

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

The Crowne Plaza Hotel
Old Town, Alexandria, Virginia
August 2, 2011

Board Approved November 2011

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1. **Approval of Agenda** by Consent (Page 1).
2. **Approval of Proceedings of March 24, 2011** by Consent (Page 1).
3. **Move to approve the 2010 State Compliance and FMP Review** (Page 2). Motion by Dave Simpson; second by Jim Gilmore. Motion carried (Page 2)
4. **Move to grant de minimis status to the states of Delaware and North Carolina as mentioned** (Page 2). Motion by Pat Augustine; second by Bill McElroy. Motion carried (Page 2).
5. **Move to approve the Massachusetts/Rhode Island VPA and not require Massachusetts or Rhode Island to implement additional tautog regulations in 2012** (Page 14). Motion by David Pierce; second by Bill McElroy. Motion carried (Page 17).
6. **Move that state proposals that the technical committee determines meets the target F with reasonable precision and deemed risk-neutral be accepted to meet the Addendum VI reductions** (Page 20). Motion by Adam Nowalsky; second by Pat Augustine. Motion withdrawn (Page 24)
7. **Move for approval of Connecticut, New York, Delaware and Virginia's proposals that achieve the required 53 percent reduction** (Page 24). Motion by Jack Travelstead; second by Bill Adler. Motion carried (Page 24).
8. **Move to substitute that New York options that achieve the 53 percent reductions be approved; and that if they wish to pursue a catch curve analysis, that they give attention to the technical committee recommendations** (Page 24). Motion by Jack Travelstead; second by Jim Gilmore. Motion withdrawn (Page 24).
9. **Move that Virginia's catch curve analysis and the associated option be approved** (Page 25).. Motion by Jack Travelstead; second by David Pierce.
Motion to postpone any action on the motion until the November meeting (Page 25). Motion by Peter Himchak; second by Pat Augustine. Motion to postpone carried (Page 27).
10. **Motion to adjourn** by Consent (Page 30).

ATTENDANCE

Board Members

David Pierce, MA, proxy for P. Diodati, (AA)	Tom Fote, NJ (GA)
William Adler, MA (GA)	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
Rep. Sarah Peake, MA (LA)	Bernie Pankowski, DE, proxy for Sen. Venables(LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Roy Miller, DE (GA)
William McElroy, RI (GA)	Tom O'Connell, MD (AA)
Rich Bellavance, RI, proxy for Rep. Martin (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Dave Simpson, CT (AA)	Steve Bowman, VA (AA)
Lance Stewart, CT (GA)	Jack Travelstead, VA, Administrative proxy
Rep. Craig Miner, CT (LA)	Bill Goldsborough, MD (GA)
James Gilmore, NY (AA)	Catherine Davenport, VA (GA)
Pat Augustine, NY (GA)	Bob Ross, NMFS
Andrew Voros, NY, proxy for Sen. Johnson (LA)	Jaime Geiger, USFWS
Peter Himchak, NJ, proxy for D. Chanda (AC)	

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

Ex-Officio Members

Staff

Vince O'Shea	Mike Waine
Robert Beal	Chris Vonderweidt

Guests

Peter Burns, NMFS

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 2, 2011, and was called to order at 8:00 o'clock a.m. by Chairman William Goldsborough.

CALL TO ORDER

CHAIRMAN WILLIAM GOLDSBOROUGH: Good morning, everybody. Welcome to the meeting of the Tautog Management Board. I'm Bill Goldsborough. I had the good fortune of being elected Chair at the last meeting, so take it easy on me as this is my first meeting. I'm jumping into the fire, as it were, with the circumstances we find ourselves in with this species, but I'm sure we can work our way through it.

APPROVAL OF AGENDA

CHAIRMAN WILLIAM GOLDSBOROUGH: Has everybody had a chance to look at the agenda? Are there any changes or any concerns about the agenda? Seeing none, the agenda is adopted.

APPROVAL OF PROCEEDINGS

CHAIRMAN WILLIAM GOLDSBOROUGH: The proceedings from the last meeting; any changes or any changes suggested? Seeing none, we'll approve the proceedings.

PUBLIC COMMENT

CHAIRMAN WILLIAM GOLDSBOROUGH: At this time we will offer an opportunity for public comment. I don't see any public in the room so I don't think there will be any public comment. All right, I'll toss to Chris then, and we'll go to Agenda Item 4, consider the 2010 state compliance and FMP review.

2010 STATE COMPLIANCE AND FMP REVIEW

MR. CHRISTOPHER VONDERWEIDT: Just a note; Toni is handing out the technical committee's review of state proposals. The committee had their meeting last Monday. The report was finalized late in the week. It was e-mailed to board members, but Toni is handing out a copy right now if you find that helpful.

I'm going to go over the FMP review fairly quickly because there is a lot of ground to cover in this meeting. It is the 2010 Tautog FMP Review. It's a

review of the 2010 fishing season. During this fishing season, the 2010 assessment update was not complete. Addendum VI, which is the addendum for the state proposals under today's business, did not apply.

The landings you can see have been around 4 million pounds over the last three years. If you look back to 2003-2005, those are the years when the Addendum IV and V reductions were supposed to come and it was supposed to be lower than that beginning in 2008, so you can see that didn't happen. All these charts and graphs are in your FMP review if you want to look a little bit closer.

Landings in 2009 and 2010 were 93 percent recreational. For the recreational fishery New Jersey had the largest recreational harvest, accounting for about 26 percent. Rhode Island was 16 percent; New York, 16 percent; and Virginia was 14 percent. For the commercial fishery New York was 38 percent; Massachusetts was 31 percent; and Rhode Island also had 18 percent. The percent recreational and commercial by state; most states are around that 10 percent commercial and 90 percent recreational or a little bit above that.

You can see Massachusetts is about 30 percent commercial; New York is 14 percent; and then all other states are less than double digits. For the total harvest of 2010, this is recreational A plus B-1 and the commercial landings combined. New Jersey accounted for 25 percent of the 2010 harvest; New York accounted for 18 percent; Rhode Island accounted for 17 percent; and Virginia accounted 13 percent.

If you look at the harvest trends – this is again recreational A plus B-1 plus commercial landings – you can see most states went down in 2009. This is following implementation of the Addendum IV and V state regulations to reduce harvest. You can there is one state, New York, went up in 2009 and then dropped in 2010, and then there was a bit of an upward trend between 2009 and 2010 for several states as well.

For the research and monitoring part of the FMP, states are required to collect 200 age/length samples in support of the coast-wide assessment. However, not all states collected 200 age/length samples, so up on the screen in the red bold are the states that collected less than 200. There is one state in 2010 who only collected 49, and that's Connecticut. However, that wasn't due to lack of effort.

What happened was they collected those 49 samples in April and May during the Connecticut Long Island Sound Survey. They had an engine failure in their research vessel so there was no sampling for the remainder of the year. Kind of the PRT's review of this is that most states – the goal here is that you need enough age/length samples to support the coast-wide assessment.

There were enough age/length samples to run the 2011 assessment update, so the goals here were met, but for states that didn't collect the full 200 it would be a good thing to try and bump up your samples to 200 or more in the future. As far as the FMP regulatory requirements, there is a 14-inch minimum size limit.

There is a degradable fastener on fish pots and traps requirement that goes all the way back to the FMP, and then regulations to achieve the F target equals 0.20. Remember this is 2010 and we now have an F target of 0.15. As far as the status of the management measures, all states met or exceeded the regulatory requirements of the FMP.

Some notable regulatory changes in 2010 is that Virginia modified their commercial seasons consistent with the options approved by the board in 2007. Remember when Addendum IV and V were approved, states submitted proposals similar to the ones that you all will be reviewing today. Virginia submitted a suite of options that included the commercial season adjustments that they made in 2010.

Massachusetts exceeded their commercial quota; however, they have a payback provision so their 2011 quota will be reduced by 10,564 pounds. Rhode Island noticed an increase in their harvest, particularly their recreational harvest, so they voluntarily lowered their fall recreational bag limit to six fish – it was eight fish prior – and also ten per vessel maximum for the private sector. That ten-fish vessel limit does not apply to the party and charter modes; however, the party and charter modes are required to have mandatory reporting.

The PRT's recommendations, as I hinted at before, the PRT agrees that all states met the intent of the Addendum III reporting requirements to collect 200 age/length samples in support of the coast-wide assessment. It was demonstrated that the amount of age/length samples allowed for a coast-wide assessment, but we would recommend that states make an effort to increase to 200 in the future.

That's the requirement and that number was chosen for a reason.

As far as de minimis, the de minimis requirements of the plan is less than 10,000 pounds or 1 percent of the coast-wide commercial, whatever is larger. One percent is 2,417 so obviously 10,000 pounds is larger. If a state is granted de minimis, that state must still implement the 14-inch size limit, the degradable fasteners, regulations, still collect 200 age/length samples.

The only thing that it does is it allows a state to implement the recreational regulations in the commercial fishery. It does not impact compliance in the recreational fishery, so that's just for the commercial fishery. As far as the number of states that requested de minimis, it was just Delaware and North Carolina. Both states met or exceeded the criteria and the PRT recommends the board approve their requests.

The board action for consideration today would be, after asking any questions that you have, approve the 2010 Tautog FMP review and consider approving de minimis status for Delaware and North Carolina. Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Chris. Any questions or discussion of the state compliance review or the FMP review? Seeing none, does anybody have a motion they want to offer. Dave Simpson.

MR. DAVID SIMPSON: **Move to approve the report as presented this morning.**

CHAIRMAN GOLDSBOROUGH: Second, Jim Gilmore. We need another motion with respect to de minimis. We have a motion to approve the FMP review and the review of state of compliance. All in favor raise your hand; opposed; null vote. **The motion passes unanimously.** Pat Augustine.

MR. PATRICK AUGUSTINE: **Mr. Chairman, I'm ready to make a motion to grant de minimis status to the states of Delaware and North Carolina as mentioned.**

CHAIRMAN GOLDSBOROUGH: Second, Bill McElroy. We have a motion to approve the de minimis requests from Delaware and North Carolina. All in favor raise your hand; opposed; any null votes. **The motion passes unanimously.** Okay, Chris.

REVIEW OF STATE PLANS TO IMPLEMENT ADDENDUM VI

MR. VONDERWEIDT: I'm just going to give a real quick introduction and presentation before the technical committee review. We have got a number of questions from board members kind of where are we in the process, and so just considering things like timelines and past board meetings.

Going way back to the 2005 benchmark assessment and the 2006 assessment update report, as this slide shows the SSB was well below the threshold and target. Remember this is 2006. The projections here, the bottom line is what was projected under the current fishing mortality rate, which was 0.28 back in 2006, it wouldn't have rebuilt to that blue dotted line, which is the SSB threshold in 15 years. I think that was around 2026.

The board initiated Addendum IV and V to rebuild the stock, set the SSB target and threshold, lowered the fishing mortality rate to 0.20, which required a 25.6 percent reduction in exploitation in the recreational fishery only. Addendum V was initiated to correct that to allow the reductions to come in the recreational and commercial and then states were required to implement the new regulations to achieve that target January 1, 2008.

Most recently there was a new – after having two years of landings under the new management regime of Addendum IV and V, there was a 2011 assessment update that found that the stock was overfished. The SSB in 2009 was 10,553 metric tons. The target is 26,800 metric tons. They found that overfishing was occurring.

The three-year average F, which is also consistent with what was done for the last assessment, was 0.38, and so the target was 0.20, so that much higher and what this looks like graphically, you've got the red dash line is the SSB threshold. The red solid line is the target and then blue dotted line at the bottom there is biomass, so it's below that.

You look at the projections in that blue line here with the diamond points, that is what the current fishing mortality rate was in 2011. If we don't adjust the regulations, that is what is projected to occur. You can see the SSB threshold is the black dotted line and the target is the solid black line; so under the current fishing mortality rate it doesn't come close by 2025 – 0.15 which is the Addendum VI target, the green line, it would go up to that line around 2025 potentially.

That's the threshold and not the target so it doesn't come anywhere near the target. We've gotten questions, well, why did the board move so quickly at the last meeting. I pulled some bullets directly from the technical committee presentation that was given at the last meeting. I didn't change a word, so what was presented was that the technical committee recommends harvest reductions to rebuild the stock.

They noted that while poaching needs to be addressed, the assessment results don't indicate that the magnitude of possible removals is hindering stock recruitment. They said an F 0.15 or a 0.10 are likely more appropriate targets for a species with tautog's life history parameters. In response the board initiated Addendum VI, lowering the F target to 0.15 to rebuild the stock.

You carried over the language allowing for the regional state assessments at the same level of precision as the coast-wide assessment and said January 1, 2012, is the implementation deadline. The January 1, 2012, implementation deadline was selected to kind of allow two meeting weeks to happen to allow states to sort of tweak their regulations or following the initial board review – and this is similar to what happened for Addendum IV and V.

So, just kind of the history of this is on June 19th, after a series of conference calls – there were four conference calls from the technical committee to look at the stock assessment update, look at the F rates, look at the harvest and the landings and changes in regulations and then provide a guidance document discussing all the various management tools to achieve these regulations.

That was distributed to the technical committee, to states and to the board on June 19th. States went back and created their own proposals and submitted them around July 25th. There were a few states that were delayed but generally the proposals were given on July 25th – excuse me, July 15th.

Then on July 25th, which is last Monday, the technical committee held their meeting in Warwick, Rhode Island, to review the state proposals, and that is what Paul is going to present. Today at the ASMFC August meeting, this is the first round of board review. You have the ability to approve proposals that are complete.

