

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

**August 15, 2006
Doubletree Hotel Crystal City
Arlington, Virginia**

Approved October 25, 2006

ATTENDANCE

Board Members

David Pierce, Massachusetts DMF
Bill Adler, Massachusetts Gov. Appointee
Vito Calomo, proxy for Rep. Verga (MA)
Mark Gibson, Rhode Island DEM
Gil Pope, proxy for Rep. Naughton (RI)
Mark Alexander, proxy for Eric Smith (CT)
Lance Stewart, Connecticut Gov. Appointee
Gordon Colvin, New York DEC
Pat Augustine, New York Gov. Appointee
Peter Himchak, New Jersey F&G
Erling Berg, New Jersey Gov. Appointee

Roy Miller, Delaware DFW
Jeff Tinsman, proxy for Timothy Targett (DE)
Bernie Pankowski, proxy for Sen. Robert
Venables (DE)
Howard King, Maryland DNR
Bruno Vasta, Maryland Gov. Appointee
Jack Travelstead, Virginia MRC
Catherine Davenport, VA Gov. Appointee
Harry Mears, NMFS
Peter Burns, NMFS

Ex-Officio Members

Paul Caruso, TC Member

ASMFC Staff

Ruth Christianse
Bob Beal
Nichola Meserve
Vince O'Shea

Guests

Bennie Williams, USFWS-FWMA
Tom Meyer, NMFS

There may have been others in attendance who did not sign the attendance sheet.

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SUMMARY OF MOTIONS

Main Motion:

Move that the Board begin development of an Addendum to the Tautog FMP to (1) adopt a SSB threshold and target with one option being an SSB target comparable to a 30,000 MT total biomass (1982-1992 mean), and (2) set an F target below the current target of $F=0.29$ to allow for stock rebuilding. The Board will determine the Addendum rebuilding timeline options after reviewing Technical Committee analyses of different lower F targets and the likelihood of achieving corresponding biomass targets on a coast-wide basis.

Motion made by Mr. Tinsman, second by Mr. Augustine.

Motion to Amend:

Move to amend by adding the following language after the word rebuilding on the fifth line “individual states or groups of states are authorized to develop SSB and F rate targets and thresholds appropriate for that geographic region to be reviewed and approved by the Technical Committee and Management Board.”

Motion made by Mr. Gibson, second by Mr. Travelstead. Motion carries.

Main Motion as Amended:

Move that the Board begin development of an Addendum to the Tautog FMP to (1) adopt a SSB threshold and target with one option being an SSB target comparable to a 30,000 MT total biomass (1982-1992 mean), and (2) set an F target below the current target of $F=0.29$ to allow for stock rebuilding. Individual states or groups of states are authorized to develop SSB and F rate targets and thresholds appropriate for that geographic region to be reviewed and approved by the Technical Committee and Management Board.

Motion made by Mr. Tinsman, second by Mr. Augustine. Motion carries unanimously.

Move to approve Delaware and North Carolina for *de minimis* status for 2006.

Motion made by Mr. Augustine, second by Mr. Calomo. Motion carries.

Move to approve the 2005 Tautog FMP Review.

Motion made by Mr. Calomo, second by Mr. Augustine. Motion carries.

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FISHERIES COMMISSION**

TAUTOG MANAGEMENT BOARD

**Doubletree Hotel Crystal City
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AUGUST 15, 2006

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WECLCOME/CALL TO ORDER

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of Doubletree Hotel Crystal City, Arlington, Virginia, August 15, 2006, and was called to order at 1:47 o'clock p.m. by Chairman David Pierce.

CHAIRMAN DAVID PIERCE: All right, Tautog Board members, would you please take your seats so we can see if there is a quorum. We have a quorum, so let's begin the meeting of the Tautog Management Board. We are scheduled for three hours. I will be amazed if it takes three hours.

You have an agenda. If no one objects, we will work off of that agenda for this meeting. I do see a suggestion for a change. Bill.

MR. WILLIAM A. ADLER: Actually, Mr. Chairman, did we have minutes on this.

CHAIRMAN PIERCE: I believe there are minutes; the minutes were on the CD. Everyone, therefore, should have the minutes.

MR. ADLER: They are not on the agenda.

CHAIRMAN PIERCE: They are not on the agenda; good observation. Let's address

the minutes right now. I'm assuming that everyone had a chance to read the minutes or will now pretend that they have read the minutes. Is there a motion to accept the minutes?

MR. ADLER: So move.

CHAIRMAN PIERCE: Motion is made by Bill Adler; seconded by Gil Pope. Without objection, we will accept the minutes of our last tautog meeting. Thank you very much, Bill, for that catch.

PUBLIC COMMENT

Public comment, I see the audience is replete with members of the public. Is there anyone in the audience as a member of the public who would like an opportunity to address the Board on any issue that relates to tautog that is not already scheduled for the agenda?

I see no interest; therefore, we go to Item 3 on the agenda, and that is the report on the updated VPA Model and technical committee recommendations.

