

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

The Langham Hotel
Boston, Massachusetts
November 8, 2011

Board Accepted: February 2012

TABLE OF CONTENTS

Call to Order, Chairman William Goldsborough.....	1
Approval of Agenda.....	1
Approval of Proceedings, august 2, 2011	1
Public Comment.....	1
Review Previous Board Action on State Plans to Implement Addendum VI.....	1
Review Additional State Plans to Implement Addendum VI	2
Adjournment	18

INDEX OF MOTIONS

1. **Approval of Agenda by Consent** (Page 1).
2. **Approval of Proceedings of August 3, 2011 by Consent** (Page 1).
3. **Motion to approve the New Jersey and Maryland methodology to arrive at a 53 percent reduction in harvest, including the technical committee caveats to not use a standalone five-day closure within season for New Jersey, Option 2, commercial; and not use half-inch size limit increments in Maryland, Option 7** (Page 7). Motion by Pat Augustine; second by Jack Travelstead. Motion carried (Page 7).
4. **Motion to substitute that New York, New Jersey, Maryland and Virginia be required to implement percent reductions as a result of the catch curve methodology developed by the technical committee** (Page 15). Motion by David Pierce; second by Pat Augustine. Motion carried (Page 18).
MOTION REWORDED (Page 18): **Motion that New York, New Jersey, Maryland and Virginia be allowed to implement percent reductions as a result of the catch curve methodology developed by the technical committee.** Motion carried (Page 18).
5. **Motion to adjourn by Consent** (Page 19).

ATTENDANCE

Board Members

David Pierce, MA, proxy for P. Diodati, (AA)	Adam Nowalsky, NJ, proxy for Asm. Albano (LA)
William Adler, MA (GA)	Bernie Pankowski, DE, proxy for Sen. Venables(LA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Jeff Tinsman, DR, proxy for D. Saveikis (AA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Roy Miller, DE (GA)
Rick Bellavance, RI, proxy for Rep. Martin (LA)	Tom O'Connell, MD (AA)
Dave Simpson, CT (AC)	Bill Goldsborough, MD (GA)
Rep. Craig Miner, CT (LA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
James Gilmore, NY (AA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
Pat Augustine, NY (GA)	James Kellum, VA, proxy for Sen. Stuart (LA)
Byron Young, NY, proxy for Sen. Johnson (LA)	Catherine Davenport, VA (GA)
Peter Himchak, NJ, proxy for D. Chanda (AC)	Bob Ross, NMFS
Tom Fote, NJ (GA)	Jaime Geiger, USFWS

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

Ex-Officio Members

Staff

Vince O'Shea	Mike Waine
Bob Beal	Chris Vonderweidt

Guests

Nichola Meserve, MA DMF	Tom McCloy, NJ DFW
Dan McKiernan, MA DMF	Jeff Brust, NJ DFW
Matt Camisa, MA DMF	Russ Allen NJ DFW
Joe Grist, VA MRC	Teresa Tanzi, RI State Rep.
Rob O'Reilly, VA MRC	Drew Minkeiwicz, Kelly Drye Warren
Michelle Duval, NC DMF	Shaun Gehan, Kelly Drye Warren
Jack McGovern, NOAA	Kyle Schick, PRFC
Chris Moore, CBF	Steve Meyers, NOAA
Dick Brame, CCA	
Dominick Fresco, NJ DFW	

The Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Wilson Ballroom of the Langham Hotel, Boston, Massachusetts, November 8, 2011, and was called to order at 2:15 o'clock p.m. by Chairman William Goldsborough.

CALL TO ORDER

CHAIRMAN WILLIAM GOLDSBOROUGH: Good afternoon. This is the meeting of the Tautog Management Board. I'm Bill Goldsborough, the chairman.

APPROVAL OF AGENDA

CHAIRMAN WILLIAM GOLDSBOROUGH: I believe you all have the agenda. Are there any changes to the agenda? Seeing none, the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN WILLIAM GOLDSBOROUGH: The proceedings from the August 2nd meeting; does anybody have any changes or additions for that? Seeing none, the proceedings from the August 2nd meeting are approved.

PUBLIC COMMENT

CHAIRMAN WILLIAM GOLDSBOROUGH: We'll now allow for public comment. Is there anybody from the public that has comments they would like to offer on items not on the agenda? Seeing none, we'll check off Item Number 3 on the agenda. Item 4, Review Previous Board Action on State Plans to Implement the Addendum; I'll pass it to Chris for that.

REVIEW PREVIOUS BOARD ACTION ON STATE PLANS TO IMPLEMENT ADDENDUM VI

MR. CHRISTOPHER VONDERWEIDT: In a minute staff is going to pass around a document that is going to help the board members come to a decision or make their decisions later in the meeting. I'm just going to kind of go through and remind everybody we've been going at this for about a year.

I'll just remind everybody of sort of the history of how we got here, what was decided at the last board meeting and what decisions need to be made.

I apologize if some of this is repetitive, but it's hopefully helpful to some people. In March 2011 the technical committee and the stock assessment subcommittee reviewed an assessment and recommended approving it for management use. The assessment update showed that tautog is overfished with the SSB in 2009 at 10,553 metric tons, which is about a third of the target of 26,800 metric tons, and in addition overfishing is occurring.

Actually the average F for 2008 and 2009 was 0.38. At the time the Addendum IV and V target was 0.20, so overfishing was occurring as well. What this looks like graphically, the blue line at the bottom with the circles on it, that is where SSB is. The dashed line is the threshold and the red line is the target, and you can see the SSB is well below the target.

Included in the assessment update consistent with the previous 2005 benchmark assessment were projections of biomass. The green line at the top is a fishing mortality of 0.15. On the left is 2011; and if the F rate was reduced to 0.15 the SSB would get close to the threshold in the late 2020's. Continuing with 0.2, which was the target at the time, which was not actually achieved by the regulations, would not have gotten us to the threshold by 2025. The bottom blue line with the diamonds on it, that was if we continued along with the 0.38 fishing mortality rate.

During the TC presentation, I just copied their conclusion slide, and the technical committee – so this is verbatim from what the technical committee presented – the technical committee recommended immediate harvest reductions to rebuild the stock. Poaching may need to be addressed, but the assessment results didn't indicate the magnitude of poaching removals would be large enough to hinder stock rebuilding.