You have the ability to request adjustments for any incomplete proposals and states can bring them

forward at the November board meeting. Between now and the November board meeting, August through October, states can resubmit their proposals as the board requests. The technical committee can review those proposals and provide recommendations back to the board.

There have been some states that have indicated that they might be interested in having consistent regional regulations with each other; so if you were interested in pursuing that further, you would be able to do that before the November meeting. Then basically at the November meeting that is the final round of board review. It will probably be tight for a lot of states to realistically have the new regulations in place by January 1, 2012.

So, just kind of a snapshot of what you're going to be seeing today; Massachusetts and Rhode Island submitted a regional VPA that demonstrates that they would need a zero percent reduction. The technical committee recommended this as a better level of precision than the coastwide.

There was a New York Catch Curve Analysis, which suggested a zero percent reduction. The technical committee asked that they extrapolate the length frequency because it wasn't representative of their full fishery. There is a Maryland Catch Curve Analysis that would indicate a 43 percent reduction to meet the F target. However, the technical committee asked that they use a consistent age/length key and also perform some bootstrapping as an indicator of precision.

There is a Virginia Catch Curve which suggests a 19.5 percent reduction could meet the F target. The technical committee recommended that the board should consider this, but they didn't – well, Paul will explain it further. As far as the state regulations, Massachusetts, Rhode Island, New York, Delaware and Virginia all submitted proposals to achieve the full reductions. Virginia also submitted one option to only do the 19.5 percent.

These proposals are ready for primetime today. Connecticut is basically ready for primetime. There is one option that could potentially risk-averse but Paul is going to clarify that. New Jersey submitted a couple of spreadsheets with good methodology but there wasn't a suite of options for the technical committee to evaluate. Maryland submitted an option for a 43 percent reduction based on their catch curve, but there is no option for the 53 percent reduction. That's all I have. Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Chris, for that recap. We're at a point where the spawning stock biomass is about half the threshold and has been for about 15 years and is projected to stay there if we do nothing. If we are successful in implementing the target F we have adopted at the technical committee's recommendation of 0.15, then we would begin an upward trajectory, but a slow one, that would be projected to intersect the threshold in maybe 15 years. That's where we find ourselves and we have state proposals to meet the target and I guess Paul is going to give us the technical committee review of them.

MR. PAUL CARUSO: Okay, as Chris had mentioned, we just met last Monday so everything has been pretty much on a fast track. Quite a few of the proposals were pretty much, as Chris had mentioned, ready for primetime at the meeting. A couple required a little more work and some still require, but I'll go through them on a state-by-state basis.

We held four conference calls to discuss the base year and the management tools to achieve the reductions that led to the guidance document being distributed to the states on June 19th. It provided a recommendation for the base years to calculate the reductions; the percent harvest reduction to achieve the fishing mortality target.

It discussed management tools in general and in specifics. It contained reduction tables for season and bag reductions for the recreational fisheries and commercial bag seasons to calculate the percent reductions from those. It did not contain specific size and bag season tables. We didn't have time to put that together, and that required some additional work by states in concert with the Mid-Atlantic state staff to use the MRFSS data to develop those tables.

Those were developed individually by states after the guidance document. The decision of the committee was to base the reductions on the average harvest of 2008 and 2009. You will recall those are the years where states had implemented changes to their regulations to reduce the harvest approximately 26 percent.

The assessment itself, the terminal year output is 2009. It's based on all the years from 1982 right up to 2009 harvest. It contains 2010 fishery-independent indices of abundance. The average F value for those final two years, 2008 and 2009, is 0.36. That would require a 53 percent reduction in exploitation to get you to the target, exclusive of

anything that goes on in the stock dynamics, basically stock rebuilding, any of that. That's not in the projections.

The way we did this was consistent with the 2005 benchmark assessment. We used the last three years then because there were three years of new regulations, here only two, so we didn't use the three-year average. The addendum incorporated the results of this update that we did this winter and it was published prior to the review.

The technical committee, like I said, does not recommend using 2007 because the regulations were not in play, the new regulations. Like I said, we need a 53 percent reduction in exploitation to get to the target. There are some evaluation criteria that is set forth in the FMP, as Chris had mentioned, and one of the criteria is that state-level assessments should be at the same level of precision as the coast-wide assessment.

It includes information that may inform the board when reviewing proposals. The state regulation plans were to achieve the 53 percent reduction and the committee used a two-tier review approach for the individual proposals. We chose to use a risk-neutral or risk-prone approach just to allow the committee to get additional information regarding state proposals.

You will recall most of this is an exercise in methodology. We have the tables, you can add two and two and supposedly they add up to four, but we know there are tools that we use that don't always get us to where we need to go, and we just weighed in a little bit on some of the proposal that may have been a little risky relative to some the tools we used.

Luckily, nobody was really very risky here so that's a good thing. I'll go through the state-by-state proposals. Chris had mentioned we'll do two things here. We'll go over the state-specific assessment information that came forward at the technical committee meeting and then we'll go through the state regulations that folks brought forward and we'll tell you whether the committee gave you a thumbs up or thumbs down and the comments on those proposals.

The first was the Massachusetts and Rhode Island Regional VPA. The committee was comfortable with that regional VPA. It's essentially a derivative of your coast-wide VPA. The precision was good with that assessment tool. It was very close to the coast-wide assessment. Nothing will ever be exact in this world because anytime you take a model and take

data out or change it a little bit, you're going to get a little bit different read, but the fit is very close.

The New York catch curve would indicate a zero percent reduction but the length frequency in the analysis was not representative of the fishery. I think we have other slides here, Chris, that go into state-level detail, so I'm going to skip through this real fast. The Maryland catch curve indicated a 43 percent reduction. The technical committee requested bootstrapping. The Virginia catch curve would indicate that a possible 19.5 percent reduction might get them to the target.

Like I said, we'll go right down to the state-by-state information here. The regional history for the Massachusetts/Rhode Island VPA is that the board had previously approved this approach in the past at the last go-round. There was a 12 percent cut undertaken for Massachusetts and Rhode Island versus the 26.5 percent that the other states implemented based upon the output from that VPA.

The technical committee back at that time – I think this was 2006 – endorsed that VPA at the same level of precision because the mean square residual values of the model outputs are similar. Massachusetts and Rhode Island have continued to produce annual updates in 2009 and 2010. Essentially every Massachusetts and Rhode Island get together and we look at the latest data. We plug it back into this regional assessment and through the FMP review process, through our compliance report we provide you additional information of where we're at this year.

It's always a year behind because of the fisheries-independent indices. We do use some proxy data because some of the data is not available to us in that time schedule. If we did it in August or September, we'd have data that was closer to reality, but we use some proxy data just to get us through that hump and get it done before compliance because we think it's a good time to produce the information for you folks.

The trick there, though, is not to overreact to it. That's what we try not to do as states. Okay, the technical committee found that this assessment was at the same level of precision as the coast-wide assessment. They deemed it to be more accurate and I think in that sense the accuracy refers to the fact that because it's a regional assessment, it has more, if you will, truthfulness than the coast-wide assessment because it's just dealing with a localized stock and localized abundance and localized fisheries data; whereas, the coast-wide assessment tool becomes

more of an average when you spread it out across the range of the animal.

The VPA average for Massachusetts and Rhode Island of fishing mortality rate is 0.12. That's quite a bit under your target. You know, I said 0.15 and 0.12, it's pretty much all the same, so we're basically either at – those two states are at or below the target and the technical committee felt that they don't require further reduction in their harvest, but to continue to monitor and provide annual updates like they've done all along.

The fit, like I said right here, the MSR – technical difficulties here – I think while they're working on that, I can at least give you some of the information orally. The measure of fit we used for the coast-wide VPA is the mean square residual value. We said for the coastwide it's 0.69 – I'm sorry, the coastwide is 0.61 and for this regional assessment it's 0.69.

If you look at kind of the idea of precision here, basically 0.6, 0.7 are very close. The two states have a history of proactive management and the regulations – at least the dates seem to be effective at holding the harvest down. The harvest has essentially been steady since about 1994 or so, so it's pretty much a long-term series of low harvest here.

Rhode Island, as Chris had mentioned, has recently reduced their bag and vessel limit in 2010 in reaction to the localized assessment results. The 2008 regulations were effective and exceeded the harvest reduction that was required. It was a 25 percent combined reduction so essentially Massachusetts and Rhode Island took the same cut everybody else did, even though we only needed to take a 12 percent cut.

Okay, I'll back up just a second at Chris' suggestions. Like I said, the fit is essentially the same. The two states have a history of proactive management. The regulations appear effective at reducing the harvest. They have been in a pretty steady state since about 1994, since the two states started playing with the regulations in advance of the first FMP. The two states have continued to provide annual updates to the VPA, so we pretty know where they're at all times. I'll go back just up for a second. Does anybody have any questions regarding the local assessment for Massachusetts and Rhode Island?

MR. SIMPSON: Paul, I'm really curious, you mentioned that you've had basically stable landings for 15 coming on 20 years. What is the projection of the stock and what has been the time series of fishing mortality during that period? You might be the

crystal ball into our future in a sense if you've had F low for almost 20 years.

MR. CARUSO: Okay, if you look at the long-term history since 1994, Dave, our F has averaged about 0.2, which that is a good thing. That's about where the target has been over the time. You remember the original target was 0.2 and then it went down and then it went back up so we've have been at about 0.2 that whole time series.

I think most of it has been the 16-inch size limit and a very small recreational bag has kind of held our harvest down. Commercial, even though it went up for a while, we banged it down once we set a quota. Stock-wise, we do see growth. It's not lightening fast by any means, but we do see steady progress in the SSB and the total stock numbers. We have some faith that it's not going down, it's not flat, at least it's going up. It seems the slope is significantly faster than the coast-wide assessment SSB. That's a good thing, I guess. I won't say we're recovered.

MR. ADAM NOWALSKY: Paul, is the F estimates that are given for Massachusetts and Rhode Island representative of only age eight to ten-year-old fish like coastwide also or does that span a wider age range?

MR. CARUSO: No, it's exactly the same as coastwide; it's eight to ten catch weight at F. Like I said, essentially take that coast-wide VPA and take all of your information out and we just leave ours in, so all the model parameters are exactly the same. The input parameters like maturity and the initial starting recruitment series, all that stuff is the same and the F is the same. It's eight-to ten average catch weight at F.

MR. NOWALSKY: Do you have F estimates for a larger age range or you haven't done that?

MR. CARUSO: No, the VPA output will give you an average F, and it's very close to the catch weight at eight to ten F.

MR. JAMES GILMORE: Paul, I was having a little trouble with the math. I think I'll have more questions later, but just let me make sure I've got this right. Essentially based upon the analysis that Massachusetts and Rhode Island did, even though they're doing a zero percent reduction, they actually achieved the 53 percent because of previous measures that they have implemented; is that what you had said?

MR. CARUSO: No, first of all, the zero percent reduction is a decision by the board here. If the board deems that the technical committee's advice on the regional assessment is good and they want to say that Massachusetts and Rhode Island get a pass, that's great, that is what the two states will do. That doesn't get us 53 percent cut. What it says is that our level of fishing mortality is already below the level required by the FMP target, your addendum target of 0.15.

CHAIRMAN GOLDSBOROUGH: Any further questions at this stage? Paul, I guess you can continue.

MR. CARUSO: I'll go down here to the New York information. New York did provide a catch curve for the technical committee to look at. Although it indicated that the fishing mortality rate was lower than the target rate and that no reduction would be necessary, the length distribution used to create this catch curve only came from the for-hire fishery; and even more restrictive, it came from just the headboat.

While that's a great sample for the headboat fishery, it doesn't really tell you much about your total F because your fishery is much bigger than that. You have that private mode component that probably makes up 80 or more percent of the recreational harvest. There is no commercial information in here, and I know New York has a fairly small commercial fishery but they do have one.

Basically the information wasn't representative and that was the committee's findings. We recommended to staff that they go back and redo the analysis using the MRFSS length frequency distribution for the private boat mode as well as the headboat mode information they already have. If they can work it in there, it would be great to have some of their commercial information. We'd have to look at the percentage of the fishery. If it's only 5 percent, it may not be that important to get that information in there.

CHAIRMAN GOLDSBOROUGH: Any questions on the New York review? Pete.

MR. PETER HIMCHAK: Mr. Chairman, I've been waiting to bring up this topic on catch curve analysis. I guess this is the proper time. I don't mean to prejudice the presentations by other states, but if you go through the administrative record on these reduction strategies going back to Addendum III when a catch curve proposal was first submitted by a state as being comparable to the coastal VPA, the

board in November 2002 asked the technical committee specifically are catch curve analysis scientifically sound or not? There was a strawman document – maybe Mr. Caruso even put it together for us – on the problems inherent in using catch curves for local Fs. This is an overriding issue for the entire presentation of catch curve –

CHAIRMAN GOLDSBOROUGH: Pete, could I interrupt you for a second. If you could take this up when we get done with the technical committee review of all of the states' proposals, that would probably be the better time when we get into the discussion.

MR. HIMCHAK: Okay, will do.

CHAIRMAN GOLDSBOROUGH: I take that under advisement from my colleagues here and I should have told you that right up front. Thank you. Any other questions on the New York review at this point? Paul.

MR. CARUSO: All right, Maryland also brought forward some catch curve information. The technical committee could not determine if that catch curve analysis was at the same level of precision as the coast-wide VPA. That's a difficult thing to do given that one is a very – I won't say polished but sophisticated analytical model whereas the others are pretty simple regression analysis.