***REPORT ON UPDATED VPA MODEL
AND TECHNICAL COMMITTEE
RECOMMENDATIONS***

This is a presentation by Paul Caruso. The Board has been awaiting this particular report, and in particular has been very anxious to hear what the technical committee has to say regarding recommendations for changes in tautog management.

Pay, of course, close attention to this one, Board members, since Item 4 on the agenda is very important, decision on next steps in tautog management. We have touched on this at the last few Board meetings, and we really haven't made any progress. I think

we decided that it was necessary to wait for some specific recommendations from the technical committee, and we're about to receive those.

MR. PAUL CARUSO: Thank you, David, and good afternoon. I just wanted to state briefly that I am here on behalf of the technical committee, and I am standing in for Jason McNamee, Rhode Island, who is your new Chair. Unfortunately, Jason found out on a very short notice that he was the Chair and couldn't fit this into his schedule. He already had a commitment.

I'll have a brief ten-minute slide show that will update us on where we have come in the last few months and recap a little bit about where we were in January and hopefully lead you into some recommendations from the technical committee.

The charge to the committee, via the Chair and a letter from Jeff Tinsman, was to update the VPA to include an estimate of fishing mortality for 2004. As you recall, the VPA did not include an estimate for 2004 due to instability of the results because the model lacked fisheries-independent indices for 2005.

Having those indices, we were able to update the VPA quite easily. The other charge was to review and comment on the peer review findings. As you recall, the peer review chair came before you and gave the recommendations of the peer review, and the technical committee had not had a chance to respond to those peer review findings, so we commented those.

Based on Jeff's letter to the Board and to the technical committee, we commented on the choice of 40 percent spawning stock biomass as the F target and its ability to rebuild the stock, and we have some recommendations for you at the end.

The assessment history, just to recap really briefly, in SARC 26, back about ten years ago, they rejected the initial VPA. In SARC 30 in 1999, we had two models, a VPA and biomass dynamic model. They rejected the biomass dynamic model and accepted the VPA results in a collaborative tagging F. At that time F was 0.29.

We had an ASMFC assessment update in 2002, which was not peer reviewed. At that time the fishing mortality rate was about 0.4, and we adopted the fishing mortality target of 40 percent SSB at the same time, and a corresponding F to go with that target was 0.29.

That was your plan target. In 2005 we had the benchmark assessments, which I presented to you the findings in January. That was a coast-wide VPA. Plus, we had state-by-state stock status reports included in the report.

And as I mentioned just a moment ago, we were able to update that same VPA with the new 2005 fisheries-independent indices and the 2004 catch to get us a terminal F estimate for 2004, which is the second year of management.

You recall you implemented a management regime that was to lower the fishing mortality rate about 30 percent, and you had two years of fishing under that management regime, 2003 and 2004. So it was pretty important, I think, to get a good read on that mortality rate for those two years where management was in effect.

The approved VPA that we saw in January, you recall the fit was about 0.6, and we had 49 fisheries-independent indices. The catch at age was 1982 to 2003. The F estimate is based on ages one through twelve plus fish.

The F estimate is catch-weighted average of ages eight through ten, and the terminal year F for 2003 was estimated at 0.3. The January 1 biomass estimate was 11 million metric tons, and 10.2 million tons was your spawning stock biomass estimate, and that was a slight increase from 2002.

Now, the update, we used the same exact configuration, basically just plugged in the new fisheries-independent indices and added the 2004 catch series. The fit was very similar, as we would expect, just declined just a little bit, 0.62.

The same number of indices, the catch at age is the same, but we just added 2004. The F estimate is the same ages, and we have a terminal year F estimate for 2004 of 0.28, which is good news. You're below the target.

We also have a reset on the 2003 estimate, which went down to 0.28, so, again, it confirmed the fact that, one, we have a retrospective pattern that underestimates or tends to overestimate F in the terminal year. In subsequent VPA updates, it goes downhill, unlike fluke, which goes uphill, so it's a good thing.

Your January biomass estimates for 2004, we said 11 million metric tons, and your SSB in 2004 is about 10.6 million metric tons, again, a slight increase from 2003. Actually, I think the comma is in the wrong spot, but we will have to check on that.

Fishing mortality, this is your historical retrospective pattern. You have seen this before. The only change here is the blue line, which is the 2006 update. The good part is it basically lays on top of the other lines. And if you look at the very last point there, 2004, it's right on the target; so, again, good news for tautog.

Your January 1 biomass now, you have a 2005 estimate. We put in a 1982 to 1992 mean here. The reason for the addition of that line is at the current time that is looking like it's going to represent some reasonable target of biomass. You can see that mean, and you have been pretty flat since about '94, so you're far below that mean.

The same with your SSB, if we put the mean in, it might represent a reasonable target for spawning stock biomass. You can see it's gone uphill a little bit in the last few years, but it's still pretty flat and well below the time series mean.

