the Long Island Sound landings of New York, we still have other landings included in New York. We wouldn't have reference points for those.

MR. MILLER: Mr. Chairman, I just wanted to make sure I understood what our expectations are with regard to consideration of Long Island Sound as a separate regional management unit. It sounds to me like it is unlikely that we will have access to the information we need for a couple more years. I just wanted to make sure that was understood; and if not, what is an alternative?

CHAIRMAN NOWALSKY: I think it is clear from the responses from staff that it is not going to happen tomorrow. I would agree that at some point in the future and that some point being measured in years and not months is probably likely from a management use. Toni, would you care to further respond?

MS. KERNS: I guess the other option is to do regional management but not based on reference points for those specific areas. For summer flounder, let's say, we have a coast-wide set of reference points, but we break down management by regions. You could do regional management but based on not those regional reference points. It is a different tact than the direction this document is going, but it is to the pleasure of the board.

CHAIRMAN NOWALSKY: Dave Simpson.

MR. SIMPSON: As Toni pointed out, if we subset Long Island Sound as a unit stock, which I think there seems to be broad understanding that would be an appropriate scale on the board, anyway. The way to contain the problem is simply working between Connecticut and New Jersey; Connecticut, New York, New Jersey. It is where to subset that; yes, so we're doing the Long Island Sound assessment now. UConn is working on it now.

Then, right, we need to take New Jersey and South Shore, New York, and get an updated

assessment on that area, too. That way you don't have any effect on Rhode Island north or Delaware south. As I said, I don't want to delay any kind of management or this process for tautog; but I think it is so fundamental to tautog management what we're trying to achieve, which is appropriately scaled regional management; that I think that is the direction we need to go.

My question is whether there is any value in going ahead with the PID to hear back from the public what you're hearing around the table now that this isn't quite right. We need to refine the Connecticut to New Jersey area or do we just go ahead and say, look, yes, we need – it is either South Shore, New York and New Jersey; or to simplify, we probably should even consider just lumping New York and Connecticut together and assess New Jersey separately.

I think that kind of discussion in the near future is the appropriate way to move forward. I know the options that we have available right now are really problematic from a biological assessment and management perspective; that taking the Connecticut landings and the Long Island Sound wide trawl survey, which as I said before covers both New York and Connecticut waters, and assessing the Narragansett Bay/Buzzard's Bay fishery with that or – and at the same time not counting the Long Island Sound Trawl Survey in New York's – the majority of New York's, not including that same information; that is broken so we need to fix it.

I think the fix is we need two smaller assessments for this area. I do think we are going to have to push off approving the PID today. There is a number of other issues. I hear Russ talking about let's flesh out this difference in New Jersey versus New York and certainly Long Island Sound. We heard the last time from Rhode Island and Massachusetts that the northern grouping was problematic. I do think to move forward with tautog we need these two sub-stocks, if you will, assessed and then

we can move forward in this particular three-state area.

CHAIRMAN NOWALSKY: Okay, so let me first do a little cleanup here and going back to Russ' last request, which was for a little bit further development of how the regions utilize the fisheries on Page 9; and is staff comfortable with being able to further differentiate the fisheries of states to the south from the Long Island Sound fishery as it currently exists in the document and is that what you were trying to achieve, Russ? Russ is nodding his head and staff is nodding their heads. Next up I had Rob O'Reilly.

MR. O'REILLY: Mr. Chairman, a couple of things. I wasn't sure about the implementation of the sixth addendum. Did that take place in 2011? Did the states comply in 2011 or was it merely that is when it was established? The only reason I ask is it would make sense if 2011 – if states did implement measures, then on Page 20 you would have something for that time period, 2011 to 2014.

With your pie chart you could note that this corresponds to the implementation of Addendum VI. I'm not positive about that; but as far as when the states all came into compliance, but that would make more sense. The second idea is it is a little bit unusual to see Table 4 and the type of rise and fall inter-annually even with most of the states with the recreational landings; pretty spectacular in some cases.

I know that is what we have; that is the data; but at the same time would a directed trips help the public a little bit not only from an indicator of effort but also as sort of an economic indicator when you look at the directed trips for tautog. It doesn't have to be extensive. Perhaps you could match it up to whatever exists on Page 20; or if 2011 is part of that Addendum VI regime, you could have the trips for that period. I just think that anyone who looks at Table 4 would really have a lot of

questions as to what is going on there. I mean, clearly, year class effects aren't doing that.