Maryland's information indicates that the local F is 0.28 or so, and that would require – if this went forward as something the board approved of, it would require about a 43 percent reduction. There were no recent increases in the fishing mortality rate, which is something good to see when catch curves come forward.

The committee asked to see bootstrapping of the results from the catch curve. That would give the committee some read on what kind of precision was involved with the bootstrap estimates. We also asked that they go back and adjust their age/length key before making a determination regarding precision.

The reason for that was that Maryland had several years with Maryland age information only and then several years where they boosted their sample size by adding Virginia information. While there is really nothing wrong with either approach, we recommended that they be consistent through the time series.

The other alternative we gave Maryland, which they can choose to avail themselves of, is to use the southern region keys that were used in the VPA so that things would be consistent over the time series. Ancillary information regarding Maryland's catch curve is that they do account for a relatively small proportion of the coast-wide harvest; 2 percent and 5 percent respectively for the years 2008 and 2009. However, their regulations were not that effective regarding achieving the 2008 reductions; about 44 percent above the target level with their landings. I'll stop here for questions on Maryland.

CHAIRMAN GOLDSBOROUGH: Questions on the Maryland review? Dave.

MR. SIMPSON: I guess picking up on the catch curve theme and CVs around estimates and the idea of bootstrapping over, what, three years from 2008, 2009, 2010, maybe 2011, if it's early in the year data, the catch curves that were done; are they following cohorts or is it within-year catch curves and what ages used?

I mean, the VPA, the entire mortality estimate that we're working from crops a 20-some-year structure and looks at the mortality between ages eight, nine and ten; did the catch curves do the same thing or did they use more ages. Again, it doesn't seem like there is a lot – you know, you're doing a regression with three points, so you have one degree of freedom and to bootstrap that would seem to be getting overly clever with real, real simple and sparse data.

MR. CARUSO: Both good questions, Dave. Regarding the recruited ages that were in the catch curve, I believe Maryland was five-plus, so they go from five to about, if I recall, twelve or fourteen, but there are some missing points in the upper end there, so most of the curves had maybe five or six points in them, if I recall offhand.

That is a difference from the coast-wide VPA. There are more ages in the recruited ages, but that may be reflective of their recruitment at the local level, so that's not necessarily a bad thing in and of itself, but I agree there are – and because regressions can hang on so few points, there can be issues that way. Now if I can remember your second question.

MR. SIMPSON: Did they use within year or follow a cohort?

MR. CARUSO: Okay, another good question. I think Dave was on the committee when we looked at catch curves the last time around. This particular

analysis as well as Virginia's are cross-sectional catch curves, so they look at a within-year harvest length frequency distribution versus longitudinal catch curve, which is pretty much what the VPA – and that follows cohorts over time, so these are strictly one-year snapshots of what the F could be based on the length frequency distribution.

And as such, they're somewhat susceptible to the distribution of the underlying harvest; so if your harvest data is not representative of your fishery or if you kind of have a fishery that's very stable over time regarding the distribution of your catch in ages, you can get a read that you're F never changes. There is not a real easy way to get around that.

That is some of the baggage of catch curves; and the other information that is obviously lacking in the catch curves, you have no tie-in to fisheries-independent indices so you really don't know what is going on about your population other than what you're getting out of the catch curve.

CHAIRMAN GOLDSBOROUGH: Any other questions for Paul at this point? Go ahead, Paul.

MR. CARUSO: Okay, let's move right down to Virginia. Virginia also submitted a catch curve. It has a local F that is lower than the coast-wide F; 0.19 was what their estimate was. If the board approves some kind of consideration for them, based on that F it would require about a 20 percent reduction in harvest. They do have bootstrap results that show some acceptable precision even if the results aren't comparable to the VPA estimates.

There is, like I had mentioned with Maryland, lack of fisheries-independent data, and that is kind of the problem with our coast-wide assessment, too. Everything south of New Jersey, we really know not much at all about the stock status and the stock dynamics because the coast-wide VPA is uninformative for the states south of New Jersey.

Virginia also has a fairly low contribution to the overall harvest; about 9 percent over the last two years. However, in their case their 2008 regulations appear to have been effective and they did reduce their harvest below the value required. There was a 26 percent cut and their harvest fell about 46 percent below that required reduction, so that's also a positive aspect on their behalf. I'll stop again for questions here.

CHAIRMAN GOLDSBOROUGH: Questions for Paul on the Virginia review? Go ahead, Paul.

MR. CARUSO: Okay, moving along, I'm going to go into the actual management proposals. All of the states, for the most part, did submit something to look at for the committee. These independent of the assessment information that we just talked about and potential reductions based on those – or not reductions based on those results.

Massachusetts provided two additional options which would achieve the full 50 percent reduction in the harvest if the VPA results are not approved by the board. The technical committee thought that those proposals were risk-neutral. They're pretty straightforward proposals and pretty simple math. If anybody has any questions about those, I can go into them, so I'll just stop briefly.

Okay, Rhode Island also presented two similar options to Massachusetts. I would call them default options here to achieve that full 50 percent reduction if you don't approve the local VPA results, and their management proposals were also deemed to be risk-neutral. Again, they're fairly straightforward proposals and not raising the minimum size; just lowering the bag; having season reductions or eliminating commercial harvest. They were also deemed risk-neutral.

Okay, Connecticut, all their proposals addressed the required harvest reduction of 53 percent. Options 1 through 3 were deemed to be risk-neutral. Option 4, we were a little unclear because Deb wasn't there for this. We thought they were just going to have an independent seven-day closure, which because it's a fairly short closure we had some concerns about; but in subsequent conversations with Debbie, she indicated that the closure would be at the beginning or end of the existing closed season. Essentially all of their options are risk-neutral from our perception.

MR. SIMPSON: I just want to clarify what Paul is saying. We're already closed in September so it would be a 37-day closure and not a seven-day closure, and December 6th was our last day open; so if we close seven days at the end, it would be another thirty-some-day closure; just to be clear for the board.

MR. CARUSO: Okay, New York had several proposals that also addressed that required harvest reduction. It was a combination of minimum size increases, closed seasons and one option had a reduced bag limit. All the options were found to be risk-neutral. We did have an opinion about one option, though, that had different size limits between the recreational and commercial fisheries that seemed a little bit risky. Obviously, we would prefer one size

limit. We thought that it increased the burden for law enforcement and maybe opens a little window for some more poaching that we were – that is kind of what gave us the little level of discomfort for that, but all the options were fairly risk-neutral.

MR. GILMORE: Paul, I'd assume that you want to have that last point, whatever, consistent for adjacent states because that's the other thing we're struggling with right now. We want to try to get, at least from our perspective, the same limits for our neighboring states and probably regional areas.

MR. CARUSO: Okay, there are some comments to that later on in the document here. Okay, New Jersey did not submit any particular options. They did send us a spreadsheet that showed their methodology. We were very comfortable with the way Jeff did the reduction calculations and the tables he used; no problems there.

But because there were no specific options to review, we weren't basically given the freedom here to do any risk assessment on individual options. There was one proposal we did have some issues with and that was they were thinking of opening Wave 1 to harvest. Because Wave 1 is not currently open and the MRFSS survey does not cover Wave 1, we would have no way to measure if the harvest went up or down if they did that, so we didn't have any comfort level with that.

Even though I think Delaware has an open season on Wave 1, we're not too sure if there is any magnitude to that, so it's not necessarily consistent with that. Like I said, we basically requested that they submit some proposals that we'd take a look at; but the methodology, there were no issues there.

Okay, moving down, Maryland did submit one option to reduce the harvest by 43 percent based on that catch curve result. No options were submitted to achieve the full 53 percent. If the catch curve is not approved – if the board allowed just the 43 percent reduction, the proposal would be risk-neutral. However, this is kind of a work in progress. They're probably going to want to have go back and if you don't approve it give some options regarding the 53 percent cut.

Okay, Virginia, in addition to that option to achieve the reduced reduction based on catch curve results, they submitted nine options that would achieve the 53 percent reduction. All the options were fairly straightforward. They were risk-neutral. If I recall, Virginia did have one that – one comment regarding

Virginia's was as a committee we thought that commercial reductions associated with quotas have a lot more, not necessarily validity but a lot easier to give – you bookend the harvest when you implement a hard quota.

One of their options I believe did – or two of their options had a fixed quota and reduction. The other two did not regarding the commercial fishery so we give those ones with quotas a little more of a feeling of comfort because you really have a definitive number. It's an output and we do have comfort based on the other states having done that in the past and it works pretty well. We have some general statements if nobody has any questions about Virginia.

MR. ROY MILLER: Sorry, it's not about Virginia, but, Paul, did you skip Delaware?

MR. CARUSO: We did; it's not in the slideshow, I don't think, but we can give you some information. Delaware submitted four options to achieve the 53 percent harvest reduction. They used side limit increases, bag limits and seasons. Again, it is a pretty straightforward analysis. The math was good. Options 1 and 2 retain the current variable season size limits. Options 3 and 4 increased the size limits to 16 inches for all seasons. All the options were risk-neutral, but preferred Options 3 and 4, because they eliminate the varying size limits, I think that's a little bit problematic having varying size limits by season I think from an enforcement standpoint.

Some general statements from the technical committee; as you all know, we started this in 1994 and I think we were all on the same page then and we're probably still on the same page. Given the stock dynamics for this animal, that regional management is always preferred over the coast-wide approach and here we are several years later and we're still pretty much dealing with the coast-wide approach because it's difficult for states south to get information regarding their stocks because they don't have any trawl surveys, and there is quit a bit of missing information.

The committee continues to recommend to the board, the states and the technical committee that we work towards this goal as fast as we possibly can. The disjointed state regulations are somewhat ineffective to achieve the target F. There is a lot of play back and forth between states shifting of effort, and none of that really helps us I think as a whole.

Probably the biggest issue is the variable estimates of recreational harvest add a lot of uncertainty and I

would say not only to the local level assessment but adds a lot of uncertainty to the coastwide because this is almost an entirely recreationally driven fishery. As you recall at the last meeting, that fishery's mortality rate is coming almost entirely from your catch.

If one is uncertain and variable, the other is uncertain and variable and your F jumps up and down accordingly. The ideal assessment is some kind of regional assessment model that utilized local data as much as possible. The committee wanted to get a little traction on this issue and at this time they're recommending some kind of workshop to address alternative assessment modeling approaches before we get involved in the next peer-reviewed assessment.

What the committee had in mind is to better explore some of these, I would call them less data-demanding models that may be of some utility. That's why the committee I think has a little bit of, I would say, empathy for the states down south where they have catch curves which we're not real comfortable with, but we know they're giving us some kind of information.

When you have no information at all, it's encouraging to get something that tells you a little bit about the stock, a little bit about the management; and if it's as good as it is on paper and the small contribution of the harvest from those states, we might be able to give them a little break here. Like I said, we'd like to do this before the next peer-reviewed assessment so we could all spend a little time working around the table and around the computer with some less data-demanding models and see if we can come to some conclusions about what might work and what might not work. That's about it other than are there questions from the board?

CHAIRMAN GOLDSBOROUGH: Okay, I would just like to see if anyone has any questions about Paul's presentation before we get into the discussion at which point I'm going to recognize you, Pete. Pat, you had your hand up.

MR. AUGUSTINE: Well, before we lose this thought and maybe we'll wait to address the recommendations of the technical committee, Mr. Chairman, it's obvious Paul and his group have thought very thoroughly about the direction we're going and what we've tried to accomplish and what they've been able to accomplish for us with the tools they have. If it requires us collectively deciding to put together a workshop, I would ask, Mr. Chairman, you to follow through and do that.

If it's possible to do it through funding and so on per their suggestion, let's create a workshop schedule and let's figure out what the terms of reference are going to be and what we're going to try to accomplish in the new approach or the regional approach that they want to use. Whether it's appropriate now to talk about it or hold that until the end, it's up to you, Mr. Chairman, which way do you want to go with it?

CHAIRMAN GOLDSBOROUGH: Does the board have any comment on that. My gut feeling is to hold that to the end, Pat, unless there are other thoughts at the table. Adam.

MR. NOWALSKY: Paul, what was the discussion, assuming there was from the technical committee – you opened the slides early on with the comment of the technical committee recommends immediate harvest reductions; and then as we've gone through each of these state proposals, we've seen methods described as risk-neutral with significantly less harvest reductions. What comment and guidance can you give from the technical committee that reconciles immediate harvest reductions with these significantly lesser harvest reductions deemed risk-neutral?

MR. CARUSO: Thanks for that question, Adam; I think I knew it was coming. We had a pretty heated discussion at the committee meeting. I think our chairman was there and it was great that he shared in that discussion. It's always a question of, well, you asked for a harvest reduction and then you're trying to give everybody a pass; how do you get to the end result here?

There are a lot of factors that play into this that don't make a real easy question to answer, but they also give you some comfort. In the past pretty Massachusetts and Rhode Island have been given a pass and not made the required reduction but they it in essence anyways. The other part about the coast-wide VPA is you have to keep in mind, too, that states that have been proactive bring the harvest down in their region and it kind of brings everybody else's mortality rate down, too; so even if you give a state a pass, it's kind of a deserved pass because they're bringing that coast-wide F through their actions.

It's not like they're totally avoiding things here, but they're also adding to the benefit as a whole. The other thing is the additional cuts obviously will be up to you guys on the board to give other states kind of a reduced harvest. I guess the third point is that it's not always just about the harvest reduction.