Age one recruitment, as in the past VPA, it's gone uphill a little bit in the last few years, but it's somewhat flat, but it is going up, and that's a good thing. The only change on this, other than the addition of an additional point, is the red line is actually the time series trend.

If you follow it from the right-hand side to the left-hand side, you'll notice a continual pattern of declining spawning stock biomass and continual recruitment until the very last few years, where recruitment has improved despite fairly low biomass, and that probably has something to do with the mean size of the individual animals.

And in 2002 we have this anomalous year -- again, I call it a gift from Mother Nature -- that seems to be pushing the biomass up and the spawning stock biomass uphill, so it's a good thing.

We just included this slide as a brief refresher from where we've come to where we're at, and you'll notice that catches have gone down quite a bit over the time series. They bottomed out in '98; they've come up a little bit since.

Essentially, part of it is the stock decline, but part of it is your management. Your

management is fairly successful in the last few years of keeping the catch down. I think that's all I'll say about this particular slide.

So, the stock status, based on the VPA update, is that overfishing is not occurring. Based on the current F target and the VPA F estimates for the last two years, spawning stock and biomass remain at low levels, about one-third of the early time series average, and the catches remain at fairly low levels.

Now, I am going to switch over to the key peer review findings as the basis to show you what our comments were based on. These were the comments of the peer review panel. They recommended these, and these are the key ones:

The VPA offers the best estimate of stock status and metrics for comparison to the FMP. They recommended the use of an average F over the last few years versus the terminal year F, which is what your FMP says, to compare overfishing. It results in an F of 0.4 and overfishing is occurring. You remember this all comes from January.

It says continue the development of state-specific assessments. Their finding was that they weren't refined enough for management at this time; that the F's from the state reports are not comparable to the VPA F's due to variable partial recruitment vectors, which is your age at entry, and the indices chosen to represent the biomass in the biomass dynamic model that Rhode Island put forward.

They had a similar comment regarding the F from the biomass dynamic model and the VPA as well for Rhode Island. I just didn't have the space for it. Their other key findings were that the FMP had no overfished definitions, so overfished status cannot be determined, and management

actions are not triggered if you're below the target F.

The relationship of 40 percent SPR target to the MSY and recruitment is unknown. If stock-recruitment relationship was realistic that we presented, then stock sizes would need to be doubled to result in average recruitment.

Recruitment is increasing slightly, but the spawning stock biomass and biomass are roughly one-third of the time series average, pretty much what you saw in the earlier slides.

This represents the committee's comments regarding those key peer review findings. The committee agreed with the major peer review findings, except for Item 2, which has to do with the averaging of the last three years' F.

The reasons for the committee's comments in that regard are that the historical retrospective pattern of F does not depict significant differences in terminal year estimates, so we're not seeing what we see in fluke, so it's a good thing.

When a difference occurs, F declines, making the decisions based on that value risk adverse instead of risky. Using a three-year average is considered for management only if F levels are dropping; and if F is rising, the three-year average will be lower and management actions would be risk-prone.

So, basically, the committee is recommending that you stay with the current target regarding F and not use the three-year average approach with this animal.

Additional comments were we agreed that the coast-wide VPA continues to offer the best opportunity to determine stock status. We also agree with the peer review panel's

recommendation that additional models be explored in future assessments.

I think we go into almost every assessment with the intent to use all the tools available. Sometimes you run out of time; sometimes you run out of data. In this case we ran out of time before we ran out of data, and other times we have run out of data. The data is getting better.

Regarding the FMP target and rebuilding schedule, we did some preliminary yield-per-recruit and projection modeling, and the results indicate to date that the current F target and target rate may be too high to allow stock rebuilding within a 20-year horizon.

It's looking more and more like the initial F target of 0.15 was probably a better rebuilding F. An additional analysis will be needed to confirm those findings and recommend appropriate stock targets.

We essentially ran out of time to sit down and spend a lot of time with the models. We were comfortable with what we did to date, but we know we needed more of an opportunity to go back and spend a little more time with those projection models and yield-per-recruit models.

So, the committee's recommended action would be to initiate the process of amending the FMP to include our spawning stock biomass target and threshold and to refine the yield-per-recruit and projection modeling that would give you the suite of options to go with those targets and thresholds. That's pretty much it from the committee.

DECISION ON NEXT STEPS IN MANAGEMENT

CHAIRMAN PIERCE: All right, thank you, Paul. Are there any questions of Paul?

MR. BRUNO VASTA: Thank you, Mr. Chairman. Paul, in the initial document, your memo to the technical committee, on the last page you're showing state and coast-wide takes in numbers of fish; and if you look at the cross-column of 2005, you say that does not include commercial harvest numbers.

I'm from Maryland, and we don't quite understand the tremendous rise in that number. In past years it's 24, 26, 17, 22, and now it's 110,000 for 2005, and that doesn't even include the commercial.