CHAIRMAN NOWALSKY: Okay, so let me turn to staff and ask two questions to get clarification on that. Were the Addendum VI regulations implemented in 2012 for most states or not until 2013?

MR. WAINE: I don't have that off the top of my head; but if the board is comfortable with staff working through Rob's characterization of is that change in landings being matched up to implementation of that document and then also an explanation of what the trips look like, let us work a little bit with that, double-check that between now and the November meeting and we will bring back what we can in the next draft of this document if the board is comfortable with that approach.

CHAIRMAN NOWALSKY: Okay, so what I'm hearing you actually suggesting yourself is another draft of this document brought back before the board.

MR. WAINE: Yes, sorry, I didn't mean to be leading there. That's obviously at the board's discretion, but whatever review mechanism gets put in place, whether it needs to come back to the board at the next meeting or if it gets approved for public comment today, we can ensure to communicate with the individuals that made the specific suggestions in the document that we've appropriately and adequately characterized their concerns before it gets released to the public, if that is an acceptable approach. Sorry, I didn't mean to insinuate that this was going to another board meeting unless the board decides that is the case.

CHAIRMAN NOWALSKY: Okay, so Rob will have staff look at adding the directed trips to Table 4 and then will coordinate Figure 2 to make sure that that represents the landings that came post-implementation of Addendum VI. Would those meet your needs; and a nod of the head.

Okay, further discussion or action, either moving this ahead or some other course of action? Tom Fote.

MR. FOTE: Mr. Chairman, I think with all the changes we have made; that we need to really hold and bring this back to a full board for discussion and looking at. It has taken a long time to get to this point. The stock is not going to do anything really different in the meantime by changing the information document. I feel uncomfortable basically with all the discussion that has gone on and all the changes going on to say that we'll put a document out and maybe do this over a conference call.

I really would feel more comfortable sitting down around the table and basically going all through it again. There are still a lot of concerns. We're still thinking this through. Tautog has always been the perfect fishery to do actual regionalization. We're handling some of that right now, but truthfully does New Jersey really believe should it be south of Little Egg Harbor into Delaware and then Barnegat north with New York.

I think it is a perfect fishery; and since we're talking so much about regionalization, to actually make sure this plan goes through right. I'm not familiar with the Chesapeake Bay. I don't think there is a lot of fish in Maryland like tautog up in the Upper Bay, but I might be wrong. I don't have any information, but I know Virginia is an important fishery in tautog and basically a lot of that happens by the bridge. I'm just looking at how we do this.

With Maryland, their ocean fishery is more in tune with Virginia, so that is what I'm looking at. This should be the prime example of how to do this afterwards for other species, whether it is summer flounder, whether it is striped bass when we finally get some reference points from the Delaware River and Hudson River that we can start using for that. Anyway, that's just my thoughts.

CHAIRMAN NOWALSKY: Okay, before I get to you, Mark, where we are is we've had a lot of discussion about the document. I've got Mark Gibson I'll recognize in just a moment. The next step would be a motion to take it out or simply the board directing staff to go back, do these changes, possibly get some more information about either the assessment work that is going on for Long Island Sound. We are going to need to populate a PDT moving forward.

We have the issue of the law enforcement, illegal tagging, unreported fish; subcommittee that still needs some further discussion. These would all be things that can be ongoing, not moving to take this out today. I don't think anyone is suggesting that we're stopping the process entirely, but these would be some of the ongoing work that would go on. I'll turn to Toni for further clarification and then I'll come back to Mark Gibson.

MS. KERNS: I guess I just have a question. I think a lot of the changes that this board has asked us to do are not significant changes in the document. They can be fairly easily done. There is a couple of pieces in there that we would need to communicate with a couple of commissioners to make sure we have everything correctly.

Now, I haven't heard the board say you want us to change the regional management options in the document yet. If that is the direction that the board wants us to do, then that would be maybe a bigger lift and more substantial because we don't have a stock assessment to base that on, and we don't have a lot of direction from you yet on how to deal with the other portion of New York and New Jersey.