Although that is the metric we use to try to get to the required F, we really never will know until we do the assessment again if we got there. It doesn't always come from harvest. Recruitment can give you an edge up. Even though we can't really tell you what recruitment will be, we could even with the pass come here three years, four years down the road and say, guess what, we hit our target F.

There is not an easy answer but essentially the committee's read and my read is if you give some states some wiggle room to get off the hook, it doesn't necessarily mean you won't hit your target. It makes the likelihood a little harder, but you still may get there. I would say it's a good consideration for you to keep in mind that thought that if we give everybody off the hook that we won't get there, but on the other hand you may get there, anyway, through serendipity, through a new model, through recruitment improvement and things like that.

It's kind of the watchword of this board is we'll set the target, we'll try to get as close as we can and we'll see what happens down the road. You may want consider some performance stuff in the interim. That's the only thing lacking here with this animal that we do with fluke, scup and sea bass. Every year we say, "Well, what did you do; do you make your cut or not?" We don't do that with this animal.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, just following up on that, Paul, isn't what a particular state's percentage of the harvest is; doesn't that factor into this as well; so, in other words, some of these states that we're looking at on the fringes only accounting for 5 or 8 percent of the coast-wide harvest and we have others that have a much more significant portion, so what are the implications of that?

MR. CARUSO: Yes, it's very good point, Vince. Some states that used to be very big players in the harvest of this animal are now very small players in this harvest. When a state has a very small contribution to the overall harvest, they play a relatively insignificant role in the contribution to the total F. So even if a state, let's say Maryland took a huge, huge cut, it would devastate their fishery but it may not change much on a coast-wide basis. That F may not nudge one bit, so it's something to keep in consideration.

MR. GILMORE: Paul, I guess what you just said about how you factor this in across the coast makes sense in some respects, but there are other things in the fishery that could be done that I don't think we

get credit for. In fact, for instance, we're looking at – because of the kind of complicated reproduction of the animal, that we were going to try to maybe do a closure during that time of the year, but things like that don't seem to get any credit in terms of reducing the F.

There are probably three other things that we've done over time that just don't get us any credit. If we start addressing the live market, which we think is a good part of the F or at least of chunk of it, there is no credit for that, so is that something we can maybe discuss at some point in the future as we go forward that we can start factoring those things in that will probably help out in terms of getting the F down totally instead of just on paper.

CHAIRMAN GOLDSBOROUGH: Do you have any comments on that, Paul?

MR. CARUSO: Well, that's a tough one. There are hard to credit people for, but they do have some effects. Obviously, spawning closures have effect; bigger sizes have a significant contribution to the SPR, so they're good to have. The live market is probably the toughest thing. I think as a committee we grapple with it, as a board you grapple with it.

The fact is it doesn't enter into the equation relative to the coast-wide estimates; so even if you knew what you were doing was eliminating it, you couldn't measure it but it could have significant impacts on the SSB and reproduction. Even though it's a good thing, it's kind of a qualitative thing is the best you could do with it.

MR. SIMPSON: Yes, I guess related to the live market, I guess the implication would be that it would be illegal component of the catch which could show up in a retrospective pattern. I can't remember what the VPA shows, but I'll let you answer the question is there any kind of retrospective pattern that would suggest unaccounted for catch?

MR. CARUSO: Yes, if you think back to the last board meeting, Dave, there is no retrospective pattern at all to speak of in this assessment.

MR. SIMPSON: And then just to follow up, I guess as I'm saying that I'm also remembering that the vast majority of the catch in the catch-at-age matrix is the recreational fishery, which has huge error bars associated with each one of those estimates of year and age – okay, thanks.

MR. THOMAS FOTE: I was just curious over the statement that the executive director said a few minutes ago. I remember yesterday when we were talking about lobsters and I mentioned the states like Virginia, Delaware and Maryland would not be greatly affected because of de minimis status in those fisheries.

I was rightfully reminded that even though they had de minimis status, they had to do whatever the regulations required to do the cutbacks necessary. What I just heard I thought was a little different than that, so I was trying to be consistent on what we're basically saying and we say at every board meeting, so we can't be selective of what we say at one board meeting to the other or maybe I misunderstood what the statement said.

CHAIRMAN GOLDSBOROUGH: Thank you, Tom. Pete, is this getting on to your previous point? Okay, if there are no other questions about the presentation, I would like to move into our discussion and consideration of state proposals and start with some consideration of the concept of the regional or state-specific proposals, and, Pete, let you start off with your comments on catch curves.

MR. HIMCHAK: I just want to refresh our memories as to how we got here today. We said that the prior 25 percent or 26 percent reduction over 2003-2005 did not reduce landings. They were not effective. We used landings as a proxy for exploitation. In the first draft of the last addendum apparently every state was hugely over the anticipated reduction on the base years of 2003-2005, including New Jersey.

We did demonstrate that there were some egregious errors in the MRFSS landings for 2003-2005 where they had us down for zero landings. In context with the purpose of the addendum, I find it shocking that – and I'll get into catch curves in a minute – that despite everybody originally having to reduce their landings by an exorbitant amount, we now have a number of states that are all at the target F.

I'll pick on New York in particular because their catch curve analysis is they were at they target F, and you look at the comparison of their landings they were originally required to reduce by like a hundred percent. Let me get into the specifics on catch curves. We did not even consider using it because we considered it an invalid tool for estimating local Fs.

If you bear with me for a minute, I'll give you the administrative record on this and you can go on the ASMFC website and pull this out of all the transcripts and technical committee reports. Okay, so catch curves were first used by Virginia following Addendum III. We had no problem with the Rhode Island and Massachusetts local VPA, but this led to a series of discussions on the appropriateness of using catch curves.

The board then tasked the technical committee are they scientifically sound or not? The technical committee referred it to the stock assessment evaluation, and in the review of the – this is July 2006 – the peer review findings; catch curve analyses are acceptable for determining trends. Local Fs aren't compatible with the VPA F. That's in the technical committee report.

I found it alarming that they were even presented for consideration; and if any of these go forward as being acceptable, well, we'll be doing one next week. Again, this really calls into question – here is my other fear on this. If you look at all the technical committee comments and the board comments from August of 2007 on reductions – this is in the transcript – if some states are not required to take the full 53 percent reduction, then other states must make up for it.

What we're being presented with today is out of the eight states that are essentially in the fishery, Massachusetts, Rhode Island, New York, they're okay. Delaware is de minimis. Maryland and Virginia take less than a 53 percent reduction. That leaves New Jersey and Connecticut with having to take reductions in the neighborhood of 80 percent.

I mean, this challenges the credibility of this coastal VPA. Again, catch curves – we did a VPA in New Jersey. We do have a fishery-independent survey and we came out at the target F, and we just didn't think it was credible and we didn't even submit it. But we can do catch analysis in a minute here; and if any of these go forward and we come up and then we say, well, we're a lot better than requiring a 53 percent reduction, then where is the credibility in this whole addendum?

CHAIRMAN GOLDSBOROUGH: Thank you, Pete. I want to solicit comments on that and on catch curves in general, but first I want to ask staff or Paul to comment on your construct about the reductions.

MR. CARUSO: I think we just talked about it a little bit, but Pete has a good point that you're looking for

53 percent, if a bunch of people take the pass, you're going to get to the 53 percent and it depends, first of all, like some people are going to take 53 percent and get 60, others are going to take 53 percent and get 18, some are going to get pass.

A lot has to do, like I said, the end result – our metric to measure this is the VPA so when we redo or some other model, the question will be did you reach the target F and not necessarily did you reach the target harvest reduction. Like I said, a lot of it has to do – as Vince had mentioned, there is proportionality involved in that coast-wide F. We can't partition it out and say this state is responsible for 50 percent of the F and this state is responsible for 2 because the model doesn't work quite that way.

But, obviously, when states that are large in harvest proportion take significant cuts, you've got a better chance of getting to the harvest. And if you have a state that, say, gets a pass and only takes a 20 percent cut versus 53, but they're only 2 percent of the harvest, you can still get there from here, so to speak. It may or may not be significant to the overall goal. It may work out okay. There are no hard and fast rules here, unfortunately. I don't know if Pete wanted to comment about the harvest cuts, but quite a few states did significantly cut their harvest in the last addendum. Other states didn't so that's worth thinking about.

CHAIRMAN GOLDSBOROUGH: Thank you, Paul. Do you want to respond to that, Pete?

MR. HIMCHAK: Well, yes, the need for the addendum was that landings were being used as a proxy for exploitation, and we saw that in the landings based on the foundation in years 2003-2005. They were going through the roof, so now we're saying that essentially that's not problematic because the fishing mortality rate has been shown not to be exceeding what the target is. It doesn't make sense to me.

CHAIRMAN GOLDSBOROUGH: Okay, let's follow up with any other comments. I've got Dave Pierce.

DR. DAVID PIERCE: I understand Pete's concerns about catch curve analyses. I have similar concerns. However, I think what we have before us now are a suite of proposals from different states that the technical committee has said will provide for the necessary 53 percent reduction in harvest.

Unless, of course, a state has been able to make a convincing case that it can have a state-specific or regional VPA that documents that 53 percent is not required because the fishing mortality rate is well under control, if that is the case, then no action would be required potentially by those states for further cuts.

I look at the analyses in the document prepared by the technical committee and summarized by Paul, and I see that for every state there are proposals that have been accepted by the technical committee as providing the necessary 53 percent reduction. That's my understanding. Only three states it appears have been able to make convincing cases agreed to by the technical committee for our departing from the coast-wide assessment consequence of a 53 percent reduction.

That's Massachusetts, Rhode Island and I believe Virginia. I think, Mr. Chairman, we're at the stage now where you need a motion relative to the state-specific or regional VPAs. If you are ready for that, I would like to make a motion that pertains to the situation in Massachusetts and Rhode Island and whether or not we will be required to have a 53 percent reduction in harvest.

I would like to make a motion consistent with the technical committee recommendation. I would move the board approve the Massachusetts/Rhode Island VPA and not require Massachusetts or Rhode Island to implement additional tautog regulations in 2012.

CHAIRMAN GOLDSBOROUGH: We have a motion to accept the regional VPA submitted by Massachusetts and Rhode Island, which results in no cutbacks for those states and a second by Bill McElroy. Discussion?

DR. PIERCE: If I may, Mr. Chairman, just a quick on my motion just to hit on some of the high points. We are at F is equal to 0.12, which is below the target of 0.15, and that is a consequence, as noted by the technical committee, of the rather proactive stance that both states, Massachusetts and Rhode Island, have taken over the last five years, anyway, to restrict our tautog harvest.

We've gone to the 16-inch minimum size. We're the only two states at 16 inches. We have voluntarily imposed hard quotas on our commercial fishery and we have other measures as well. Recognizing that it is basically a regional stock, we've really

aggressively managed to get mortality under control, and fortunately we have been successful.

Because of the hard efforts by our staff and good efforts by our staff to gather information and to monitor the fishery, we find ourselves in a very good position. We have a regional VPA accepted by the technical committee that has given us this information, and that is we're at 0.12 and not 0.15. That's the basis for my motion. Indeed, I, as well as Rhode Island will continue with our commitment to monitor this fishery very carefully and to respond in kind to any new developments that may occur with the fishery or any new information we have relative to the status of the stocks.

MR. SIMPSON: I will make it relative to this motion. I support the motion both because I think I have a comfort level with the assessment they've done, but also I think it's consistent with the direction that the technical committee is suggesting we need to move in and a direction I think we need to move in, and that is more regionalized assessment and management of this species because it does have limited movements.

I have very little concern that what we do in Connecticut will impact on Virginia and vice versa. I think it's the right direction to go. The related comment then is that regarding catch curves and some other less analytical approaches, I think we are going to have to give state jurisdictions a little more latitude in using what is available to them to arrive at calculations related to the status to their resource and the FMP goals.

While I have my reservations about catch curves, I do think how you treat the resource in your waters is going to come back to you one way or the other, so I think a state has the motivation to do the right thing. Whether it requires a workshop or not remains to be seen, but I think the states in general – it needs to be broader than the technical committee because it's also a management issue of where you draw those lines and where states are comfortable with the idea that, for example, in Connecticut what Rhode Island and Massachusetts do I think will have very little influence on us, very little overlap in our fisheries.

We would be interested in making sure that our management with New York is compatible. I think states need to work through that logic down along the coast and hopefully in my view see this plan evolve toward more regionalized management. I support Massachusetts and Rhode Island's hard work and early action on conservation of this species, and I'm

looking forward to an expansion of that sort of regional management in the future.

MR. GILMORE: Mr. Chairman, I'm actually going to go back to some of the comments made and I'll talk about the motion maybe a little bit later. Just for what Pete had raised, when we started this off we were essentially going for the full 53 percent reduction, and that's I guess maybe naively we thought that's what everybody was going to do.

That was difficult because the data on this is different depending on what state you're in, and a lot of it is being driven by MRFSS. The thing that was very difficult is like we're looking at data, Pete, we're the big player on this, but on the same day or the same time series New Jersey caught 500 fish we caught 5,000, which is physically impossible.

I mean, it just doesn't make any sense. A lot of the reduction we're taking is on really poor data, but we still decided to do it, anyway, and went through probably one of the most painful public meetings I've ever had in my career. After we saw the other states doing the catch curve analysis, I had the same reaction Pete had. I said, well, this is kind of like we're going to do a paper exercise and all get out of this and not take any reduction, which I think was incorrect also.

What I was hoping to do and what is all the recommendation of the technical committee is we really need to go into some sort of regional management that Dave and I already talked about. I don't want to go into a catch curve analysis and say I don't need any reduction because I think that's wrong, but I don't want to take a 53 percent reduction and then have such disparate regulations between the states, whatever, that we create another problem.