MR. CARUSO: One caution, obviously, is this is MRFSS data, and I think your state, in particular, has a history of your landings going way up and way down in a particular year. I think you always have to be pretty careful with the estimates, particularly for your state where the incident counter with people that have landed tautog are pretty low.

Regarding the last year, the commercial estimates aren't available yet, but traditionally they only add up to about 10 percent. I think if you'd stand back and look at it from afar, you get the idea of the trends.

CHAIRMAN PIERCE: All set, Bruno? All right, Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. A couple of slides before, at one slide you had overfishing is not occurring, and the very next slide you have overfishing is occurring. When did you do that?

MR. CARUSO: One is the peer review findings. I mean, the committee's consensus is that you're not overfishing. The peer review findings were relative to that January – remember, we had the meeting in January – so they were recommending averaging the last two years; in which case, it would have been over the target.

The new VPA indicates that you are below the target for both years, and the committee also recommends not to average because, in this case, you are being risk-adverse by not averaging. If you would average, you'd make a bad decision instead of a good decision.

MR. ADLER: Okay, so that was, like, two different committees' report –

MR. CARUSO: Well, the peer review findings versus the technical committee.

MR. ADLER: Okay, one more question, Mr. Chairman. When you said that it would be better to have an F of 0.15, that's based on the fact that right now we have an F of 0.40?

MR. CARUSO: Right now your F is 0.28, and your target is 0.29, so you're not overfishing. But if we look at rebuilding the stock, if you want to move towards some reasonable thresholds and targets based upon both the modeling and the history of the animal – and this is just preliminary; don't take it to heart. We haven't refined the models yet – it's looking like the original F target of 0.15 would have gotten you there in about another five or six years, ten years, maximum. Whereas, the target rate of 0.29, it's going to take 20, maybe 30 years to get you where you might want to go.

CHAIRMAN PIERCE: Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thanks, Mr. Chairman. Thanks, Paul, for this presentation; it's really great. My question has to do with the '02 year class. I was just wondering if there had been discussions – you had a graph there showing it was very high recruitment – were there discussions within the committee about the implications of that '02 year class.

When are they going to recruit into the fishery -- you had made a comment about some of the implications of "potential rebuild the stock" – when decisions might need to be made to perhaps, if you will, take advantage of the '02 year class in terms of a rebuilding strategy? Did you guys have a discussion about that?

MR. CARUSO: We didn't, but just casually I could say in 2002, they recruit to the fishery at about age 7 or 8. In 2010 you're going to see them enter the fishery.

EXECUTIVE DIRECTOR O'SHEA: So the idea would that there is time to make a decision about what to do with those animals before they recruit into the fishery, from a management perspective.

CHAIRMAN PIERCE: Any further questions of Paul? Harry Mears.

MR. HARRY MEARS: Thank you, Mr. Chairman. Paul, a continued clarification. I'm trying to better understand the differences in the recommendations from the peer review versus the decision by the technical committee; namely, the recommendation from the peer review to use a three-year average; and as I understand it, the decision by the technical committee to be more risk-adverse and stay with the terminal year.

Yet, using the three-year average would conclude overfishing is occurring. So, would you explain once again how the technical committee's decision is less risk-adverse?

MR. CARUSO: I know it sounds a little convoluted. I had a little trouble dealing with it myself. Basically, because the VPA shows that we historically over-estimate that terminal year F; in other words, the VPA last year said 2003 was 0.3. Now it says it's 0.28. Over time it might say it's 0.26.

If you took a three-year average – so that’s a good thing; that’s part of it. So take the terminal year F and go with it, because it’s not like fluke, it’s not going in the wrong direction.

The other part, if you took a three-year average, say, 0.3, 0.2, 0.1, the average would be 0.2. So if you thought it was at 0.2, and the stock was going downhill, you would maybe think you’re at the target when you weren’t – or you wouldn’t make a management action to recover.

Whereas, this way, the opposite – if it was going uphill, 0.1, 0.2 or 0.3, the average is still 0.2, the mortality rate would still be going up, but you’re based on that old average or the lower average. I don’t know if that sounds right, but that’s basically the concept.

CHAIRMAN PIERCE: Any further questions that relate specifically to the recommendations being made by the technical committee? That was the last slide that he showed regarding the biomass, SSB targets and the thresholds, and the other recommendations they make. Okay, I see none.

If there are no further questions regarding Paul’s presentation, thank you very much, Paul. We appreciate all of the work done by the technical committee on this issue.

The next item on the agenda is the natural follow-up to this presentation, and that is we now need to make a decision or decisions on the next steps in tautog management. Any thoughts, Board members?

MR. JEFF TINSMAN: Mr. Chairman, in light of the technical committee report that we just heard, I think it would be appropriate for the Board to move ahead with an addendum to the plan and to

include, for the first time, spawning stock biomass, threshold and target, as well as considering other fishing mortality reference points. I have a motion to offer along those lines after whatever other discussion is necessary.

CHAIRMAN PIERCE: If you would, Jeff, if you care to make to make the motion, please do so.