Their main recommendation was that a fishing mortality rate of 0.15 or even lower than that, 0.10, is more likely appropriate for a species with a life history like tautog. In response to that, the

management board initiated Addendum VI, took it out for public comment and put in place a new fishing mortality rate target F equals 0.15, which is a 53 percent reduction from 2008 and 2009 average harvest.

Those two years were chosen because 2009 is the terminal year of the assessment, and there were new regulations in 2008 so it was sort of the two-year current stanza of fishing mortality under existing regulations. Also, included with that addendum was language that allows for a regional or a state-level assessment if it's at the same level of precision as the coast-wide assessment.

Any state that has an approved regional assessment is only required to reduce whatever amount to get down to the F 0.15 and then states would have to report annually consistent with the past, and the compliance deadline would be January 1, 2012, which is right around the corner. The actual timeline, in April the board approved Addendum VI, and then in June the technical committee, after a series of four conference calls, sent out to states a pretty comprehensive – about a 30-page document giving guidance on the different regulations that would achieve the harvest reductions, what amounts and discussing that.

Then July 15th states were required to submit their proposals to either achieve the 53 percent harvest reduction or I guess and/or submit a state/regional assessment indicating that their local fishing mortality rate is lower than the coast-wide assessment. The TC had their first feeling July 25th reviewing state proposals.

Then at the last ASMFC meeting in August the board reviewed those proposals and took action on a few things, and I'll highlight what that was in a second. Now, August through September states submitted a second round of proposals, including brand new proposals as well as revised proposals based on guidance from the board and/or technical committee.

Then the technical committee reviewed those proposals, so here we are, this is the final round of board review so states can go back and know what their regulations have to be and have January 1, 2012 implementation. I think staff is going to hand out or has handed out – excuse me, so at the actual last board meeting the board approved the Massachusetts/Rhode Island VPA.

It indicated that the precision of the Massachusetts/Rhode Island Regional VPA was – the technical committee used MSR with a value of 0.69 comparable to the coast-wide MSR of 0.61. In

addition the technical committee felt that regional is more accurate for a species like tautog, so they preferred the Massachusetts/Rhode Island VPA to the coast-wide VPA as far as giving an F rate for that stock. The technical committee also highlighted that Massachusetts and Rhode Island have had a history of proactive management.

Rhode Island actually put in new regulations in 2010 I believe that they weren't required to, but they are more restrictive. The board approved the Massachusetts/Rhode Island VPA based on the technical committee's recommendation, so Massachusetts and Rhode Island do not require a further action today.

In addition, a number of states submitted proposals that would achieve a full 53 percent reduction as required by Addendum VI, and those states were Connecticut, New York, Delaware, and Virginia. The board also included some caveats based on existing regulations. The majority of those recommendations were just that there shouldn't be less than a two-week closure in the middle of an existing season, but that's all outlined in the technical committee report.

There was a number of catch curve proposals, state-specific proposals at the last board meeting, and the board agreed to postpone taking action on the catch curve proposals because they wanted to consider all catch curves at the same time. They also wanted a little bit more guidance from the technical committee regarding catch curves as a way to indicate F for the tautog stock and if there is any way to look at precision, and Paul will go over that in a minute.

What you have being passed out right now is a matrix of what the decisions are, what has already been decided by the board and what could be decided today. On the left-hand side there are the states. The second column is the 53 percent reduction method. For Massachusetts and Rhode Island you'll see that it does not apply to them because they already have an approved regional VPA. Connecticut, yes, has been approved; New York, yes, has been approved.

New Jersey has not been approved so that one is highlighted as something before the board today; Delaware, yes; so on and so forth. To the right of that is the regional assessment portion where on the left-hand column is the method of the regional assessment. The middle column is what percent reduction would still be required if they were approved – if they had a fishing mortality rate based on that regional assessment method and then whether

or not it's board approved. New York, New Jersey, Maryland and Virginia have submitted a regional type of assessment. Those are highlighted in gray. As we go along, you can check off what has been decided if you like. I think that's it. Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Chris. Okay, that takes us to Agenda Item Number 5, reviewing additional state plans to implement the addendum. Paul is going to take us through that.

REVIEW ADDITIONAL STATE PLANS TO IMPLEMENT ADDENDUM VI

MR. PAUL CARUSO: As Chris had mentioned, the technical committee had a rather lengthy meeting back on October 1st for a day and a half in Providence. I'm going to go through the results of that meeting and there will be some other business at the end. As Chris had already mentioned, the first part of my presentation from the technical committee will basically talk about those 53 percent proposals.

New Jersey and Maryland have a couple of proposals each, and the technical committee went over those. We'll go over that and then we'll go over the regional information about the catch curves and the New Jersey Model. The technical committee recommends approving the methodology for the 53 percent reduction from New Jersey and Maryland and can use the approved methods if the reduction is given. Like I say, we'll get into the New Jersey one. The evaluation criteria was the potential to achieve the 53 percent reduction, and like the last time the committee decided to use a two-tier review to review the proposals. In addition to a thumbs-up or thumbs-down, we give you a risk neutral or a risk prone rating on the individual proposals.

New Jersey had six options. Three of those were commercial and three of those were recreational options. All of the reduction proposals achieved a 53 percent reduction. There were size limits, bag reductions and/or season reductions in there. Relative to the committee's findings, all the options presented were risk neutral; a little note about Option 2 having an additional benefit because it's a spawning closure.

On the New Jersey Proposal, again all the commercial proposals were risk neutral. There was one caveat that the five-day closure in their Option 2 appends an existing closure. In other words, that five-day doesn't come all by itself as a standalone closure. The committee doesn't feel that type of

closure is effective mainly because people can recoup lost harvest effort.

For Maryland, Maryland had four options. They're labeled four to seven of the proposals I think in your briefing book. Most of them contain size increases and/or seasonal reductions. The committee came to the finding that Options 4 and 6 are risk neutral. Option 5 is risk neutral, but includes a two-week open and close season, which the committee is less comfortable with, like New Jersey, just because it's kind of a – it's a short duration closure. There is more chance for recoupment by the recreational anglers.