If I have to use the catch curve analysis to get to consistent numbers with Connecticut, I would use it in a heartbeat and maybe that's what Maryland and Virginia are doing is that they're using that to reduce that thing to maybe make more intelligent management, I guess. That's how I think we could use it where it would be valid. I'll leave at that.

The motion, again, I don't have a problem with math on it and I support it in the fact that I think Massachusetts and Rhode Island are doing a decent job in management. It's just that we're sort of going into this regional management all backwards and maybe we need to think about a more coast-wide approach about how we're going to go from

coastwide into a regional management approach. Thanks.

CHAIRMAN GOLDSBOROUGH: Thank you, Jim; maybe that brings us back to that workshop concept, but we'll come back to that, of course. Roy.

MR. MILLER: Mr. Chairman, I would just like to add one more voice to the concept of regional management. My overall impression of this process, I think of it as how Yogi Berra look at this particular process, and he would say if no one is overfishing why is the stock overfished as an overall impression.

I think it moves us towards the need for regional management. When I looked at the fishery off of our coast, the charter and headboat captains fish the same wrecks. The charter and headboat captains from southern New Jersey, Delaware and Maryland, they all fish the same wrecks; and when one state is closed they continue to fish those wrecks.

It begs the question of what do your particular laws say; is it a possession limit – I mean, can come back to port having fished in another jurisdiction or in federal waters if your particular season is closed; and if that is the case, then the jurisdictions need to tighten up their possession limits, so one more voice in this case for regional management. Thank you.

MR. HIMCHAK: I support the motion. When I sat down with our stock assessment scientist, Jeff Brust, and I says, well, why – I mean, you know, the Massachusetts and Rhode Island VPA; what ingredients do they have that we don't and where our results are not credible. He went through a slew of things and technically it's very sound and I support their approach to management. I'll let it let go at that.

DR. JAIME GEIGER: Mr. Chairman, to Paul, if I can; I did not hear a response to Pete's concern about catch curve analyses. Could you elaborate, Paul, is this now a recommendation or endorsed by the technical committee of the states using catch curve analysis as an appropriate management tool or is the technical committee recommending something else? It's unclear to me what is the role of that particular analytical analysis. Thank you.

MR. CARUSO: I hate to paraphrase but we know there are apples and oranges and we're not necessarily endorsing the use of them in lieu of or in place of VPA F or another analytical tool. I think Dave Simpson's comments probably best echo the

committee's feeling is we know there is a very big lack of information down south.

We know that some states have done a good job at bringing their harvest down and others have not. At the same time we have some information that shows us that their fishing mortality over time has been fairly consistent. Even their harvest might have gone up or down a little, their F didn't go way up.

The committee is not saying this percent up on the board is not an exact science. We're not saying it's the same as VPA F. We're basically saying we can't tell you that, but we have some comfort that some of the states' analyses provide us with some information and some comfort levels that the board can give them some kind of consideration.

Like I said, we just know they're too different to say that one is better – well, we know it's not better than the coast-wide VPA, but it also is a tool that for some states makes some sense to use and just give them some consideration for the use of that tool even if the ideal would be to get them up to an analytical model just like the states up to the north.

Even New Jersey, we did a southern region run; New Jersey did a run of their VPA. The data was good, the mortality rate looks low, but the fits are bad. Even though, again, we have a little comfort level that maybe the F is not that high down south but because the fit is so poor how you can say it's not same read as the coast-wide model.

CHAIRMAN GOLDSBOROUGH: Jaime, did you have a followup?

DR. GEIGER: Yes, Mr. Chairman. Paul, I appreciate that response. It just seems to me that we are having a little bit of an apples and oranges here, and I think the credibility and the consistency is very, very important for the technical committee. You either approve or not approve or if there are faults or individual variations, I would think somehow we need to get to a consistent set of tools that are applied universally and correctly and fairly across the resource. I'm getting the sense that we may be setting ourselves up for some challenges to some of our basic science that we're making allocation decisions. Thank you.

CHAIRMAN GOLDSBOROUGH: Thanks, Jaime. We're getting a little beyond the discussion of the motion that's on the table, so I do want to get back to that and a vote on that motion soon. Pat, you're next.

MR. AUGUSTINE: Mr. Chairman, as a follow-on to that, I'll support the motion. Again, question, why we're allowing the variance to go away from protocol that we have been following in the past with the use of the VPA. We do have two states that have done a very credible job of their assessment of those stocks and reducing their mortality and so on. The protocol has always been that we will use VPA. If that's policy or if it's part of the FMP, then by allowing this we are creating an aberration.

Jaime is right, we are not being consistent, so what is to prevent us as board members to carry this over into other boards that we still have to have through the rest of week where we're taking the exception again. I'm at odds with the direction we're going, again the cart before the horse. The technical committee is right on target that we need a workshop.

If we do approve this, we've already created ourselves – and as Dr. Geiger pointed out, we've set ourselves up to go to a variation from what the plan has been all these years, and that's my major concern. I would like to find out how we're going to address that before this meeting is over, even if we go forward and approve this plan. Mr. Chairman, I don't know if you can help me or not but those are the concerns that I think we have to be faced with.

We're going to tell the public that in one instance this is okay and in another instance that's not okay, and that is of major concern. I don't know how you address it other than the fact if we vote this down, I think we're doing a disservice to the two states that have put in all the effort and done what they have done.

I would use the example of years ago when New York State decided to take one striped bass where all the other states took two, we didn't ask for conservation equivalency. We were conserving this specie of fish for our fishermen because they were that concerned. Now we didn't ask for credit.

That is the only one I can compare to right now, Mr. Chairman, and I don't know if you can address that or will address it or whether you want to take up a second motion that I would put on – not a substitute; it would be a motion to address creating the workshop first. It's up to you, Mr. Chairman.

EXECUTIVE DIRECTOR O'SHEA: Maybe I can help, Mr. Chairman, here with the first part of the comment, and that is the plan does have a provision that allows the individual states that can prove assessment data to the same standard of the coast-

wide, to use that information to craft their regulations. The comment about this not being allowed in the plan is not exactly correct. There is a provision to do this in the plan, and it has been in the plan for a number of years, Mr. Chairman.

CHAIRMAN GOLDSBOROUGH: Thank you, Vince; and I will remind everybody that this board, based on a technical committee recommendation, did accept the Massachusetts/Rhode Island VPA a couple of years ago. Pat, a followup?

MR. AUGUSTINE: Just for clarification – I thank you for that, Mr. Chairman – I wasn't sure what the FMP said and that's why I raised the issue. With that clarification by Mr. O'Shea, I definitely would support this action. Thank you.

MR. HIMCHAK: I wanted to follow up on Dr. Geiger's comment, but this motion is fine for me. The language of the plan, I saw we vote it and move on.

CHAIRMAN GOLDSBOROUGH: Okay, I'll come back to you after the vote. Dave.

DR. PIERCE: I don't want to delay action on my action, but I will a little bit. Relative to the points that were made about catch curve analysis, I think that the technical committee is very open minded right now about catch curve analyses, and they should be. I say that because of what they have indicated to the states that offered up catch curves.

They've indicated that they have some concerns about the catch curves, the data used for the catch curves. They made some good suggestions as to how those individual states could go back and do some other things. They're to rerun the analyses following technical committee advice. New York has a catch curve they've offered, and in particular the technical committee has got some good suggestions as to how might they rerun that analysis and then bring that analysis back to them.

Maybe when the re-analysis is done, we may find ourselves in November, when we sit down to take final action on other states' actions, other states' proposals, that their regional assessments will be approvable because the technical committee will say, perhaps, that their catch curve analyses now stand up, and we can approve the results based on those catch curve analyses. I suspect that some of the states will rerun those analyses and we'll see where we stand relative to catch curve analyses and their applicability for tautog management later on this year.

CHAIRMAN GOLDSBOROUGH: Thank you, Dave. Any other comments on the motion that's on the floor? Do you need time to caucus? We'll take a minute.

(Whereupon, a caucus was held.)

CHAIRMAN GOLDSBOROUGH: Are we ready to vote? Okay, all in favor of the motion please raise your right hand; opposed; abstentions; null votes. **The motion passes ten for and none against.** Okay, I'm going to come back to you, Pete. Of course, we're grappling with this question of regional or state-specific approaches versus the coastwide, and we have just accepted the Massachusetts/Rhode Island VPA as a regional approach.

As I mentioned, we have accepted that before, so I don't think anybody has any problem with that. There have been various questions raised by the technical committee and by members of the board about some of the catch curve analyses, so we find ourselves in the position of figuring out what is the standard or the acceptable approach is for state-specific or regional approaches. I'd like to continue that discussion a little bit and perhaps ending up at the consideration of a possible workshop, but I'll take it to you first, Pete.

MR. HIMCHAK: I think Dr. Geiger brought up the point that may influence a lot of us, and Vince reiterated it when he said what the plan allows us to do. The key phrase is the same level of precision. Okay, so we all agree that this localized VPA is very technically sound, et cetera, et cetera. The technical committee is then left with comparing other methods to the coast-wide VPA as meeting the same level of precision.

We're dealing with apples and oranges here. If you recall on the last reduction strategy, New Jersey came forward with a TBAM Model, which is a trawl-based assessment methodology. It was not accepted; it was voted down four to three. The technical committee's comments on why they couldn't say, yes, we openly endorse this thing is because of the fact that it was a different analytical procedure they could not demonstrate that it met the same level of precision as the coastal VPA.

They could not demonstrate that it didn't meet the same level of precision as the coastal VPA, so keep that in mind when we're talking about using catch curves as another analytical process in comparing it to the same level of precision. I hope that's my last comment on catch curves, but we will be doing one.

We didn't even attempt but we should do one and get together with New York and come up with compatible management measures.

MR. THOMAS O'CONNELL: Just following up, it's very clear to me now that the measurement stick is whether or not these catch curve analyses meet the intent of the plan as to the same level of precision. I just wonder if Paul could just reiterate the technical committee's viewpoints on whether or not those states that have submitted a catch curve analysis meet that intent of the plan.

MR. CARUSO: That's a tough one. I think that word "intent" is what I'm going to have base my comments on. We've talked a couple of times here and we know there are different tools. We know one is much more simplistic. We know that catch curves are not comparable to that VPA F. The fit values that folks are getting from the catch curve give us some level of comfort that they're reasonable and the underlying data they're bringing forward gives us some comfort level that they're measuring something.

Their catch distribution tells us that they're measuring something. The committee really – you know, we grapple with it and we can't say it's at the same level of precision. All we can say is that it's giving us some signals that give us some comfort levels, and that the board can maybe give these states some consideration.

It's so difficult to compare these things because one is a simple tool and one is a complex analytical model. New Jersey is a good example. The TBAM Model had some good precision. The model itself is much more sophisticated. The catch curve – when we got some precision that looked like it was comparable to the coastwide, another issue came out of that review that the committee couldn't get past and regards some starting assumptions for that model.

I think if that model was to go back and that assumption wasn't there, we could have probably said it was comparable in precision to the coastwide, but because that other issue surfaced we couldn't say that. I'm sorry to dance around this issue so much, but there are two issues. One, there is no way to directly compare; and, two, we know it's a much simpler analytical tool without any underlying data that tells us about the resource. We're kind of saying to the board you guys are going to have to be the ones to be the arbiter here because the wording in the FMP doesn't give us – you know, we don't have that

level of closure with it. We can't say what the FMP is asking us regarding precision.

MR. MILLER: Mr. Chairman, in consideration of our previous arguments, when I look at what is before us under the regional assessments there is a checkmark next to Massachusetts/Rhode Island and a checkmark next to Virginia. Well, if we approve Virginia's catch curve and we're wrong in approving it, it will have a minimal impact on the coast-wide required reduction in F. However, if we were to approve – and I'm not suggesting that New York is holding firm to this – if we were to approve the catch curve analysis for New York with a zero percent reduction, potentially that could have a large impact when I look at the landings table showing the relative landings in New York versus the landings in Virginia. I think if there is some uncertainty about how uncomfortable we are or comfortable we are with catch curves, we should keep in mind who are the major players in terms of the landings? Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Roy. I am informed that the checkmarks simply mean that those states submitted a complete package, as it were, and the technical committee did not ask for them to do some follow-up work. Tom.

MR. FOTE: Unlike many of the species we deal with, this is a regional species. It doesn't migrate up and down the coast. It migrates pretty much in and out. If we're going to affect New York regionally, we're affecting New York's ability to the catch in the future. It is not affecting what Virginia will catch in the future or what Massachusetts is catching in the future.

We're letting New York take the chance whether they're risk-averse or how risk-averse or how it's going to affect them in the next three or four years down the road. Hopefully, three or four years down the road we'll have all these regional management tools in place. I mean, when we talked about earlier is how do we simplify basically doing this, because again I'm looking at resources.

I look at resources at the federal level and of the state level; and from the signs that are looking from state legislatures and from federal legislators we're not going to have a lot of money. No matter what is going to happen, we're going to have to do a lot more with less because when you manage more fisheries then everything becomes more difficult.

We have to simplify the tools and try to make it available, because that's the best available we're going to have, which is the term I hate the most. But, I'm looking at what congress is doing and I'm looking at what my state legislature and every other state legislature along the coast, so we have to find tools that will work better at cheaper prices.

MR. SIMPSON: Well, I guess one of the solutions to this, in my view, is maybe the need to formalize regional management in this plan, which I think would require an addendum. I mean, in one level if we can self-select regions, then we can avoid that formality. I know I have a comfort level, as I said before, that in working with New York to some common goal, I think that relaxes the standard in my mind in terms of the calculations used to estimate current mortality relative to the target.