MR. TINSMAN: Okay. I move that the Board begin an addendum to the Tautog FMP to do two things; one, adopt a spawning stock biomass, threshold and target with one option having the spawning stock biomass target comparable to a 30,000 metric ton total biomass, which was the 1982 to 1992 mean biomass; and two, set a fishing mortality target below the current target of F equal to 0.29 to allow for stock rebuilding.

The Board will determine addendum rebuilding timeline options, after reviewing the technical committee analyses, of different levels of F targets and the likelihood of achieving corresponding biomass targets on a coast-wise basis.

CHAIRMAN PIERCE: The motion on the screen is a bit different from the one you’ve provided, so we should alter it accordingly. For example, you didn’t mention the 50 percent and 75 percent probability, so you intended to have that scratched off, correct?

Well, anyway, would you repeat it again so we can make sure that the motion on the screen reflects exactly what you said, because it is somewhat different?

MR. TINSMAN: I am not sure just where that came from.

CHAIRMAN PIERCE: Just read it again and we’ll change the screen.

MR. TINSMAN: Do you want the whole thing read again? Okay, move that the Board begin an addendum to the Tautog FMP to do two things; one, adopt a spawning stock biomass, threshold and target with one option having the spawning stock biomass target comparable to a 30,000 metric ton total biomass, which was the 1982 to 1992 mean biomass; and two, set a fishing mortality target below the current target of F equal to 0.29 to allow for stock rebuilding.

The Board will determine addendum rebuilding timeline options, after reviewing the technical committee analyses, of different levels of F targets and the likelihood of achieving corresponding biomass targets on a coast-wise basis.

CHAIRMAN PIERCE: All right, in that case, scratch off the last part of that motion, Ruth, and then the last part of the language on the screen, so it would end after “coast-wise basis”. Okay, that is the motion made by Jeff; seconded by Pat. Any discussion on the motion? Pat.

MR. PATRICK AUGUSTINE: Thank you, Mr. Chairman. I am wondering if the maker of the motion would consider – I am not sure we need to split it, but it seems to me the first five lines embody what it we’re trying to accomplish in this addendum; and whether or not the second part, the Board will determine the addendum rebuilding, needs to be put in that context. Could it be truncated or be a subset or be a second motion. Staff might be able to answer that for me.

CHAIRMAN PIERCE: Pat has asked a question of the maker of the motion, as well as staff. Jeff.

MR. TINSMAN: I guess the reason for that language following the specifics there is that there are other F options that the Board

has yet – or the technical committee has yet to look at and perform the analyses on, and so forth, that they will report to us at a future meeting. We’re not specifying an F at this point for that reason.

MR. AUGUSTINE: And then a response from the staff; do they have any concern about that, Mr. Chairman?

CHAIRMAN PIERCE: Staff, any response?

MR. ROBERT E. BEAL: The only question I would have is when do you want to see the draft addendum back to the Board. I think the charge to the technical committee and then subsequently to the plan development team is pretty straightforward. I just wanted to make sure we’re all on the same page as far as timeline of when you expect a draft back.

CHAIRMAN PIERCE: I guess the question would then be to Paul and the rest of the technical committee what might be a reasonable time period for this work to be accomplished in order to have it back in the Board’s hands. Paul, would you be in a position to comment on that?

MR. CARUSO: David, since we’re already started the process, we’re pretty close, so I would say – when is your next Board meeting; is it October? I would think we could meet that time line.

CHAIRMAN PIERCE: All right, so October seems to be the day we should shoot for regarding our receipt of that analysis. Any further comments on the motion? Mark.

DR. MARK GIBSON: Given the way this motion is written, where will the status of regional, if not state-by-state, assessments be left? Achieving this target on a coast-wide basis, I can read between the lines here

and see some states that have made significant progress in increasing tautog biomass in their jurisdictions and reducing fishing mortality rates getting lumped in with the coast-wide problem.

I need to see some ability for states to continue – and I think the technical committee would be well advised to continue looking at regional, if not state-by-state, assessments, so I need to understand is that going to be precluded here since this addendum is only going to deal with a coast-wide resource assessment and coast-wide rebuilding measures that are applicable on a coast-wide basis?

CHAIRMAN PIERCE: Before I turn to Paul, I would assume that in light of what was provided to us from Paul in his report of the technical committee that initiatives would still be underway to try and get ourselves; that is, the Board, in a position to have a more refined assessment, not regionwide, but specific to areas. At least, that's my take on it. Paul, am I correct with that assumption?

MR. CARUSO: I'm not sure if I can really answer it, Dave. The standing of where you're at now is the coast-wide VPA, and your motion is dealing with things on a coast-wise basis. I can see what Mark's point is, and I look at that maybe as kind of a fight down the road more than it's a fight in this addendum.

I mean, certainly, if the target is lower, then the Board is going to be forced with, well, okay, how do we get there on a coast-wide basis? Whether they apply it to all states or whether they apply it to only certain states, that's going to be where things get really nitty-gritty.