Option 7 was found to be risk prone because it proposed a half-inch size increment. The experience of the committee is that half-inch size increases lead to low compliance. There is difficulty with enforcement. Also, the data that were used to analyze the percent reduction is less informed when there is a half-inch size limit. There is just not that many intercepts at those half-inch intervals. Right here I'm going to pause for a minute and let the chairman kind of take over. This is probably a place where the board wants to entertain some actions.

CHAIRMAN GOLDSBOROUGH: Thank you, Paul. I'd like to get some board opinion and perhaps motions on approving the New Jersey and Maryland proposed 53 percent reduction proposals. I'd like to take them separately, but first does anybody have any questions for Paul on either one? Yes, Jeff.

MR. JEFF TINSMAN: Not really a question on either of these, but a question of why Delaware does not show approved plans. We submitted I believe eight options, some at 14 and some 16 inches, using approved methodology, and the material given to us by the technical committee.

MR. CARUSO: You've already been approved, Jeff, at the last meeting.

MR. TINSMAN: What's that?

MR. CARUSO: At the last meeting you were approved.

MR. TINSMAN: Yes, I thought so, okay.

CHAIRMAN GOLDSBOROUGH: And you'll see it's spelled out in the annotated agenda, also, Jeff. Any other questions? Pat.

MR. PATRICK AUGUSTINE: A great presentation, Paul, as usual. So, it doesn't matter what New Jersey does, they could use the five days or not use a five-day window. As you said, with or without caveats, the five-day closure changes existing closures – are you suggesting we approve Option 2 or they take Option 2 out or we just say we approve whatever New Jersey's plan was? I'm confused on that.

CHAIRMAN GOLDSBOROUGH: Are you asking for a clarification of the TC position?

MR. AUGUSTINE: I'm asking for a clarification on what does it mean?

MR. CARUSO: Well, it's just a preference, Pat. I think we'd like to see that five-day closure append an existing closure, period. I think the intent was to go that way, but it's the way you make the motion I think is what we're saying. If you want to do that, you should include it in your motion.

MR. AUGUSTINE: Are you ready, Mr. Chairman?

CHAIRMAN GOLDSBOROUGH: Okay, Pat, I'll come back to you then. Adam.

MR. ADAM NOWALSKY: Paul, what we're evaluating right here are just a pure reduction methodology that was offered? You're not discussing the alternative mechanism that New Jersey has offered at this time?

MR. CARUSO: Yes, we'll get into that next, after we deal with the 53 percent, because this is a rather straightforward proposal here.

CHAIRMAN GOLDSBOROUGH: This is the way we have been approaching it; approve the 53 percents and then look at the alternatives, including the catch curves. David.

DR. DAVID PIERCE: Paul, I'm still a bit confused. The table that was just passed out shows the different states and the 53 percent reduction, and for New Jersey there is a 27 percent reduction in the column. What does that 27 percent reduction represent in this particular table, and the same thing for Maryland where it says 49 percent? I'm trying to interpret this table and I'm not sure how to interpret it.

MR. CARUSO: David, I apologize for any confusion. We're strictly working in that first column to the left there. New Jersey has a 53 percent reduction proposal that we went through. The regional assessment information is those three

columns to the right, and we'll be talking about that next.

What Bill is proposing in the course of action here is to get through the easy stuff first and then we can go back and if you folks decide to allow the regional information, these states can go back and take these alternative reductions, but right now we're just dealing with that 53 percent cut and the proposals that they put on paper to do that.

DR. PIERCE: Okay, and one other question; it's unclear to me that the technical committee has concluded that the catch curve method is an appropriate method to use and you have no objections to the catch curve method, or is that still open for discussion?

CHAIRMAN GOLDSBOROUGH: Well, that is still open for discussion. We're going to get to that next.

DR. PIERCE: I know we're going to get to that next, but I guess what confused me is we've got this for board action, and I thought you were looking for a motion. I'm not sure how these board actions should be addressed in light of the fact that we are going to deal with other things. I look to the chair for some guidance as to what the next step in this process is.

MR. VONDERWEIDT: I think maybe just to say the same in a slightly different way. The technical committee is recommending on the earlier slide the methodology to achieve a reduction. Step 1 is to achieve the full reduction of 53 percent. I guess the column on the left would be, yes, the board approves the methodology of the New Jersey Proposal and the Maryland Proposal.

And then when the board gets into the state/regional, the catch curves, and then New Jersey has a depletion-based assessment, New Jersey, if approved, could use the same method that it used to calculate the 53 percent reduction to calculate that 27 percent reduction there, so it's sort of Step 1 is the method to put in new regulations to achieve a harvest reduction, and then the second step is what is that final harvest reduction for states.

At the last meeting it was an easy, quick decision for the board to go over the 53 percent proposals, and then it was much slower to go over the catch curves and the state/regional assessment. I think that's kind of the idea.

CHAIRMAN GOLDSBOROUGH: Is that clear now, Dave?

DR. PIERCE: Not quite. The other states need to have a 53 percent reduction?

CHAIRMAN GOLDSBOROUGH: What we're doing is methodically going through all the proposals from the states. Some were already accepted in August, so these are the remaining ones. We're taking the easy one first and then we'll get to the more difficult ones, and then the state can choose among the ones that have been accepted which one they implement. Does that help? No, well, maybe Pete can help with this.

MR. PETER HIMCHAK: Well, all we're approving for Maryland and New Jersey at this point are the mechanisms that include size, season and possession limits that would be used in a calculation to come up with any reduction, whether it's 53, 27 or 50 percent. All the states have already gone through this exercise, and ours we thought was done and ready for approval at the last board meeting, but it wasn't.

So all we're asking is that the combination of size, season and possession limits or commercial seasons, they each show a reduction, and whatever reduction you're required to take, you do the math and the methodology is approved. Now, the question I do have further on this is the issue of risk prone, risk neutral, and this came up last year when we were developing summer flounder management measures. I guess New Jersey put in, I don't know, maybe six or eight and we dropped four or five of them, and there was still one – the one fish at 17-1/2 and the rest at 18 inches, and the technical committee commented, well, this could be a little risk prone, it's kind of like new territory and everything.