Virginia doesn't need to worry about that so much; and conversely I wouldn't need to worry so much about what Virginia's calculation is if I'm comfortable that her neighbors are okay with what they're doing. I'm hearing a little bit here, okay, you know, Virginia is doing their thing and that's fine, but is Maryland okay with that, you know, Delaware and how far up the coast.

I think at this point if there is a comfort level for self-selection of regions, then catch curves I think are adequate. If we sense a tension point near borders where if my neighbor doesn't do everything that the plan requires I'm going to feel the pain of that, then we may need to formalize an addendum and go through that identification of regions. That is my thought. I'm not offering a motion at this point, but again getting a sense of whether along the coast that comfort level currently exists and perhaps Virginia and Maryland would be the local test where there is the potential for a different action in Virginia based on a local assessment.

CHAIRMAN GOLDSBOROUGH: Thank you, Dave. I sense that we're all pretty comfortable with moving down this road toward more regional or state-specific approaches given the life history and yet we're grappling with what our standards are for doing that. It does seem and the technical committee suggested this that we might benefit from a workshop to work through some of that.

I'm not sure what the timetable for that, but for the immediate purposes we do have three states that have proposed catch curve approaches; one which has submitted what the technical committee judged to be a complete package and that we should consider

today or could consider it today. The other two they requested some other analyses.

States, of course, do have the option of doing further analyses and coming forward with adjusted packages at the November meeting. Maybe before there is a motion I might ask any or each of these three states to give us some comment on what their intentions might be and maybe that will help clear up what we need to do today. Otherwise, we're just open for a motion. Tom.

MR. O'CONNELL: I guess I'll raise my hand. This is a difficult issue for me. I was a strong proponent of taking further action at our last meeting and didn't think our timeline for recovery was fast enough. On the one hand, I don't want to implement actions that are going to further delay the recovery of this stock

But I also, in talking to my staff, have a level of comfort with using this catch curve analysis, but I'm also concerned with Jaime in regards to not wandering from our standard that is identified in the plan. I'm trying to find the right approach. With Maryland and Virginia and recognizing our harvest levels, taking a more significant reduction I don't think is going to benefit the stock; but also trying to assure our partnership with this board to take the actions that everyone else is committed to as well.

Just from Maryland's perspective, if the board doesn't approve the catch curve analysis, we will put forth a proposal to achieve a 53 percent reduction. We have also taken the technical committee's recommendations and would be submitting a modified proposal as the numbers will have changed a little bit following the technical committee's advice. I'm just kind of looking for the board's guidance. Personally I would like to go forward with the catch curve analysis, but if that gives a lot of discomfort with the board we'll proceed consistently with the other states.

MR. GILMORE: Following up from what I said before, if we go with the analysis we've done – and I think Adam is going to have a motion to try to actually approve those – I don't think that's what we're going to take. We want to submit additional options or approaches to this because the concern I still have, as I said before, is if we take that full 53 percent reduction the way it came out on our options is we're going to have a compliance issue because we're going to have different regulations among our neighboring states.

We've gone through that in several other fisheries, so I want to use the catch curve analysis to try to tweak this a bit so that we can at least – you know, and if it's valid, we're going to go back and do the bootstrapping on what the technical committee recommended; and if we can use that to demonstrate that we actually can take a slightly lower reduction but still a significant one, but have a management or rules that we put in that actually make sense and will give us not only the reduction but better compliance in terms of what we're trying to do in getting that F down, then that's what we're planning on doing. We're going to put more options in, but again the ones we have on the table right now I think we can approve today. Thank you.

MR. JACK TRAVELSTEAD: Well, Virginia has submitted what we think is a complete package. It contains a number of options to achieve the 53 percent reduction as well as the catch curve analysis. They're all presented for the board's approval. The technical committee seemed to agree that the bootstrap analysis and the catch curve showed an acceptable level of precision.

We've used catch curves before with success, and that's why we resubmitted it for the board's consideration. Ultimately if it doesn't pass muster, we have the other options in there that do achieve the 53 percent reduction. The other thing we're interested in is we've noticed that I think almost all of the states have submitted options that include an increase in the size limit to 16 inches.

We're interested in the board considering a coast-wide size limit of 16 inches. We'd like to go to 16 inches but would be reluctant to do that if some of the other states did not simply because of what that would mean in the marketplace. But if there was support for 16 up and down the coast, that would be something we would like to see happen.

CHAIRMAN GOLDSBOROUGH: That sounds like one of the topics for discussion at that workshop unless the board wants to take a strong turn in a specific direction like that today. I'm not sure if we're ready for that or not. Adam.

MR. NOWALSKY: Mr. Chairman, in the interest of moving this forward and trying to do something with these proposals I do have a motion I'd like to offer at this time and get some feedback from the technical committee about how it would work as well as the other board members. **I move that state proposals that the technical committee determines meets the target F with reasonable precision and deemed**

risk-neutral be accepted to meet the Addendum VI reductions.

CHAIRMAN GOLDSBOROUGH: Do we have a second; second by Pat Augustine. Discussion of the motion? David Pierce.

DR. PIERCE: I'm not entirely sure what this means. I would appreciate if the maker of the motion would clarify his intent. Certainly, the latter part of the motion that says "deemed risk-neutral" relates to the suite of proposals that individual states have offered up to meet the 53 percent reduction. That is where the terms "risk-neutral" and "risk-prone" come in.

However, the first part of the motion speaks to the question of reasonable precision, and that term I think is used only in reference to the regional or state-specific assessments, so that's why I asked for a clarification. What would this mean for individual state proposals in the eyes of the maker of the motion?

MR. NOWALSKY: This is where I was looking for some guidance from Paul and the technical committee here. This motion was offered up in looking at the specific technical committee comments in terms of what constituted a complete package to get the checkmark and to offer something up for board approval; specifically in the comments under the Virginia catch curve that they said should be considered where the statements included bootstrap estimates indicating reasonable precision and then they went on to indicate that one option that achieved the 19.5 percent reduction and all these were found to be risk-neutral.

I was trying to incorporate what seemed to be the considerations of the technical committee to try to find some standard that states New York, Maryland, New Jersey could apply moving forward to say, hey, do we have something that's even worthy of submitting to the technical committee or this isn't going to pass muster. That was the attempt I was trying to make and I'm happy to have some feedback from the technical committee or board to further refine the motion.

CHAIRMAN GOLDSBOROUGH: Thank you, Adam. We'll get some feedback from Paul in a second but I want everyone to keep in mind the possibility that this sets a precedent for the future as well. Paul.

MR. CARUSO: Well, I'm not sure I'm responding to a directed question here, but from what I can read

at the front end of the motion, as Bill would allude to, you're basically putting it back to the technical committee to make the decision with each state's analysis if it meets the reasonable precision criteria.

That's not the same as the wording in the FMP, so we're going to have a little trouble dealing with it. I can see where it would kind of open the door up right now for Virginia's to be approved and not the others because we're still waiting for information. I don't see any language there regarding the risk-neutral to be a problem because that to me applies to the existing options that are laid out on paper of future options.

I do see the technical committee having maybe a little heartache with again meeting the target F with reasonable precision. It's different than the estimate of F meeting reasonable precision. The word "reasonable" is all in the eyes of the beholder so a lot of latitude there.

CHAIRMAN GOLDSBOROUGH: Pete, did you have your hand up a minute ago?

MR. HIMCHAK: Yes, I wouldn't support the motion for the reason. The FMP is very specific at the same level of precision; and then this technical committee having the latitude and the objectivity of determining what is reasonable, I wouldn't support that language.

MR. MARK GIBSON: Mr. Chairman, I have a question for the technical committee chair. The standard for assessment right now is the coast-wide VPA or this by-state region that we have and to make estimates – terminal year estimates and the technical committee has chosen 2008 and 2009 as the years of reference.

The VPA Model makes direct estimates of mortality for those years, which can be averaged together. The catch curves – I'm looking at the state reports – they have fish back to 15 years old in them; so if they have a sample of fish in 2010, those fish were born in 1995 and they recruited to the fishery in 2001, about age six, so your catch curve is smearing a whole bunch of years of mortality estimates together.

Precision aside, it seems to me we have a rigor problem and potentially a time series bias. If mortality is changing over time, particularly if it's rising, this catch curve with all these smeared years of mortality is going to understate the current mortality rate. Has the technical committee had any

discussions about the catch curves and that potential problem?

MR. CARUSO: If I recall we had those discussions back about five years ago, but we didn't have any real in-depth discussions about those issues this time around, Mark. I would agree with your perception of the age-smearing issue and stuff like that, but we didn't really talk about it too much past the application for this particular addendum during our discussions last Monday.

MR. SIMPSON: Mark is exactly right; that's the heart of the question I had back when I asked were they within-year catch curves or following the cohort. That's the problem with a within-year catch curve is it's averaging fishing mortality over many, many years and different age classes and so forth. It does sort of beg for the integrity of the process here.

I'm trying very hard to move us toward regional management because I think this is a species where very much how you treat it will come back to you and not so much your distant neighbors. Mark is right; I mean, the catch curves are not measuring fishing mortality in 2008 and 2009. They're not showing the response to recent management actions.

We do have a little bit of a dilemma in straight-faced approving the catch curve approaches. That being said, I'm not a huge fan of the VPA either. I think we're grossly underestimating the variance associated with those estimates as well because going in – and Paul can correct me if I'm wrong, but it's going to assume a perfect catch at age coming from the MRFSS survey, which we know is highly variable.

You also have a huge amount of error associated with the assignment of ages to the lengths that you have from the MRFSS survey, so you might have a couple hundred tautog that actually got measured. You're going to assign an age to those based on a key at any given length – and I've spent a fair amount of aging tautog – could be one of several ages, so you've got smearing on top of smearing that is not expressed in the error bars around the VPA, so it's a whole lot noisier than we're lading ourselves to believe, too.

So, yes, we have inexact tools to measure the fishing mortality here; and so under the existing rules I reluctantly have to say that the catch curves probably don't pass the straight-face test. The VPA is sort of the devil we've adopted and the standard we have adopted, and so it's easy enough to approve Massachusetts and Rhode Island.

I'm not sure what to do for the other regions except perhaps to move to some kind of addendum where we address the level of precision that is required and perhaps this workshop could offer up some alternatives for assessment that could be used regionally.

MR. TRAVELSTEAD: It's not clear to me what the motion that we have before us actually means. I think the better alternative would be to look at each state's proposals and make an individual motion each state because there are states that have not submitted any options for 53 percent. There are states that have submitted some catch curve data, but the technical committee has suggested they need to come back with additional information. I think all of that needs to be laid out for the individual states so that when we leave here today we either know that we have options that are approved, options that are disapproved, or additional data that we need to submit to the technical committee and board so a final decision can be made in November.

CHAIRMAN GOLDSBOROUGH: My intent was to get through the state-specific and regional-specific approaches and then go to the broader proposals that all the states have made. We have that laid on another slide. Adam, given what Jack said, do you have a comment about your motion?

MR. NOWALSKY: Mr. Chairman, I would just offer two things; one with respect to the early comment about precedent-setting, I had included the language or had jotted down here – and I don't actually see it up there; "to be accepted to meet the Addendum VI reductions". I thought I had said that originally, but don't see it up on the board there, that the end of the motion would be "be accepted to meet the Addendum VI reductions" to try to make this specific to this addendum with the concern about precedent-setting moving forward.

With regards to Jack's comments, I just offer again that this motion was intended to be directed towards the catch curve analyses that have been put forth. If it would be helpful to the members of the board in include that language, "move that state proposals based on catch curves", if that helpful in assuring states that they're going to get their proposals through as written, I would be open to modifying my motion as such. Again, the intent here is to try to move this forward.

CHAIRMAN GOLDSBOROUGH: I'm going to let Chris offer a comment.

MR. VONDERWEIDT: Just a point of clarification; so the addendum stipulates an F target that the reductions are designed to achieve. The Virginia proposal says Virginia needs to reduce by 19.5 percent to achieve that F target, so to meet – okay, it said to meet the reductions before, so that was changed in the last second.

MR. NOWALSKY: Yes, again, I'm open to perfections here, in language here. I agree that ultimately the individual proposals, we could go through the process of doing them all one by one. One of my concerns is that we would leave here today with a thumbs up for one of them, a thumbs down for another, and that when we reconvene in November that we somehow are applying a different standard in approving them at that time. One of my goals in leaving here today would be to have a standard that we give things a thumbs up or thumbs down to and to be able to apply the same standard moving forward.

CHAIRMAN GOLDSBOROUGH: Thank you for that thought, Adam. I think that is where we need to get. I'll take comments on this but I'm not sure if we're quite ready to get there yet, especially given the discussion we've had of a possible workshop to work out some of those things.

Given that and if there aren't any adverse comments to that, could I suggest to you that you might want to withdraw your motion and make another motion specific to a state proposal or move in that direction somehow so we deal with the proposals today but keep ourselves an open slate for moving forward with a workshop or without.

MR. NOWALSKY: I'll leave that to another board member to go ahead and offer either amendments to this or a substitute.

CHAIRMAN GOLDSBOROUGH: If there are no other comments we are at the point of voting on this motion. Is the board comfortable with that? Jack, do you have a comment.

MR. TRAVELSTEAD: Again, I still don't know what the motion means. I think I want to offer a substitute motion, Mr. Chairman. I think the best way to do this is again to look at it state by state so there is clarity in what is being approved and what is not.