Whether that should be a region on its own, to be mixed into some other area, we would need that direction. If it is just the changes outside of those, it can be pretty easy for staff to make those changes and we could do an e-mail for the board or we could do a conference call for

you to look at the document to be able to stay on this timeframe.

It wasn't the intention of the board that I understood from last time to include the working group's information on the illegal harvest for the PID. It was something that we were pulling together for the draft amendment document where it would be thoroughly vetted for options in that document. The PID was just to gather some additional information from the public on the concept of the illegal reporting and fishing. Depending on the direction that you give the staff and PDT, I think you have two different avenues that you can approach this, if that makes sense, Mr. Chairman.

CHAIRMAN NOWALSKY: So if I'm hearing you correctly, if the board so directed you to, staff could include potentially other regional management options in this document, potentially further developing Issue 1 if the board so directed you to do so; is that what I'm hearing?

MS. KERNS: We can do our best to, but again it would not be based on a stock assessment. We would have to come up with an ad hoc way to deal with New York and New Jersey. We wouldn't have an actual reference point to go off of, so it would have to be something ad hoc. I don't know what the technical committee would come back with in terms of how to deal with that. They may come back and say it is not something we can do. We'd have to get their input.

CHAIRMAN NOWALSKY: All right, let me turn to Mark Gibson; and then I've got a couple of other hands up, and then I think I'm going to ask that we as a board decide how to move forward.

MR. MARK GIBSON: Mr. Chairman, I don't support holding off on taking this out to the public. I think we've had enough discussion here that staff and the appropriate board members can modify this document to be

worthwhile for the public to look at. Regardless of how the stock assessment was diced up or aggregated, you have biomass levels substantially below their thresholds.

That is a dangerous place to be for a species like tautog. You don't want to hang around there too long and this assessment is already three years old. I think we're playing with fire a bit by having this extended timeline and then discussions here that would potentially extend it even farther and require additional benchmark calculations and external stock assessments that would need to be blended in. I think we have enough to go on now; and if you're ready for a motion to take this out to the public, I would be happy to make that unless you have some more comments, I guess.

CHAIRMAN NOWALSKY: Let me recognize two more hands and then I will come back for a motion, if that is acceptable. Dave Simpson.

MR. SIMPSON: Well, I was going to make a motion to postpone taking this out to public comment until we can resolve the Connecticut, New York, New Jersey issue. I think it is confined to that. If there is a way that while this PID is out for comment the three of our states can get together and figure out the best way forward to subdivide this area, I'm okay with that, but I think that needs to be done.

I'm willing to investigate facilitating a New York/New Jersey or just a New Jersey assessment. I would be willing to put in state money to do that because I think this issue is important enough to Connecticut. If it took that, I would be willing to do that. I can't envision engaging in management based on the current assessments that are available in Long Island Sound.

CHAIRMAN NOWALSKY: Tom Fote, did you have any additional comments before I come back to Mark Gibson?

MR. FOTE: Well, I'd probably second Dave's motion just because of the fact that we send a document out like this to public hearings, everything else is going to get lost when people start looking at why are you sticking us up – in New Jersey I'm talking about – why are you sticking us up in Long Island Sound? I mean, that is going to be the whole topic of conversation when I get to public hearings, and that is not what I want.

I want to go to public hearings with a document that I'm looking for the focus of all the parts of the document. I know what is going to happen. As soon as they look at that thing, it basically is going to cloud every part of the discussion. I feel it is going to be a waste of my time to conduct public hearings on this because that's where the public will focus its attention on. We're better off straightening that out before we go to public hearings.

CHAIRMAN NOWALSKY: Mr. Gibson, the floor is yours.

MR. GIBSON: Mr. Chairman, I'm doing some vote counting and listening; and I'm not sensing that the motion I was going to make has enough legs to pass, so I will decline to make it and allow others to make the motions they think have the legs for today. Thank you.

CHAIRMAN NOWALSKY: Okay, if the desire is to take it out for public comment, we'll need that motion. If the desire is to go in some other direction, we don't need a motion to put this off. We just need some direction on how to move forward. Mr. O'Reilly, you had your hand up?

MR. O'REILLY: Yes; this is sort of a delayed response to something I heard earlier, so I'm still on the PID. There were comments made about non-migratory that were changed to some type of migration west for the Chesapeake Bay. I would think overall, from the public's perspective, that they would need

several pieces of information as to why the regional management was important.