I see this issue of risk prone being used now to set standards where we haven't really defined what a risk prone versus risk neutral is. I mean, I would support the motion that shows what New Jersey and Maryland would implement to accomplish whatever reduction is necessary, and we didn't even get to that point yet.

MR. AUGUSTINE: Mr. Chairman, based on the conversation as it has proceeded, it's obvious we have another step in this process after these two motions are approved. I move that we approve the New Jersey – and whatever the language is – move New Jersey and Maryland methodology to arrive at a 53 percent reduction.

CHAIRMAN GOLDSBOROUGH: And I presume you mean including the caveats provided by the technical committee?

MR. AUGUSTINE: If somebody could write that down. Okay, that's fine. Now, if someone wants to wordsmith it better than that, I think that will suffice for what we're trying to accomplish.

CHAIRMAN GOLDSBOROUGH: I just want to clarify the caveats are different between Maryland and New Jersey. If everybody is okay with approaching it this way rather than separate motions and understands that, I'm good.

MR. AUGUSTINE: Mr. Chairman, why don't we just add that "caveats as presented"? That covers it.

CHAIRMAN GOLDSBOROUGH: I hear a second from Jack Travelstead. Any discussion?

MR. HIMCHAK: I would just offer – I would like to have the motion end after "53 percent reduction in harvest", period. The caveats are technical committee comments on this risk-prone, risk-neutral business that the states, in the case of summer flounder, if we accepted the risk and it blew up in our face, then we paid the consequences. I guess it wouldn't be a friendly amendment, so I would have to just put in a substitute motion – move to amend to approve the New Jersey and Maryland methodology to arrive at a 53 percent reduction in harvest.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Mr. Chairman, I think the issue here and the intent of New Jersey is pretty clear. One of the things you might consider doing is simply trying to amend this motion to delete the caveat. Thank you.

CHAIRMAN GOLDSBOROUGH: And we suggest your first step would be see if that could be done as a friendly amendment.

MR. AUGUSTINE: It would be fine as long it doesn't change the intent and it directs the board as to where we're going. If that's clear, that's fine. Mr. Chairman, it appears by making that change it does not change the intent, so that's fine. Please make the change accordingly.

CHAIRMAN GOLDSBOROUGH: And, Jack, is that okay with the seconder?

MR. JACK TRAVELSTEAD : It's okay.

CHAIRMAN GOLDSBOROUGH: In that case we have a motion acceptable to you, Pete? Any other discussion on the motion? Dave.

DR. PIERCE: Once again, I'm trying to understand the caveats that have been offered by the TC. I think that in the previous slide there was an indication that for Maryland and for New Jersey there was an option for each state that the technical committee indicated we might not want to consider as a viable option for New Jersey and Maryland to pursue.

That's why I got confused because that seemed to relate to the application of the methodology to develop specific options for how the fishery should be regulated in 2012. With one of those options for Maryland, we're being advised not to include that in the list; the same thing for New Jersey, one option, don't include it in the list.

The caveats are specific to options to be chosen or are on the table, so with the motion as it's now worded it's specific to the methodology, but it doesn't reflect concern about the options that would be entertained by those states once they use that methodology. Perhaps after we deal with this particular motion on methodology, there will be a need for us to follow up on the technical committee recommendation as to what options in the list for each state should not be considered; we should not approve. I'm assuming that's way we would have to move forward to reflect on the TC concerns, unless I'm still misunderstanding this.

CHAIRMAN GOLDSBOROUGH: Well, the way it stands right now you have a motion before you to accept the proposals from both states without mention of the reservations of the TC. There was one from each state on one of the proposals. Now, that's what is before you now. You can choose to attempt to amend it again if you're uncomfortable with that or vote it down or vote it up. I had Jeff next.

MR. TINSMAN: Mr. Chairman, I'm a little concerned that I don't feel like I'm getting the straight story, I guess, from the technical committee on this. When they're expressing concerns about risk with things like breaking down size limits in half-inch increments, where is the data coming from for this? Are you saying that this is a risk-prone way to go about things, but it's still okay? We need clear guidance from the TC; we approve this; we don't approve this.

MR. CARUSO: Yes, it's a good question, Jeff. Like I said, the committee, we had a little heartache over

this because sometimes there are good options, but you know if they're kind of written the wrong way they're going not be so good. These are pretty much recommendations from the committee that as written that we're uncomfortable with them because there is a lot more risk than probably there should be.

In the case of New Jersey, it's – and I think their intent was to add the five-day closure to an existing closure, but what the committee is saying is you have standalone five-day closure, it doesn't add up to much. The same thing with Maryland, the issue being that this is such a data-poor stock to begin with, you get a handful of the intercepts and then when you try to cut that stuff down into half-inch increments, the data pretty much falls apart.

We saying based upon our interpretation of underlying data, even though, yes, the math does add up, in reality when you apply it, it may not, so we think that's riskier than the other four or six, whatever proposals are on paper. Basically, the committee is saying we like your options, but these two here we're not really particularly fond of and we wish you wouldn't implement them.

It's pretty much I think the board's purview to take them on face value, if they add up to 53 percent or listen to the technical committee's instruction that we don't think – even though it adds up to 53 percent on paper, because of qualitative information or the quantify of the data underlying the analysis, that we don't really think it will add up in the past. As we all know, most of the times you do these reductions, they never generally do add up to what we expect them to do.

MR. HIMCHAK: Mr. Chairman, I defer to Mr. Augustine's original motion as long as those two caveats are spelled out in the motion. My attempt to amend the motion, I will give up that course of action; but then when Mr. Augustine agreed to put in the caveats, for some reason it didn't come out that way

CHAIRMAN GOLDSBOROUGH: Staff is going to adjust the motion accordingly, Pete. Tom.

MR. THOMAS O'CONNELL: Mr. Chairman, I guess what I'm trying to figure out is that the way the motion is written, it approves the methodology. And as we've done in the past, if we get the methodology approved, we can go back and talk with our stakeholders to use that methodology to determine the best option for them that meets the management objectives.

Now I'm getting a little confused because it seems like there is a lot of focus on this motion approving the options as presented with the technical committee caveats, so I'm trying to get clarity is it the methodology and the caveats are that using this methodology you should not have a half-inch size increment, your seasonal closure should be no less than two weeks or is it focused on the specific management options that were presented?