For New York I would move that their options that achieve the 53 percent reduction be approved; and if they wish to pursue a catch curve

analysis, that they submit the additional information requested by the technical committee, and that's laid out at the top of Page 3 in the technical committee report if you want the specifics. For Maryland I would move that they again submit the additional information and analyses requested by the technical committee for their catch curve analysis – do you want me to stop?

CHAIRMAN GOLDSBOROUGH: Well, I think you might be overburdening your proposed substitute motion by dealing with multiple states. It gets more and more complex. If you would like to simply it to one state, perhaps, or a different approach, that would maybe be preferable. I do have some other hands if you want to consider that.

MR. TRAVELSTEAD: I'll be glad to consider that and just stop it with the New York information.

CHAIRMAN GOLDSBOROUGH: And I would also note that we can consider all of the proposals for our 53 percent together or in groups and go that next once we've deal with the state-specific approaches, also. That is another way we could deal with this. Jack, do you want this motion as is to be seconded for the record?

MR. TRAVELSTEAD: Yes.

CHAIRMAN GOLDSBOROUGH: Okay, Jim, thank you. Jaime.

DR. GEIGER: Mr. Chairman, I guess I'm getting uncomfortable trying to set a gold standard as it has been stated on catch curve analysis on a motion-by-motion basis versus trying to look more holistically at a workshop where the states will come together to come up with some common standard or common evaluation or common assessment that everybody buys into. I think the board is at a critical moment in looking at the status of this stock and rebuilding schedule that we've laid out.

I recall what Tom McConnell said on some of us were looking for a more aggressive rebuilding schedule. Again, it is all about the status of the stocks; it's not about the process to analyze the status of the stock. I'm concerned that we're making decisions right now piecemeal and not looking at the overall bottom line in what we're trying to achieve in terms of achieving the necessary reductions to rebuild the stock in reasonable amount of time. Thank you, Mr. Chairman.

CHAIRMAN GOLDSBOROUGH: Thank you, Jaime. Do I have any other comments at this point? I would note that the way this motion reads it does not set a precedent, as it were. Pete.

MR. HIMCHAK: Well, again, I tend to support Dr. Geiger's approach here that we are in agreement that the FMP allows for a technical analysis as presented by Massachusetts and Rhode Island and we find that acceptable and scientifically sound. If we go ahead and allow new technical analyses piecemeal, we need to have the workshop first before we go ahead and do that.

I'm of the opinion that, well, we're in a bind here because how do we get the workshop done and then implement measures for 2012 if we're on such a tight time schedule. But, again, it may to New Jersey's advantage to do a catch curve analysis. We're certainly going to do one after today, but I'm not sure that's the direction that we need to take in making – you know, every time we've got to make a tough decision on tautog, we seem to backslide a little bit.

We slid back from the target F of 0.15 to not being so restrictive when we had to take the first reduction. These are tough decisions and before we go ahead piecemeal approving new analytical procedures we should have the workshop first. Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Pete. I want to note that there is not money in the budget for a workshop now. This is a new proposal so it would probably be in 2012 at the earliest, so I doubt that we'd have some resolution from that mechanism for 2012 regulations. Okay, we have a substitute motion on the table. Any further discussion? Roy.

MR. MILLER: Mr. Chairman, until your last comment I was prepared to offer up some wording. I'll give you the gist of what I was thinking: Move to defer consideration of state regional-specific catch curve approaches pending the results of a workshop specifically to address catch curves and also the crafting of regional management strategies for the state.

In consideration of what you just said, it presents obvious timing problems and funding problems making approval of catch curve proposals contingent upon the results of a workshop, but I wanted to let you know I have that wording if we choose to go in that direction.

CHAIRMAN GOLDSBOROUGH: Thank you, Roy. I think a motion for a workshop for moving forward

but not one that conditions approval of 2012 proposals on the results might be a direction that we could consider but I don't that motion, though, conflicts with this one, the one on the table now. Let's focus on that. Any further discussion on this motion?

Are we ready to vote? Do we need a caucus? I'll read the motion into the record: move to substitute that New York options that achieve the 53 percent reductions be approved; and that if they wish to pursue a catch curve analysis, that they give attention to the technical committee recommendations. Motion by Mr. Travelstead and second by Mr. Gilmore.

I would note that I believe it's the board's intent – correct me if I'm wrong anybody – that such a proposal for using catch curves by New York pursuant to this motion would still need to be reviewed by the technical committee and this board. Dave.

MR. SIMPSON: Yes, in light of the comments that have been made around the table regarding catch curves, I suppose it's okay as worded. The implication is we would approve it if the technical committee looks at the catch curves. I would be more comfortable with a motion that simply said that we approve any state options between the states of Connecticut and Virginia that the technical committee has approved as achieving the 53 percent reduction; in other words, eliminating any of the catch curve analysis or any reference to catch curves.

Anything the technical committee approved as meeting the 53 percent reduction, we could approve here today and then leave the issue of further regional-specific analysis to a separate question. I'll kind of offer that up to Jack as a friendly amendment or to consider – I don't want to get into amending motions and complicating this further.

CHAIRMAN GOLDSBOROUGH: Thank you, Dave. I will note that's the direction we were headed at this end of the table. We have another slide that summarizes all those 53 percent cutback proposals by states, and it was my intent to try and resolve the catch curve proposals and then go to that, so I recognize your intent. Jack, do you have a comment on that?

MR. TRAVELSTEAD: I don't have any objection to that. We can dispense with all this I think with two motions; one that says everybody that submitted an option that meets 53 percent you're approved;

number two, any state that submitted a catch curve, you need to respond to the technical committee's request for additional information before you'll be considered in November. I think it's as simple as that. That gives guidance without approving the catch curve stuff until the technical committee has the additional information that they need.

MR. FOTE: I could recommend a substitute motion to Jack's motion that would make those two motions or why don't everybody withdraw their motions and we start off with two motions that basically would accomplish that?

CHAIRMAN GOLDSBOROUGH: Thank you, Tom; I think the latter is cleaner. Jack.

MR. TRAVELSTEAD: **That's fine with me; I'll withdraw my motion.**

CHAIRMAN GOLDSBOROUGH: Okay with the seconder, Jim? Okay, so we're back to Adam's motion. Adam.

MR. NOWALSKY: **I'm fine with that; that's the direction I was trying to achieve. I think that is good.**

CHAIRMAN GOLDSBOROUGH: And the seconder, Pat?

MR. AUGUSTINE: Agree, Mr. Chairman.

CHAIRMAN GOLDSBOROUGH: Okay, we've cleaned the slate of both motions without voting. Dave.

MR. SIMPSON: Did you say you had a slide that identified all the approved –

CHAIRMAN GOLDSBOROUGH: Yes, let's go to that. Okay, since we've already adopted the Massachusetts/Rhode Island VPA, this slide is a little bit off. It would Connecticut, New York, Delaware and Virginia whose proposals for 53 percent cutback met with technical committee approval and could be considered in one motion should somebody care to offer one. Jack.

MR. TRAVELSTEAD: **I would move approval of Connecticut, New York, Delaware and Virginia's proposals that achieve the required 53 percent reduction.**

CHAIRMAN GOLDSBOROUGH: Do I have a second; Bill Adler. Discussion? Are you ready to

vote? Is there a need for a caucus? All in favor raise your right hand. **It is unanimous; the motion passes.** Pete.

MR. HIMCHAK: Just a quick comment on what New Jersey submitted with the spreadsheets; basically we were pressed for time and Jeff Brust was trying to get the methodology; in other words, how each day would factor into a percent reduction. I think he has done the heart of the methodology, but if you want to seep specific proposals, then so be it. That should be easy for us to work up.

CHAIRMAN GOLDSBOROUGH: Thanks you, Pete. We're almost there; we still the catch curve proposals. We have New York and Maryland and potentially New Jersey that have some things to do to bring back to the technical committee should they care to do that for the November meeting. We have the Virginia proposal that was a complete package as judged by the technical committee. We could consider that now and then I think if we want to discuss that workshop and formalize it. Jack.

MR. TRAVELSTEAD: **It seems to me the most logical way to proceed since Virginia has nothing further to offer on its catch curve analysis and the technical committee has not requested any further information from Virginia is that I move that Virginia's catch curve analysis and the associated option be approved.**

If that's voted up, that might provide further guidance to the other states who are considering catch curve analyses. If it's voted down, I think you get a pretty good sense that the board doesn't want to move forward with catch curve analysis, and that would probably be the end of it. That seems to offer the best guidance.

Now, I would note, having made that motion, that the technical committee has agreed that the option that Virginia presented under the catch curve analysis is risk-neutral and that our analysis provides an acceptable level of precision even though it's not directly comparable to the VPA. I don't know what else Virginia can do. We've presented the analysis and it's up for the board to decide whether they like it or not. Based on the results there, that might be some substantial guidance to the other states that are considering catch curves.

CHAIRMAN GOLDSBOROUGH: We have a motion; is there a second? Second, Dave Pierce. Discussion? Dave Pierce.

DR. PIERCE: I was waiting for Jack to make that motion for the last two hours, Jack. It makes a great deal of sense. The technical committee has given us the reasons why they feel that the Virginia catch curve analyses is adequate.

I would certainly support the motion made by Jack. However, I'm not sure that it will provide necessary guidance to the other states that wish to use catch curve analyses because of the qualifiers the technical committee has appended to the text relative to – all the bold-faced text that is on Page 3 of their report.

That bold-faced text is specific to the states south of New Jersey – well, it would apply to Maryland, of course, but not to New Jersey and New York as well. I would suggest that we pass this motion and then consistent with your directive, Mr. Chairman, we give the opportunity for Maryland and for New York to pursue the catch curve analysis consistent with the technical committee recommendations as to further work required.

We see how they do with their continued work on this issue and then in November we will be in a position to say yes or no, and they'll certainly have some advanced notice as to whether or not they stand a good chance of having those catch curve analyses approved; and if not, then they'll have other others to give us that will achieve the necessary 53 percent.

MR. HIMCHAK: Mr. Chairman, I was under the impression that when we withdrew the two former motions that the strategy would be to deal with the proposals for meeting the 53 percent reduction and then postpone any decision on the catch curve analysis until all the proposals were submitted in front of us at the November meeting.

Again, if we approve the Virginia process, we're doing it piecemeal and we're breaking the mold. Again, we're going to be arguing about what is reasonable. I don't think it's going to provide us any guidance. It's just going to launch another flurry of – in our case another catch curve analysis.

CHAIRMAN GOLDSBOROUGH: Thank you, Pete; I think you capture where we are quite well, and it might mean that a motion to postpone would be in order. Dave.

MR. SIMPSON: Yes, I was just going to say reluctantly I'm to have to opposed the motion for the point that Mark made; that I think what we're measuring here is the historical average fishing mortality, and I would like to see us continue the

direction we've discussed, and that is get the technical committee back together and maybe with some input from others – that would be the distinction between another technical committee meeting and a workshop I guess – to try to develop creative ways for states and small regions to assess stock status and develop their own plans because I think that's the way we want to go. But reluctantly I'd have to oppose this one now and hopefully move in the direction of a uniform approach. Thanks.

CHAIRMAN GOLDSBOROUGH: Adam, did you have your hand up?

MR. NOWALSKY: I just wanted to state that I agree with the sentiment that was expressed that the intent of withdrawing the motions was to, one, go ahead and approve the 53 percent and then provide some blank cover for all the states to make sure that everyone's catch curve analyses would be submitted, considered on an equal footing, and I remain concerned that if we approve them on a piecemeal basis today, for whatever states they may be, that ones considered in November may be considered on different merits. I have great reservation about leaving this room today under that premise.

MR. HIMCHAK: **Mr. Chairman, I would move that we postpone any action on this motion until the November meeting.**

CHAIRMAN GOLDSBOROUGH: We have a motion to postpone; is there a second? Pat Augustine. Tom.

MR. O'CONNELL: Question, Bill, regarding the workshop; you had indicated that staff had advised you that funding would not be available to conduct it this year. I just reflected back in our actions yesterday and we were prepared to advance a striped bass addendum that would have required one if not more public hearings along the entire Atlantic coast and whether or not funds that would have been directed to that action could be redirected to support a workshop. I would anticipate that we're talking five or ten thousand dollars at most and possibly get that done in time to bring it back to the November meeting. Thanks.

CHAIRMAN GOLDSBOROUGH: I see some heads nodding on that thought. I guess I have to bump that to staff to comment. Is that funding scenario realistic or even is that time table realistic? While that is being researched in the corner of the table, did I see another hand over here? Jaime.

DR. GEIGER: Yes, Mr. Chairman, I think that's an excellent approach. I, too, recall that we may have some money saved from not holding public hearings on striped bass. I think that would be an excellent use of those funds for the workshop. Thank you.

CHAIRMAN GOLDSBOROUGH: To the extent that those funds were earmarked in the budget.

EXECUTIVE DIRECTOR O'SHEA: Two of the difficulties you have got is the Tautog Board spending striped bass money, which gets you on a slipper slope. The second issue I think is we go on a calendar year, so this is presuming there will be no striped bass public hearings for the rest of this year, and I'm not sure that the Tautog Board can decide that.

You really have an issue that sort of transcends two boards. I think you ought to raise this at the policy board and make a request to the policy board rather than try to decide it here. Now I don't know about the timing issue relative to the availability of the scientists, their schedules and all that issue. I'm just talking about the money thing.

MR. AUGUSTINE: To that point, here we've got another specie of fish that's in dire need of some action to be taken. We've spent tons of money on protecting striped bass. Striped bass is striped bass. You get tired of hearing about striped bass. We've let most of the other species go wherever they. I tried to move action on blackfish or Tautog Board for three years as chairman.