Like I say, from the technical standpoint, I don't know if we can answer that. We have done a regional VPA, Mark, and the results

are not that pretty, if you know where I'm coming from.

DR. GIBSON: A follow-up, Mr. Chairman. Yes, I don't think this addendum is going to get Rhode Island where it needs to get to. I don't see how we continue on a coast-wide VPA. This is the last species that that should be appropriate for.

There are some things I simply don't agree with in the peer review and the technical committee's comments on the biomass dynamic model. It's simple misunderstandings on the part of both the peer review and the technical committee as to what is in that and what is not.

We need an ability to continue to pursue that and come forward with our own rebuilding targets and our own fishing mortality rate targets, and I don't see where there is an opportunity to do this here. I suspect Massachusetts probably has an interest in, if not an individual assessment, a localized or regional one as well. I am not ready to support this at this time.

CHAIRMAN PIERCE: Gil.

MR. GIL POPE: Thank you, Mr. Chairman. What makes this even more troubling is we went through this same thing eight years ago. Now, we were talking about this same type of problem eight years ago; so if it's taken eight years and we haven't even gotten off number one yet, this just seems, to me, to be one of those fish that is not a coast-wide type of fish. It's measured more on a regional basis or even on a state by state. It's very local, so I can't support this, at least the second half of it. Thank you.

CHAIRMAN PIERCE: Any further comments on the motion? Yes, Pete.

MR. PETER HIMCHAK: Mr. Chairman, I'm well familiar with this argument. Fortunately or unfortunately, I think we're all locked into this coastal VPA. The peer review panel reviewed the data supplied by the states to individually manage the resource, and we know it's very localized, and it's my understanding that the peer review did not recognize the state datasets as being able to deal with this on a regional basis.

And for lack of a better framework, we're kind of locked into this coastal VPA. I'll give you an example. With all the state proposals -- the coastal VPA says we're overfished and every state proposal says we're not overfishing, then where is the credibility there? So, again, I think we're stuck with the best available data on the coastal VPA.

CHAIRMAN PIERCE: Mark.

MR. MARK ALEXANDER: We kind of agree with Rhode Island, plus a motion like this would provide somewhat of a disincentive for states to invest in data collection. The data collection will be necessary to do their own assessment.

I think if there is some incentive for a state or a region to develop their own assessment, then they're more likely to want to collect the data necessary to accomplish those assessments.

MR. AUGUSTINE: Thank you, Mr. Chairman. Has the technical committee looked at this regional concept at all? It's been mentioned.

Again, listening to what has been said around the table, Mark Gibson and Pete Himchak, who have been involved, is there any possibility of any combination of states that do have relatively good survey data -- if any of them do, is that information gathered

in any -- or could it be gathered or combined in any way, shape, form or manner to give a clear picture of a possible region?

And I don't know what those regions might be, whether it would be New York, Connecticut, Rhode Island, Massachusetts and that way, and a little further south, but your feeling about that, Paul.

MR. CARUSO: Pat, as I just alluded to Mark, I did run the VPA for the states of New York, Connecticut, Rhode Island and Massachusetts together, and the F's are considerably higher than the target. The other aspect of that is then you have no F's for the southern region because they have no fisheries-independent data.

CHAIRMAN PIERCE: Jeff.

MR. TINSMAN: That was my next comment. In the south, where we don't have any rock habitat, we have no fisheries-independent data and no way to collect the data. It's like a Catch-22, so a regional sub-unit going its own way is never going to work for that reason.

New England can collect that data and we can't, as I understand it. If I'm wrong, I would love for the technical committee to tell me what else we need to do to get around that hurdle. That's my understanding.

CHAIRMAN PIERCE: All right, if there are no other comments or questions regarding the motion, I would like to call the question. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I'm going to pick my words here carefully, but I just can't help but keep recalling that 2002 year class. I have sat at management boards and council meetings in the last three weeks, as some of the members here have, as well, and folks

have expressed concerns about the growing list of species that aren't going to be available to folks because of rebuilding pressures and problems.

I just think that it seems like there is an opportunity here with this particular stock in that it may be unique timing opportunity, and I would be wondering about at least going through the process of starting down the addendum thing, notwithstanding the concerns expressed around the room about how we, in the end, sort this whole thing out.

I would just hope that the concerns that have been expressed about the state and the coast-wide issue don't stand in the way of not being able to do something in response to the stock. Thank you.

CHAIRMAN PIERCE: Further questions or comments? Harry.

MR. MEARS: Thank you, Mr. Chairman. Before voting on this, I'm still unclear in terms of if we vote for this, my understanding is that then the management regime – or the targets then become of a coastal nature versus kind of what we have been working with under the FMP.

In any event, I think there seems to be a general recognition that is still going to continue to be a data-poor assessment whenever we try to do this. I guess what I'd like is to kind of hear if in fact the technical committee has discussed this, whether in fact for the overall conservation of the resource, whether or not – given where we've been – and we've had this discussion several times in terms of the lack of population data, particularly at the southern part of the range – is this a step in the right direction of the resource concentrating on a coastal management regime versus a state by state.