I'm not sure where else it is captured, but there is certainly on Page 10 the idea of compatible and equitable management measures; but I think the migratory component is pretty important. I just want to make sure that staff checks back with Dr. Cynthia Jones, because what I heard at the last meeting was it is more than an offshore/inshore component. There is also movement north.

I can't tell you that I know beyond Chesapeake Bay at this point; but I think it ought be certain that there isn't more evidence for some migratory behavior, because the regions, if they can have as much substance as possible as to why they are a better way of management, I think that is what the public needs to really see.

CHAIRMAN NOWALSKY: Staff can work to further develop the migration habits of tautog. Dr. Pierce.

DR. PIERCE: I appreciate the reservations of some board members regarding the PID. There are some very contentious issues in here, of courses, and on top of the list is how the regions will be broken up. I understand the hesitancy to bring the PID out to public comment at this time; but I always am influenced by the fact that it is a PID.

It is a public information document and we're a long way from having a draft amendment that would then be brought to public hearing again. Everything that has been said here today will be said again during and after we get comment on the PID. I just want to move this forward. I think Mark has already highlighted the important points. This assessment is old already. I suspect the fishing mortality is higher than what it is believed to be. I believe there is a tremendous amount of illegal harvest.

I'm convinced that we need not to hesitate but to bring it forward, see what falls out and then

continue our discussions later on as to what needs to be done. We will benefit from the work of the subcommittee regarding the tagging program. We will benefit from whatever can be worked out with the Dave Simpson and other states on some other management arrangement. We don't have to bring that other arrangement out to the public now as part of a PID. That will be with the draft amendment. I would make a motion that we approve the PID for public comment.

CHAIRMAN NOWALSKY: Would you include the revisions that were discussed today?

DR. PIERCE: Yes, as revised.

CHAIRMAN NOWALSKY: Okay, so we have a motion to approve the Tautog Public Information Document for public comment as revised today. Motion made by Dr. Pierce; seconded by Mr. Gibson. Discussion on the motion? Let me get a list of hands that would like to speak in favor of the motion and a show of hands that would like to speak against it. Before I turn to Mr. Simpson to speak against the motion, Dr. Pierce, do you have anything else you'd like to speak in favor of your motion?

DR. PIERCE: I've already said it, Mr. Chairman, and thanks for the additional opportunity.

CHAIRMAN NOWALSKY: Mr. Adler, did you want to speak in favor or against? In favor; okay, let me go to Mr. Simpson.

MR. SIMPSON: I'm not necessarily opposed because I don't want time to slip; but I think we need something in the PID that clearly articulates the concern for the Connecticut to New Jersey area and the need to take a closer look at a possible subdivision of that area into two stock assessment areas.

I think if we had that we could get together as three states, figure out how we might split that into a couple of assessment areas and get that work done and incorporate it still in a timely

fashion. Again, I don't want to delay action that is perceived to be needed with tautog.

MR. ADLER: Yes; I'm in favor of moving it forward because, first of all, you already went through how long it is going to take before anything really gets done as far as final. There were a number of issues today, which staff seemed to say they can incorporate in this PID before it goes out. The biggest issue that I've heard today is the area between Connecticut and New Jersey issues with Long Island Sound.

I don't see why somebody can't work on getting some answers for that or updates while the PID is going. I assume the PID will include do you think Long Island Sound should be separate; and the answer will probably come through, yes. Maybe it won't; but in the meantime it could be prepared that when the PID comes back, if that is a big deal and they want it done that way, there will have been work done that could be put into the draft amendment, which as Dave says, and then goes back out anyway.

I think moving this along rather than looking at 2017, '18, whenever to try to get something done; I think it is appropriate to take this out as corrected or added to and in the meantime do the other work that people want done. Thank you.

CHAIRMAN NOWALSKY: Just to be clear, the document as it stands and with the revisions today does not include an option for discussion for the public about Long Island Sound having its own management. That may come out of the document in the public comment that we receive, but that is not a discussion specifically asked.

I think with the conversation we had earlier, staff could further develop Issue 1 with that. I think it would take some time, if I heard them correctly, and I'll turn to staff to further address the question of whether the document asks and is likely to solicit responses about managing Long Island Sound separately as its own region.