CHAIRMAN GOLDSBOROUGH: Okay, so now we have the motion written as Pete requested with the caveats spelled out. Pat is out of the room; I'd like to make sure that he as the maker is comfortable with that; Jack as the seconder is. Pat is coming in shortly; meanwhile I've got Adam.

MR. NOWALSKY: Mr. Chairman, just as we go ahead and append to that, I'd just like to see it's the Option 2 commercial option referenced here in the motion.

CHAIRMAN GOLDSBOROUGH: Thank you; we'll make that change. David.

DR. PIERCE: Just to clarify, Mr. Chairman, I'm not sure what it means by the reference to append existing closure; if that could be more direct. I don't know that means. The second part says don't use one-half size increments in Maryland, Option 7, but the other part referencing New Jersey is unclear to me.

CHAIRMAN GOLDSBOROUGH: Thank you; we'll try an edit of that language. Tom.

MR. O'CONNELL: I guess just going back to my last statement, Mr. Chairman, I'm still a little confused. Are we approving the methodology or are we approving the management options? As it is currently written, it sounds like Maryland would not be able to look at any strategy that would include a half-inch size limit, but I wonder if other states would be able to use the half-inch size limit. I don't know if we're making this overly complicated.

I thought the intent was to approve the methodology with the technical committee's viewpoints that states would take back into consideration as if they are risk prone or there are some concerns with half-inch size increments. I'm just trying to get clarity as to is Maryland – with this motion approved, is Maryland going to be limited to the options as presented or will we have the flexibility to use the methodology as approved?

CHAIRMAN GOLDSBOROUGH: Paul, can you speak to that?

MR. CARUSO: In the past the board has approved a suite of options for states, and generally what has happened is if the exact management option that was approved doesn't get approved at the state level, it really hasn't been an issue as long as they stay with the methodology and it still adds up to the – you know, little tweaks like that don't seem to be an issue. I think the committee's comment relative to Maryland for the half-inch intervals was state-specific just because your data pile is so small. I hope that helps you out a little bit.

MR. HIMCHAK: Maybe I could explain that five-day closure in the commercial fishery is that we would have to close an additional five days, say, and that would equate to some percentage. We would not put a five-day closure within an open season. It would be tacked on to an already closed season and the percentage would be calculated. That's the whole intent of this five days. It is not going to be a standalone closed season. It has to be attached and we agree with that.

CHAIRMAN GOLDSBOROUGH: Thank you, Pete; yes, that was the technical committee's reservation, so now that is spelled out in the motion. Does that work for you, David? Pat?

MR. AUGUSTINE: Yes, it's fine as long as it's clear and it's okay by the TC that this now meets the requirement. Yes, accepted, thank you.

CHAIRMAN GOLDSBOROUGH: Jack, once again, you're good as the seconder. Thank you. Okay, any further discussion? Is there anybody in the audience that would like to comment on the motion? Seeing none, I'll call the question. I'll read the motion into the record:

Move to approve the New Jersey and Maryland methodology to arrive at a 53 percent reduction in harvest, including the technical committee caveats to not use a standalone five-day closure within season for New Jersey, Option 2, commercial; and not use half-inch size limit increments in Maryland, Option 7. Motion by Mr. Augustine and second by Mr. Travelstead. Are we ready to vote? Do you need time for a caucus? Can I see a show of your right hands for those in favor; those opposed; abstentions; null votes. **The passes unanimously.** Paul.

MR. CARUSO: Okay, now on to the harder part. You're all waiting for the catch curve information,

and the technical committee spent quite a long time deliberating this at the last meeting as we have in the past. There were original catch curve estimates from New York, Maryland and Virginia.

As Chris had mentioned, the board decided to postpone action on those estimates at that time. What the technical committee agreed to during the course of our meeting was that we would ask everybody to use the same methodology when they did their catch curves. Everybody had a little bit different twist, and as you can expect people kind of picked the one that gave them the lowest fishing mortality rate.

We tried to put everybody on the same page, and we kind of looked into a couple of the different methods a little deeper. The one method that we had some comfort with was this Chapman-Robson Method. I guess the easy way to put it is that this method does account for sample size to some degree, so that was a good thing.

We also agreed that the states would use the regional age-length key instead of an individual state key. Again, that kind of puts everybody on the same playing field as the coast-wide VPA, and that states would start with the first fully recruit at age when they drew their regression line. Again, this is all in an effort to get everybody on the same page to be able to compare state to state and to get people up to some level of probability, and I won't say precision but probability to kind of the outputs of the VPA.

Catch curves in general; again, this is kind of a lesson in catch curve use, but the committee notes that they're not at the same level of precision as a coast-wide assessment, and that's because the coast-wide assessment is an analytical model, and this is not. These are regression techniques for the most part, pretty simple.

However, the coast-wide model, the downside is it doesn't produce localized information. Especially as you go further south in the range, we don't have fisheries-independent information from the southern states, so the coast-wide VPA is I would say kind of uninformed as to the stock conditions down south.

The committee does not endorse nor reject the use of catch curves. They're strictly a source of information for you to make decisions on; and if the board decision is that catch curves are sufficient to meet the management goals of Addendum VI, they can consider them, as we had mentioned at the last meeting.

The downside of catch curves are they have several assumptions, a lot of which are routinely violated. One of the assumptions is that you have constant mortality and catchability over time. That assumption in recruitment or no trend in recruitment is another assumption of the catch curve method. Again, the F rates are not directly comparable to the VPA because the partial recruitment is not addressed.

What that means is younger ages in the VPA model are assigned a recruitment proportion where in catch curves you have to assume everything is fully recruited. What that does if they're not fully recruited, it underestimates the fishing mortality rate you get out of the catch curve. The catch curves that the states produce evaluate a wider range of ages.

The VPA strictly looks at average age of eight to ten, so you have a very small window of fully recruited fish that you're looking at where the catch curves look over a longer age range so they kind of tend to dilute the F rate. You can't directly compare to the accepted analytical model. There is really no precision metric that allows you to compare the VPA results to the catch curves; and as mentioned before, including ages seven and lower is likely to produce a lower regional F than that narrow eight to ten window we use in the VPA output.