And, number two, if we were to vote for this, would the data be, for want of a better word, more friendly in terms of coming up with an annual update or a full peer-reviewed stock assessment every three years, again, in the best interest of conserving the resource?

I don't know if there's an easy answer to that, but that is what is on my mind, because right now I don't know how to vote for this motion. Thank you.

CHAIRMAN PIERCE: Okay, Paul, can you respond to those questions posed by Harry?

MR. CARUSO: I'll give it a shot. I wish I had a slide that I brought up to the technical committee a couple of months ago. Ruth has seen it. I call it "the management conundrum of tautog". You've all been talking about it.

I mean, it's like river herring. We have a coast-wide VPA and a coast-wide stock assessment and a coast-wide target. We throw all this in a blender in the VPA, and we get a number out. Then the reality is they are very localized stocks.

I know that whatever Virginia does doesn't affect me in Massachusetts; and probably whatever they do in Connecticut doesn't even affect me in Massachusetts. It is a difficult animal. We're dealing with coast-wide blend, so to speak, and this coast-wide target, and yet in reality we have all these individual stocks up and down.

Pretty much every state has their own or maybe more than one. The other side of that is – if I can give you any solace or any direction to add to the addendum – is that when we did the state-by-state reports, the peer review did not dismiss them entirely.

I think if you go back and look at all of them, even though they had problems reconciling the difference that some states came up with F, and they showed that the F was declining and it was below the target, I think the peer review committee and I know the technical committee was at least comfortable with the trends that were expressed in those state-by-state reports.

And almost without exception, if you look at all of them, the stocks have been seriously depleted over time, and they haven't really gone uphill over time. And if you aren't in that boat, you're in a boat where your fishery is expanding, and you may be in that boat soon.

So, as much as I know we all have heartaches with kind of this coast-wide blend and this coast-wide approach to this animal, I don't think there are too many states that can go away from the meeting saying they can go home and do nothing and your stock will get better.

I think almost every state, without exception, needs to do something to get back to some reasonable level of biomass. All the trends for every state were basically the same. You're either already depressed or you're getting there. I hope that helps you out a little bit, Harry.

CHAIRMAN PIERCE: All right, to the motion, Mark.

DR. GIBSON: I'm not going to let this go, so I'm going move to amend, after the first word, where "rebuilding" appears about halfway down the current motion -- I'm going to move by including "individual states or groups of states are authorized to develop SSB and fishing mortality rate targets and thresholds appropriate for that geographic region, subject to technical committee and management board review and approval".

MR. JACK TRAVELSTEAD: Second.

CHAIRMAN PIERCE: All right, Jack Travelstead has seconded the motion to amend. Let's wait until we get the language on the board. Do we need to have it read again in order to make sure it's captured accurately?

DR. GIBSON: Yes, it should say, "Individual states or groups of states are authorized to develop SSB and fishing mortality rate targets and thresholds appropriate for that geographic region, subject to technical committee and management board review and approval".

CHAIRMAN PIERCE: All right, let's hold on, we should be able to capture that motion. All right, have we captured your motion correctly, Mark? Is this a motion to substitute or is this a motion --

DR. GIBSON: To amend.

CHAIRMAN PIERCE: This is a motion to amend.

DR. GIBSON: This would be a sentence inserted the fifth line after "rebuilding", where "rebuilding" first appears.

CHAIRMAN PIERCE: All right, I just need to make sure the maker of the motion feels that this particular amendment does not create an internal inconsistency with the motion that you are amending; am I correct?

I turn to any other Board members to assist me this. I just want make to sure that it is consistent; that we're not trying to do two things at once and they are mutually exclusive.

That's why I asked is this a motion to substitute, because if they are inconsistent, if this particular motion to amend is going in a

different direction than the original motion, then it would be a motion to substitute.

DR. GIBSON: Well, I see you still have your coast-wide program, but there is an opportunity for states in a geographical region within that to come forward with compelling information that that portion of the coast-wide stock may be different in terms of how it's performing. I don't want to substitute and take away the coast-wide option in the development of this addendum.

CHAIRMAN PIERCE: All right, thank you for that clarification, Mark. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thanks, Mr. Chairman. I think what I'm seeing here is what the Board is considering is to make a decision to develop an addendum, and what I'm hearing is the maker of the motion's intent is to build in the option within that addendum his amendment here.

If I'm reading this correctly, it's just simply to put in another option within an addendum that is up for discussion and consideration whether or not you want this feature into the addendum. That's what I'm sensing here, Mr. Chairman.

CHAIRMAN PIERCE: All right, Vince has given a sense, and it appears to be consistent with the point that Mark just made. Pete.