MR. WAINE: Based on the discussion today, I think we can provide some background for that. The way Issue 1 is laid out has specific options that are based on the delineations of the stock units from the assessment. Because we do not have reference points for that Long Island Sound specific stock, that isn't specifically an option within the PID as it is currently written.

I think what the chairman was trying to ask the board is do you want to include an option in there that specifically asks if this is how the public would like that region managed. If we do that, it is with the acknowledgment that we do not have reference points to use for management for that specific stock designation.

CHAIRMAN NOWALSKY: Next up I have Mr. Fote.

MR. FOTE: I will let Russ handle one part of it and I'll do the second part.

MR. ALLEN: After some discussion, we think that there is a possibility of taking the PID out as is. I thought Mr. Simpson had some really good points and also you, Mr. Chairman; and with Mike's suggestions on how to make Issue 1 just have a discussion about the differences between New York, Connecticut and New Jersey; and also bring in some discussion on how we're going to try to do things in the future with a Long Island Sound stock assessment and maybe take New Jersey's data with some of New York's data and develop that over the next six months or so and see if we can't come out and have some sort of regionalization on that.

I think it would be a good idea to just move this forward and also make sure the public understands that these are the issues and that we're working on them in the meantime of this PID. I think that is a good way to move this forward. I would be ready to support this motion knowing that we're going to have this discussion amongst these three states and moving that forward. Thank you very much.

CHAIRMAN NOWALSKY: Mike also has a suggested revision that I'll turn to him that he could further inform the board about that would then fall under the "as revised today" with the acknowledgment of the board.

MR. WAINE: Yes; it is kind of reiterating what I just said; but based on Russ' comments, the way Issue 1 is currently laid out in the PID right now is it has options that are specific to the stock delineations in the benchmark – I feel like a broken record – and so ultimately if the board would like, we could add another option that scopes this issue further and specifically allows public input on an option that would be Long Island Sound specific stock delineation in addition to the other options that came right out of the benchmark assessment and noting the caveat that we do not currently have reference points to manage with those delineations; but it is something that is currently in the works and we can explain that in more detail.

CHAIRMAN NOWALSKY: Looking around the room, is there any objection to letting staff further develop Issue 1 and posing that? Okay, seeing none; additional hands to speak on the motion. I had Emerson. Is there anyone else who wants to speak on it?

MR. HASBROUCK: Mike, you actually addressed something that I was going to raise in terms of how we might be able to structure that. In terms of this motion then, the document for public comment as revised today, based on the discussion we just had; that will incorporate a section in, whatever it was, 1A that talks about Long Island Sound; is that correct?

CHAIRMAN NOWALSKY: The revisions that we had today will go back to those people who brought them up. Staff will bring them back for those individuals to review it. As chairman I would review those with the staff; and once we were comfortable with it, that is then the document that would go out. Okay, I've got

two more hands and then I think we'll move the question. Tom Fote.

MR. FOTE: My concern was with this straightened out; because if this thing is straightened out, all I'm going to hear is that we should put Connecticut with Rhode Island and Massachusetts. My other point here is we went out in 2011. I spent a lot of time at public hearings, and the number one problem there, the number one thing discussed at that particular time is how do we deal with the illegal fishery?

We basically were told back then that we should have all these things; so we're just going to go out with this information document with the same thing. It really is up to this board when that information comes back. It came back loud and clear when we went out with the amendment in 2010 that we should have a tagging program, we need to do better to basically address this illegal fishery problem in tautog. At least hopefully this time we will actually do something.

When we went out to public comment, I think it was in every state that we should do something and we just kicked the can down the road. Hopefully this time we will act and hopefully we might not wait until we do the major amendments on this create these regions but do this immediately under an addendum, the existing one, and do a separate addendum to deal with that as soon as the tagging committee basically comes back with their report. That's all I have to say.

CHAIRMAN NOWALSKY: Okay, I'm going to turn to Mr. Simpson and then we're going to move the question.

MR. SIMPSON: I just reframing for the document, Issue 1 right now is characterizing the only difference between Option 2 and 3 is where to put Connecticut. I think it needs to be more of a discussion about within – I was thinking at the time within Option 3; that

Connecticut to New Jersey region the issue is how to subdivide.

I think it is something that, Mike, between you and me and the New York and New Jersey if we have an opportunity to help craft that, I think we will be in good shape. Worse case is now it just says where to put Connecticut and the problem is that we might have different management measures between New York and Connecticut. That doesn't capture it.