The benefits are that they provide a regional estimate of F and regional information is always most appropriate for this animal given its localized stock nature and life history parameters. As I mentioned before, there is a lack of fisheries-independent data south of New Jersey, so the states to the south are really kind of stuck. They don't really have any tools to deliver at the level of precision as the coast-wide VPA.

Relevant information for the catch curve consideration is on Table 1, Page 5, of the report. It includes the results with the standardized methodology. It's also on here so if you look in the third column over, it will tell you what the state reduction would be if we went with the catch curve. For New York they would need a 51 percent reduction as opposed to the 53. Maryland would be 49 percent and Virginia would be 50.

If you recall back to the last meeting, these F estimates that are coming out of the catch curves are a lot higher now. They're a lot closer to the VPA. There is additional information on that same page relative to the total harvest. I think it's important when you consider this – I guess you could call them exemptions for the state; I think you have to keep in

your mind what percentage to the total harvest some of these states mean, and some of them play a relatively insignificant role in the coast-wide harvest.

Like I said, some of these states have an upward trend, but they're still way down at the bottom of the axis, so they have a relatively minor fishery relative to the whole. I'll stop right there for any questions about catch curves before we jump into the New Jersey Model.

CHAIRMAN GOLDSBOROUGH: Questions for Paul about catch curves? Pete.

MR. HIMCHAK: Well, I guess it's more of a comment on not only the catch curves but any other alternative management approach that a state uses in determining a regional or state-specific fishing mortality rate. When this addendum was approved, Addendum IV, we asked the technical committee to come up with some standards upon which they would measure these against the coast-wide VPA.

We know in particular that when we approached a T-BAM Model years ago, it lost in a narrow vote because it did not meet the same level of precision, so we made a special request to the technical committee to come up with some standards to say whether it meets the standards or it doesn't.

Then the technical committee came back and said, well, all these different methods, it's not that simple as demonstrating the same level of precision as the VPA so we will determine the appropriateness of them on their own merits. Then when the technical committee looks at catch curves and even the model we advanced, they said they cannot support nor can they deny – and I'm wondering whatever happened to consensus building.

I read some of the comments. There are comments for and comments against. Well, we have no way of determining if there was any consensus or how strong the feeling was of the TC for or against any particular method. I think in the future it would make this board meeting a lot easier if there was a little more on the record from the technical committee other than we do not support nor do we deny the use of these other methods. Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Pete; point taken. David.

DR. PIERCE: Okay, in the table that was passed out, the one that we have been referencing, I noticed that for New York the catch curve, a 51 percent reduction

would be required. For New Jersey, using another method, a 27 percent reduction is required. My question is of the technical committee, Paul, specifically, does that intuitively make sense? I had thought that the resource that New York and New Jersey fishes is pretty much the same.

The tautog the New Jersey and the New York fishermen catch are pretty much the local group or population of tautog found off those shores. I'm trying to understand why there would be that great a difference in the percent reduction required between the two states regardless of the methodology being used. Does it make sense?

CHAIRMAN GOLDSBOROUGH: Can you speak to that, Paul?

MR. CARUSO: Tall order. Well, New Jersey is using a rather unique method, which we'll get into next, to determine their fishing mortality rate. While I would agree that they're contiguous states, I'm not so sure I would go so far as to say they're working on the same stock and that their fisheries are harvesting at the same level. That's probably the underlying differences.

MR. TINSMAN: I guess the technical committee does not approve or disapprove the use of catch curves but they do clearly state that catch curves do not provide the same level of precision as the coast-wide VPA. That's the measure that we have been given as the yardstick to measure alternative approaches to either state by state or regionally.

Clearly, we're not reaching that mark with catch curves. I would like to see the board depart from the use of catch curves. They're only going to benefit states proposing it 2.5 to 4 percent; and with no measure of precision, there is no reason to go down that road. This is a precedent-setting decision and I would like to see us all stick with the same methodology and reduce 53 percent. Thank you.

MR. HIMCHAK: I wanted to get back to Dr. Pierce's dilemma on the reduction. I'd refer him to Table Number 1 on Page 5. The fourth column over, percent above Amendment 4 harvest target, and this was an issue that was brought up I think three board meetings ago when we pointed out that basically Amendment 4 was using the 2003 to 2005 landings years as the foundation for did we achieve a 25 percent reduction.

New Jersey came to that meeting – it was in Charleston – and we came to that meeting and we pointed out that in 2003 and 2005 the MRFSS had

not had a single positive intercept for tautog in the private rental boat and that they had put us down as a harvest of zero tautog in the very foundation years that we were supposed to reduce from.

That's why if you look at Table 4 where it says percent above Amendment 4 harvest, New York has 63.8 percent and we have 150 percent. You know, you look at numbers and there is an explanation of behind why, yes, they're two neighboring states and why there should be similarities, but the egregious errors in the MRFSS data that was being used to calculate reductions was pointed out at the board meeting in Charleston and everybody recognized that; so when we get in to talk – I get Jeff's point about the catch curves. They don't achieve very much of a reduction, but when you look at – and I hope that Jeff Brust here will have an opportunity to explain the model that we're submitting. I mean, the landings as a proxy in our case is somewhat ludicrous using the MRFSS data. Thank you.

MR. NOWALSKY: Mr. Chairman, just going back to our summer meeting at which point the motion was put forth by Mr. Travelstead, I believe with a second from Dr. Pierce, to go ahead and move forward with catch curves at that time, there was discussion that was held that the catch curves at that time were acceptable but that they just needed a little bit of tweaking.

At that time I expressed my reservations that delaying action at that time would bring us to this very place that we are now where there are certain arguments being put forth in opposition to the use of the catch curves. I'm trying to understand what has changed in the months that have transpired since our summer meeting at which point we had a motion to accept catch curves knowing that they just needed a little bit of tweaking.

We had received compelling arguments at that time when we're ready to move forward with a number of them, postponed action on that just to give every state an opportunity – because at that time we were saying we're going to accept catch curves, and we wanted to give every state an opportunity to submit one on equal footing. I'm trying to understand now how in a couple of months we're now having put forth arguments against the use of them when we were ready to accept them a couple of months ago.