MR. HIMCHAK: I understand Mark's dilemma, and I would support the amendment to the motion. I mean, the peer review, they reviewed the state datasets, but they did not – I mean, there's no forecast at what point they would be capable of doing a regional stock assessment. So, to completely shut out that option would be inappropriate at this time.

CHAIRMAN PIERCE: Any comments on the motion to amend? I see none. In that case, I'd like a vote on this motion to amend.

Okay, the motion is move to amend by adding the following language after the word "rebuilding" on the fifth line: "Individual states or groups of states are authorized to develop SSB and fishing mortality rate targets and thresholds appropriate for that geographic region, to be reviewed by the technical and management board."

That was a motion made by Mr. Gibson and seconded by Mr. Travelstead. That is the motion to amend. Jack.

MR. TRAVELSTEAD: I think you should have the words "reviewed and approved by the technical committee and management board. I believe that was part of the motion.

CHAIRMAN PIERCE: All right, Jack has made a change consistent with the maker of the motion's intent, and Mark has agreed; therefore, that language is being inserted "reviewed and approved by the technical committee and management board".

Any objection to that? Okay, no objection to that. Again, on the motion to amend; any further comments? Bill.

MR. ADLER: Caucus, please.

CHAIRMAN PIERCE: All right, thank you for that reminder. In that case, we're ready to vote on this motion to amend. We'll pause for a few moments to give the different states an opportunity to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN PIERCE: All right, we've had an opportunity to caucus. I assume everyone has had a chance to form an

opinion on a state-by-state basis; and, of course, the federal perspective, which is always embraced.

All right, with all that said, all those in favor of the motion to amend, please raise your hand; all those opposed; any abstentions. All right, it is unanimous.

Now, on the main motion as amended. I assume there is no need for a caucus; therefore, we will vote on the main motion as amended. All those in favor, please raise your hand; any opposition; any abstentions. It is unanimous.

Any further motions or comments to be made regarding next steps in tautog management? Gil.

MR. POPE: Thank you very much. I think we need to decide what we are going to do as far as the regional approach, either decide we are going to do it, if at possible, or we're not going to do. If we do, we need to come up with some kind of time certain.

I was talking about this eight years ago when we were in Connecticut at the annual meeting. We ran into the same problem with one F trying to outweigh another F or trying to help it out.

It's just not fair to one or the other states, so if we're going to do this, we should put in some kind of time certain, I think, as to whether we're going to do it or just decide we're not going to do it, one way or another.

CHAIRMAN PIERCE: Peter.

MR. HIMCHAK: Mr. Chairman, wouldn't that be dependent on the technical committee's review of a state or region dataset? I mean, you could technically do it, you know, year one; and if your case is sound and gets approved by the technical committee, then you can essentially splinter

from the coastal VPA; but if the technical committee doesn't review it, then you're still bound under the coastal VPA.

CHAIRMAN PIERCE: I see no motion to be made or no motion is being made regarding this particular issue. Peter has provided his perspective, as has Gil. Any further comments or motion to be made? If not, we will go on to the next agenda item. The next item on the agenda, 2005 compliance reports and FMP review.

2005 COMPLIANCE REPORTS AND FMP REVIEW

MS. CHRISTIANSEN: Thank you, Mr. Chairman. The compliance reports and PRT report was included in the mailed items on the CD materials. I do believe it was the first CD, so this should be relatively simple.

The Tautog Compliance Reports covered the 2005 fishing year; and after review from the PRT, all states, Massachusetts through North Carolina, are fully and effectively implementing the requirements of the Tautog FMP. There are no compliance issues to be addressed at this time. De minimis status for 2006 was requested by Delaware and North Carolina.

CHAIRMAN PIERCE: All right, so, Ruth, make sure I've got this right. You say that two states have requested de minimis for 2006; therefore, we would need a motion from the Board regarding giving those two states de minimis. Does anyone care to make such a motion? Pat.

MR. AUGUSTINE: So move, Mr. Chairman. How would you like that worded? I move that the states of Delaware and North Carolina use de minimis status for the fishing year 2006 for tautog.

CHAIRMAN PIERCE: Vito Calomo has seconded the motion. Any discussion on the

motion? All right, seeing none, all those in favor of the motion, please raise your hand; any opposition; any abstentions, one abstention. It's unanimous.

All right, Ruth is so quick, she reminded me she did both the compliance reports and the FMP review. I thought we were just on compliance reports; all in one, so it's multi-purpose. Therefore, unless there are any comments on the FMP review, I would need a motion to accept that review.

Vito Calomo has made the motion to approve; Pat Augustine has seconded that motion. Any discussion on the motion? Seeing no discussion, all those in favor, please raise your hand; any opposition; any abstentions. It's unanimous. Thank you very much.

OTHER BUSINESS/ADJOURN

Any other business to bring before the Board? I see no other business. We have a motion by Vito Calomo to adjourn; I assume that's been seconded. If there is no opposition, we are adjourned.

(Whereupon, the meeting was adjourned at 2:50 o'clock p.m., August 15, 2006.)

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