CHAIRMAN NOWALSKY: Mike has a comment he wants to make before we vote on the question.

MR. WAINE: I think everyone understands the process. Staff will work with the commissioners to ensure that we've addressed the concerns. Dave, I just say that staff is totally welcoming any language that you have to help clarify this. We would love that. Thanks.

CHAIRMAN NOWALSKY: Okay, we have a motion to approve the Tautog Public Information Document for public comment as revised today. Motion by Dr. Pierce; seconded by Mr. Gibson. We will take 30 seconds to caucus and then take a vote.

(Whereupon, a caucus was held.)

CHAIRMAN NOWALSKY: Okay, all those in favor please raise your right hand; opposed like sign; abstentions; null votes. The motion carries unanimously; and staff will go ahead and make the revisions discussed here today, get back to those individuals with those for review, and we'll move forward. We'll move on to the next order of business – comment from Toni.

MS. KERNS: Just quickly; we're trying to follow the timeframes that are established for the amendment process. The document needs to be out 30 days before we have hearings and then the comment closes 14 days after the last hearing. Because it will be somewhat of a timeframe to do all of this, it is just that for states that we've asked for additional language

from and help from, we're going to ask that you do that rather quickly.

Also in responding to Ashton, when she asks for hearings, if we could do that as quickly as possible as well so we stay within these timeframes. We will send out an e-mail this week asking who will want hearings, et cetera, so we can start working on that now. Thank you.

POPULATE ADVISORY PANEL MEMBERSHIP

CHAIRMAN NOWALSKY: The next order of business to come before the board is to review and populate advisory panel membership. Mike.

MR. WAINE: We've received three nominations for the Tautog Advisory Panel. Those were Travis Barao from Rhode Island – he is representing the recreational fishery – Edward Yates from New Jersey for the for-hire charter and Wes Blow from Virginia for the recreational fishery. We would be looking for a motion from the board to approve these members to the Advisory Panel for Tautog.

MR. ADLER: Mr. Chairman, I'll make the motion to accept Travis Barao from Rhode Island, Edward Yates from New Jersey and Wes Blow from Virginia to be added to the Tautog Advisory Panel.

CHAIRMAN NOWALSKY: Seconded by Mr. O'Reilly. Discussion on the motion? Seeing none; I don't believe there is a need to caucus. Is there any objection to the motion for these members? Seeing none; the motion carries without objection. The next order of business is to just circle back to the motion from the last meeting.

Dr. Pierce had read it earlier: Move to establish a Joint Subcommittee of the Tautog Management Board and the Law Enforcement Committee to study problems of unauthorized harvest and sale of tautog especially in the well-

publicized live fish market in local and interstate commerce that likely is contributing to current levels of overfishing. The joint committee is to: (1) determine the feasibility of ASMFC mandating a fish-tagging program for each state that would minimize the unlawful commerce of tautog and provide traceability of all fish in commerce back to the state of origin and harvester, and (2), if feasible, then offer details of such a program to accomplish the two aforementioned objectives.

Toni, I believe that you had mentioned you had members of the Law Enforcement Committee for this subcommittee but that we would still need Tautog Management Board members. Is that something you'd like to get volunteers from here today or would you like to get those after this board meeting concludes?

MS. KERNS: It is the pleasure of the board, Mr. Chairman. If you want to choose people or if people want to volunteer, it is at your discretion. We would have meetings this fall.

CHAIRMAN NOWALSKY: Are there volunteers here today or would the preference be to get back? Okay, I see a couple of hands. I have Dr. Pierce; I have Mr. Simpson. I don't think that would preclude anyone else from coming forward in the next couple of weeks if they have an interest. That would be something probably that I would take part as well on as board chair. Okay, any further discussion on that previous motion from the last board meeting?

Seeing none; let me just also make one additional comment that the board currently does not have a vice-chair, and it is the intention to solicit nominations and elect a vice-chair for this board at the annual meeting. Is there any other business to come before the Tautog Board today? Seeing none; a motion to adjourn. Mr. O'Reilly; seconded by Mr. Adler. Without objection, this board is adjourned.

(Whereupon, the meeting was adjourned at 10:25 o'clock a.m., August 5, 2015.)