CHAIRMAN GOLDSBOROUGH: I don't know if either Chris or Paul want to speak to that. My recollection is that the technical committee never endorsed catch curves, that there were a couple of

different catch curve methodologies being considered and being proposed, and there was lack of clarity from some states as to what their options were, and the board as a whole chose to wait until now to deal with the issue, and that's where we are.

MR. NOWALSKY: At that time I believe that they were put forth as having reasonable – they met the target F with reasonable precision and were deemed risk neutral. Those were the terms that we had assigned to them at that time. When I had put forth a motion to that effect, basically stating that we'd go ahead and accept any proposals that the technical committee deemed as meeting the target F, having reasonable precision and being deemed risk neutral, because that's what the catch curves were being described as at the summer meeting, it was at that point that we then went down the road of postponing it to now. So, going back and reviewing the motions that were put forth then, that's what they were described as then, and I'm hearing something different today.

CHAIRMAN GOLDSBOROUGH: We are looking back into that record, Adam. Meanwhile I'm going to take your comment, Tom.

MR. THOMAS FOTE: I just wanted to reiterate what Adam was saying. Since he covered it, I don't need to say it again, but I was under the understanding that we were allowed to go forward with these things and that's why we put the time and effort because they approved the methodology.

MR. JAMES GILMORE: Mr. Chairman, I think we're getting a little hung up on the catch curve issue. From my recollection of where we were at the last board meeting, the concern I had was that incorporating the catch curves there were some wildly different percentage reductions. We originally agreed to a 53 percent reduction; and then depending upon the type of catch curve we used, we were anywhere from – I don't remember the exact numbers, but maybe a 15 percent reduction up to about a 50 percent reduction.

My concern at the time was that we were going to have disparate regulations on border states if we started using that because some of them were problematic. Now that they have been running a consistent method – I mean from what I see on the table that was given, we're talking about a percentage or two, so to me it doesn't matter.

The catch curve is fine because we're still using something along the same percentage close to 53 percent. I think we should move on past this because

we don't have to get hung up whether it's appropriate to use it or not. My concern now is on the new table and the new methodology that New Jersey has we're back to a very disparate percentage; and since I'm an adjacent state to New Jersey, I'm going to have a holy war in Raritan Bay if I get a different set of regulations. That's what I'd like to talk about further than catch curves. Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Jim. Yes, we are not compelled to take any particular action on catch curves now, and we'll get to the New Jersey methodology in a second.

DR. PIERCE: I agree with Jim. I'm going to suspend disbelief on the catch share method because the percent reductions are in the ballpark, very close, probably not even measurable from 53 percent. I suspend disbelief because years ago I submitted a paper for publication regarding winter flounder that had a catch curve analysis relative to calculating fish mortality, and it was rejected for many of the same reasons that the technical committee has highlighted in the list of reasons why the catch curves have problems for calculating fishing mortality; constant recruitment and all the rest.

I'm not keen on the method. I understand why it's being entertained, and I'll suspend disbelief and support the catch curve method for New York and for Maryland and for Virginia. If it works for them and it ends up with the same percent reduction, then that's fine. Although if we start to entertain catch curves for other stocks and not just tautog, then I'm going to have to revisit this issue and say what is going on because that's kind of disbelief I will not suspend.

CHAIRMAN GOLDSBOROUGH: Thank you, David. I think that reminds us of the TC's suggestion that we needed a workshop on assessment methodologies and perhaps we'll get to that. Mark did you have your hand up?

MR. MARK GIBSON: I'll pass; Dr. Pierce made my point.

CHAIRMAN GOLDSBOROUGH: Okay, any other comments on catch curves? Well, we'll move on. Paul.

MR. CARUSO: Okay, at the meeting we had in Providence Jeff Brust brought forward a depletion-based stock reduction analysis. It was based on a paper by Dick McCall. The technical committee had a limited discussion about the model on the first day.

Pretty much we ran out of time, but we also allowed – we wanted the technical committee members time to sleep on it, I guess you could say, and consider the method. We asked Jeff to go back and make a couple of tweaks to the models, particularly the input parameters.

This particular model has a starting value of a ratio of Bmsy to K, and we asked Jeff to explore a little bigger range for that input parameter. That input parameter is extremely important for this model because it basically relates to the last year in the model run. We also asked Jeff to go back and look at his input data.

Because there is no recreational harvest input data before 1981, Jeff looked at creating some proxy values, and we just asked him to go back and use 10 percent of the commercial harvest for the proxy for the recreational harvest in the early years, because this model works on a very long time series of data.

One of the problems that the committee had, obviously, this is a new model to us. It's a new method that has never gone to peer review that we're aware of. We did get the model runs and the supporting papers about a week ahead of time; but considering it's a brand new model, that's a fairly short time period. Like I said, the techniques have not been vetted through a peer review process.

It assumes that the input values are in the correct range. It's heavily influenced by that Bmsy to K ratio, especially that last year depletion level. Some of the committee members felt that we need more literature research to affix appropriate Bmsy to K ratio for this animal. We note that the fishing mortality rate output would increase if only the narrower range that we used in the VPA, eight to ten is used. The model is not an age-structured model like the VPA.

The strength of it is that we're more comfortable with the outputs using the revised inputs that we recommended to Jeff. Some of the members preferred the model to catch curve results. I would say almost everybody preferred the catch curve results. It produces a regional F for data-poor stocks, which is again regional assessments are preferable for this animal.

The model does allow a Monte Carlo simulation procedure, which allows you to get a distribution of the output values, so that's always a good feature. You get kind of a confidence interval of our outputs, so it gives you some level of – it gives you some kind of estimate of the precision of the model.

In New Jersey's case, using this model, it would still require them to make a 27 percent reduction in harvest. Again, the committee doesn't endorse or reject the model. There are varying levels of comfort with the model around the table. Some of the people were pretty much just in the dark about it.

Other people had a lot more comfort with it. It depends on I think a lot of people's technical expertise. There is no exact precision matrix, although like I had mentioned, the Monte Carlo simulation gives you some idea of how the distribution of the output variable – how wide they are or how narrow they are.

It is going to come down a board decision if this model is sufficient to meet the management goals of Addendum VI as well as that precision matrix that you have in your FMP. Table 1, Page 5, provides the relative information on the effectiveness of previous regulations and the contribution of New Jersey to total harvest, which brings you to another set of board actions.