I couldn't get any action to speak of. We finally got some action last year and only found out that the public was not interested in protecting fish that were being caught and being sold without folks having permits. Now we're at a point in time where the technical committee has worked very hard to come up with an approach that would be better for a species of fish that is in trouble.

We can't find money, whether it's budgeted for striped bass or some other specie of fish, to put together a technical committee or a workshop that would benefit the stock and help this board and the ASMFC hit a home run. It's unfathomable to me to see that we can't do that.

I would suggest that this issue be moved to the policy board and/or the executive committee to review to see why we can't find that funding and between now and then, which would be later today, determine what it would cost to pull that together and somehow find

out what technical members or technical committee members would be available to participate and to move forward with this issue. We've wasted enough time and energy to put this off for another three, six or nine months; so if you want a motion to start this workshop or to create this workshop movement, I'm ready to do that, Mr. Chairman.

MR. FOTE: I strongly disagree with Pat's first statement that the public wasn't calling for reductions on basically undoing the illegal fishery. If you look at the public hearing documents, it's the public that was screaming that we should do something. It was the board and law enforcement who said we couldn't anything, so it was not the public that basically – they wanted action and that is what that amendment was started for and the amendment wound up – instead of doing anything about the illegal catch, it wound up doing a reduction in the fishery, so let's set that record straight.

As far as transferring funds, that's what we have a commission for and that's why we have a policy board. We can do that at any time that we want and I think that's appropriate for the policy board to address that. I do have Vince's concern that we put a lot on the staff and with the availability of staff and all the directions they're being pulled, it might be very difficult to get a workshop in a such short period of time.

I understand there will be a lot of suffering at states when they have to basically send – another time to send their technical people to basically do that. Before we would basically say that we have to do this workshop before November, I want to make sure the states can afford to send their people and not just with money-wise but time-wise to make sure this is done, because I want to make sure that all the states will be present to go through the workshop. I mean, I think that's what we need to do first.

CHAIRMAN GOLDSBOROUGH: Thank you, Tom. I'm going to recognize Bill Adler and then I'm going to ask for a vote on this motion and try and pull this together.

MR. WILLIAM A. ADLER: Well, that was one thing I was going to say is we've got a motion on the floor already. If we postpone this, the fact is that somebody is going to have to do something between now and November because in November we've got to make a decision for these states so they can be ready for 2012. Whether it's a workshop or just a technical committee, whatever it is, but these states need to be ready in November for something so they

can put it into play. I'm moving on this motion I guess.

CHAIRMAN GOLDSBOROUGH: I would like to vote on this motion now. Is there a need for caucus? Okay, this is a motion to postpone Jack's motion about the Virginia catch curve proposal to the annual meeting. All in favor raise your right hand, please; opposed. **The motion passes by nine to one vote.** Okay, we've dealt with the state proposals that we can right now. First I'll recognize Vince and then try and pull this together.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, it might be putting Paul on the spot here, but I think one of the things – I mean, right now you're heading towards having this board, I'm guessing, request the policy board consider the workshop.

But I think prior to doing that, it might be useful to have a clear understanding around the board with the technical committee chair as to what the outcome would be if a workshop and how that outcome is going to influence what the technical committee does relative to the other state proposals. In other words, how is it going to make a difference as a result of having the workshop because that is what is implied here is that we have a workshop. Between now and November there will be some sort of outcome of that workshop that is going to feed into the technical committee evaluation of the state proposals. I think it would be good to have an understanding of how that is going to happen or if it could happen.

CHAIRMAN GOLDSBOROUGH: I think that's well said. Having attended the technical committee meeting when the concept was discussed, I don't think the technical committee felt that a workshop could be conducted in the near term that would clarify the ground before us for immediate consideration of those state proposals, but that it was something that would be more useful in sorting out our direction for the longer term with respect to state- or region-specific approaches versus coastwide.

That's the sense I get from the technical committee, but the sense I'm hearing today from the board is that it would be useful to have the policy board discuss whether it's even feasible to fund a workshop before November and how that might be useful. Does anybody want to add anything to that? Pat.

MR. AUGUSTINE: Vince, thank you for your comments on that. My concern was what are the specific elements we're going to ask of the technical committee; terms of reference, if you will. What are

we going to use as a guideline? I thought that would be an outcome of having a motion on the floor to say recommend that we create a workshop for this group in my opinion to develop tools between now and November for us to make better decisions or they would present what we needed to know to make that delineation to go to regional and so on and use catch curves.

Mine was to get the meeting, get the information in hand and at least get started as opposed to waiting until next year, which puts it off another six months, and then we've delayed it one more time. I think it's important to strike while the iron is hot, so to speak. My intention was to make sure we have a clear picture based on the suggestion that was made about having a workshop as to what we're expected to come out of that.

My idea was that they would develop the tools or the framework to make this move from coastwide to regional, and that was the basis for it as opposed to rushing to get something done to put it on the table to make final decisions for this year. That was my intention of that move to do that, Mr. Chairman.

CHAIRMAN GOLDSBOROUGH: Thank you, Pat. My interpretation of the technical committee's advice was that that may not be feasible on that timeline. Craig.

REPRESENTATIVE CRAIG A. MINER: I've kind of followed this process all around what I think is a circle and maybe it's just me. There was a motion on the table to approve what I thought was a catch curve plan with some understanding that we were going to move toward I think having a workshop on whether or not catch curves would be a methodology that this board supported, and maybe I'm wrong there.

And now it seems like that is not going to happen and so I don't know what you do with these states that have submitted plans based on catch curve. Do they have another option? Are they going to come back with another proposal with another option for November?

CHAIRMAN GOLDSBOROUGH: The concept of a workshop as it was discussed by the technical committee was not as a short-term tool to provide further evaluation of catch curves as a tool. In fact, catch curves had nothing to do with the discussion. It was really to look at the longer-term alternative assessment approaches that might be used for a regional or a state-specific management. So, really,

we have morphed the concept in our discussion today and I apologize if I contributed to that. Pete.

MR. HIMCHAK: Mr. Chairman, the motion I presented was not to do with the long-term other analytical measures but was to allow any state, particularly New York and Maryland, that were requested to provide additional information on their catch curve analysis, to complete those analyses and allow other states, such as New Jersey, to develop its catch curve analysis, looking at all the pluses and minuses of the ones that have been presented up to this point.

And then at the November meeting essentially we will have to make a decision on all of catch curve analyses in the absence of a workshop, but to do it piecemeal I thought was a dangerous process and we'd be in a much better position to make a reasonable decision in November.

CHAIRMAN GOLDSBOROUGH: Thank you, Pete. I think the way things are headed now the technical committee would have a meeting now and November, but there is simply no time and no money to have a workshop unless the policy board were to see fit to call for that and make the necessary changes. If this board wants to take that proposition to the policy board, let's decide that right now. Otherwise, we need to move on.

MR. HIMCHAK: Well, that was my understanding because, yes, we have to set measures for 2012 and we can't wait for this workshop to set a new course of tautog management.

CHAIRMAN GOLDSBOROUGH: Thank you, Pete. If there are no other comments on that, I just want to pass along the deadline that has been proposed by the technical committee for the updated proposals that they would consider of September 15th. Okay, let's move along. We're ten minutes behind and we've got a couple more agenda items and I think they'll be quick. Let's move to discussion of federal waters tautog management, Chris.

DISCUSSION OF FEDERAL WATERS TAUTOG MANAGEMENT

MR. VONDERWEIDT: This is a rekindling of one of the issues in the Draft Addendum VI for public comment. The idea was that there are no regulations in federal waters currently, so a poacher really only has a three-mile gauntlet, as Law Enforcement Committee called it during their discussion, that they would have to avoid law enforcement detection.

Right now if somebody in federal waters – there are no regulations. You don't need a permit, there is no minimum size limit, there is no minimum bag limit or anything like that. If I wanted to go into federal waters I could catch 60 eight-inch tautog and I would be legal up until I entered state waters of three miles.

One of the proposed ideas was that we could implement a maximum bag limit, the least stringent state regulations of any state, so at the time Delaware had a ten-fish bag limit so in theory we could ask the National Marine Fisheries Service to implement a ten-fish bag limit in federal waters. It's not as restrictive or conservative as some of the states, but it's a lot less than unlimited, which would be fifty. So in theory if there was a poacher who had 60 eight-inch tautog, they would only be allowed ten of those. And at the time being that it's the least restrictive, it wouldn't impact existing fishermen because they can still catch the maximum amount that is legal to bring through state waters. Those two recommendations were the least stringent bag limit, so the maximum bag limit, and then the minimum size limit, which would be 14 inches.

Some states have 16 inches, but that wouldn't impact, and so the idea is that you could forward a recommendation that would be a lot simpler than implementing consistent with the adjacent state. However, at the last board meeting, after passing the 53 percent reduction, someone pointed out that, well, the state regulations are changing so we don't know what those minimum – the least stringent regulations are anymore.

Delaware is going to reduce their bag limit, a lot of states look like they're going to 16 inches, so that might be the minimum size limit. The Law Enforcement Committee, in their review of the draft addendum, they were in favor of this kind of a recommendation to sort of close any federal and – it's not that it's a loophole I guess because they are still regulated in state waters, but it just makes it easier for poachers.

It's probably premature to move forward today with a letter or a recommendation because we don't know what those final regulations were for, but the board asked that we discuss it at this meeting and kind of keep it on the forefront of everybody's consciousness. That's kind of where we're at with that.

CHAIRMAN GOLDSBOROUGH: Thank you, Chris. Questions? Bill Adler.

MR. ADLER: Wouldn't it be easier – I don't know if they're possession laws or landing laws, that these boats that are out in federal waters have got to come home some time; and if they landed in that state they abide by the laws of that state; wouldn't that be simpler than putting other numbers in?

MR. VONDERWEIDT: Yes, that would be simpler. That's the way things are right now. Most states prohibit possession and landing above their existing amount, but from three miles to 200 miles – I mean, tautog aren't that far out, but they're unrestricted so they can do whatever they want.

The Law Enforcement Committee's discussion was that basically a boat could hold under the size limit and over the bag limit amount of tautog, wait for no law enforcement presence, and then just quickly zip in the three miles; where if there was a ten-fish bag limit or a six-fish or a eight-fish bag limit with a 14-inch minimum size, the coast guard could board those vessels and say, "Hey, you've got 60 12-inch tautog, you're over our federal limit," and it's more simple to implement in federal waters than a full gamut of regulations.

MR. ADLER: If I may, the chances of the coast guard boarding and playing with a ten-fish tautog is slim, and that's why I just think that it would just be simpler to try and simply say, you've got to come home some day and when you come home, if you landed in that state, yes, enforcement has to be there, but you can't count on enforcement running up and down the two and half mile line all the time either, because they probably aren't. I just think to try to get a simple solution for now rather than try to go into the federal world of a different number.

MR. AUGUSTINE: Mr. Chairman, this will just carry over in this document until the fall, maybe, and we'll review it again? Thank you.

CHAIRMAN GOLDSBOROUGH: It there are no other comments on Chris' presentation, we'll move on to the final agenda item, discussion of Virginia age data. Chris.

DISCUSSION OF VIRGINIA AGE DATA

MR. VONDERWEIDT: I'm going to just go over the letters that were sent, and I would ask that you direct any technical aging questions at Paul. Basically, Commissioner Bowman sent a letter to Vince on May 9th and he was pointing out in his remark that Virginia's tautog aging were inconsistent

with the other states because it was not included in the 2011 assessment update, and they felt that disregarding Virginia's age/length data was problematic and a workshop should be convened to reconcile the issue.

Vince wrote a letter back to Virginia explaining that for the 2005 benchmark assessment of tautog, there was a couple of aging workshops in the early 2000's and all states submitted age/length samples utilizing this method. Virginia changed their aging methodology for 2001-2003, and it indicated a jump at mean length at age in all the age groups so there wasn't time at the assessment to reconcile the differences.

What happened was that the stock assessment subcommittee opted to just pull that data out from the assessment. And though the 2011 assessment was a turn of the crank, which means identical input parameters to the benchmark, which meant continuing to not include Virginia's age/length data, Vince indicated in his letter that there is no money in the 2011 Action Plan for an aging workshop but it could be discussed for 2012 funding. That's kind of the letters that went back and forth.

CHAIRMAN GOLDSBOROUGH: Thank you, Chris. Any questions? Jack.

MR. TRAVELSTEAD: Well, just the bottom line is Virginia thinks we do need an aging workshop with support funding of that in 2012. Pending funding being made available, I'd like to suggest that the states begin to collect hard-part samples that include otoliths and opercle so that hopefully when the workshop is held, that all the states can come in with all the various hard parts to be compared and we can walk out of that workshop with an agreed-upon aging methodology.

MR. NOWALSKY: Mr. Chairman, am I correct that there still hasn't been a rescheduling for the full stock assessment workshop? My concern is that has not happened, while I certainly agree that the aging data needs to happen and other things, that needs to be a priority given the technical committee's continued request to implement better modeling for tautog. That needs to be priority to get that on the schedule.

ADJOURNMENT

CHAIRMAN GOLDSBOROUGH: Thank you, Adam. I think the sense of the board supports that concept. It is not yet scheduled though but it will be. Any other issues of other business? I will take a

motion to adjourn by Tom Fote; second by Bill Adler. Seeing no objections, we are adjourned. Thank you.

(Whereupon, the meeting was adjourned at 11:00 o'clock a.m., August 2, 2011.)