CHAIRMAN GOLDSBOROUGH: Discussion of the New Jersey Proposal. Pat.

MR. AUGUSTINE: Mr. Chairman, I'm more the bad guy and I hate to be. The most troublesome about the last two or three slides is at the top of the page you had said that this procedure has not been peer reviewed. At the end of it you've indicated, Paul, that the TC is not going to accept it or reject. That puts us in a rather unusual position.

The technical committee has indicated they're not happy with catch curves, and there were some problems with it although catch curve is more common, if you will, in fisheries management, so it's extremely troubling to believe that we, the board, should make a decision – and, please, I'm not throwing aspirations about New Jersey or at New Jersey. We could have submitted the same thing had we known about it.

It still, in my humble opinion, would have not muster. I'm not a scientific person. I'm not a numbers cruncher. On listening to what you've said and the technical committee said, it's awful, awful difficult to accept a motion that would move to approve this. In my humble opinion – I haven't talked to my colleagues from New York, but I would have a difficult time supporting this approach. Again, the technical committee has over and over in several different places in your report indicated that

basically you would have liked a different approach from New Jersey.

MR. HIMCHAK: Mr. Chairman, if I read the technical committee report correctly, the strengths of the DBSRA – it says some members prefer this model approach to catch curves and Paul added on that I think it was most members or the consensus of the technical committee members. With that said, I mean, I get the sense that the magnitude of the harvest here is dictating the quality of the estimate of F, so, in other words, if catch curves, you know – well, we don't like catch curves but it's a only a 2 percent reduction from 53; it's okay.

And if you have a better analytical approach but it calls for a much less reduction, then it fails muster? And as far as not using the model, I'd request that Mr. Brust comment on the use of the model for other states' data. Can you do that for a coast-wide basis? Well, we allow this, please?

MR. JEFF BRUST: Thank you, Mr. Chairman, and thank for the board for the opportunity to respond to these questions. It is certainly possible to use this model on a coast-wide basis, and it's also possible to use this for other regions as well. We did discuss this at the technical committee meeting, and it was decided at that time with all the other options that the committee was reviewing, that we would postpone that, but it is possible to do that.

If I could, while I have the microphone, I cannot say for sure that it has been peer reviewed, but the Pacific Management Council uses this for all of their species that don't have assessments. They're setting their overfishing limits based on this methodology. It has been through the Pacific SSC. It's approved for all of that. A specific peer review I'm not sure of, but the Pacific Council, they're using this methodology widely.

CHAIRMAN GOLDSBOROUGH: I had Dave Simpson next.

MR. DAVID SIMPSON: I think at this point we are just being practical more than technical in saying if you're close to 53 percent, that's good enough. If you need a couple more percent, fine. I don't have an issue with the methodology. I don't know enough about it. I know generally about depletion assessments, but I think we're being more practical here.

I'm hoping, as I said the last time, that we're moving in the direction of more regionalized management

and assessment of tautog. I'm perfectly comfortable living next to Rhode Island and Massachusetts using a different management approach because I know there is a little bit of movement back and forth but not much.

I need to be on board with New York, consistency across Long Island Sound, because I know we share a resource. I think on down we have a sense of who we probably do and don't share this fairly localized population type species with. I hope we can move in that direction, but I don't think we want to get too far out of sync this year before we allow, for example, New York's south shore perspective to map up with New Jersey and perhaps Delaware and sort of figure this thing out.

I think we all know this coast-wide stock assessment for tautog, it was our first attempt to wrap our arms around tautog, but it's really not that kind of stock. Again, to wrap up, my sense is let's not do anything radically off of 53 percent this time and then begin work on this more regionalized assessment that fits better with this species.

CHAIRMAN GOLDSBOROUGH: Thank you, David; that was helpful. Jack.

MR. TRAVELSTEAD: So, New York, Maryland and Virginia did catch curve analyses and came out with almost the same results, within just a couple of percentage points, and all of those results are pretty darned close to what the VPA tells us, 53 percent. That's kind of amazing and maybe we are really talking about a coast-wide stock if we're all coming up with the same kind of reductions.

I'm curious did New Jersey try a catch curve analysis, and it would be interesting to see what kind of number would come out of that. Would it be closer to the 50 percent that everyone else seems to be achieving or does it corroborate this other model that is suggesting 27 percent. I guess before I would support this new model, it would be interesting to see that catch curve analysis.

CHAIRMAN GOLDSBOROUGH: Jeff, would you like to answer that?

MR. BRUST: Yes, we did try a catch curve in New Jersey; and as pointed out, it was pretty darned close to the coast-wide assessment. When I submitted this to the technical committee – I did the analysis and I submitted it to the technical committee, but at that time New Jersey decided that it was not appropriate

because some of the assumptions of catch curves we believe were violated.

One of those assumptions is if you're assuming constant mortality and seeing as the board has been putting in management actions for about the last decade, which is theoretically decreasing fishing mortality, that's going to lead to an overestimate of your fishing mortality from a catch curve. The estimate was pretty close to the coastwide answer, but because of the presumed violations of assumptions we chose not to submit that one as one of our options.

MR. GIBSON: While Jeff is up there, I have question on the procedure. I'm looking at the work that the Pacific Management Council did. It says in there that one of the fundamental assumptions is if the initial biomass for the first year is equal to K, so I'm wondering – I can't tell from the technical committee's report – what is the first year of the analysis? I see that some recreational catch estimates had to be cooked up prior to 1981, so when did the analysis start and is it realistic to assume, if that's the case, that the first year that the stock was at carrying capacity wasn't fished?

MR. BRUST: For the analysis that I did for New Jersey, I went back to 1950. We have commercial landings back to 1950 so I recreated based on a couple of assumptions recreational harvest back to that point. Do I believe that it was at carrying capacity in 1950; no, but having done some sensitivity analysis around this, it won't change your estimate of carrying capacity too drastically if you don't actually start there.

What it does is it will shift your biomass trends, and so we might not have the exact biomass trends from 1950 forward; but when I compared the results from this model at the coast-wide level to the coast-wide VPA, the trend since 1982 when the VPA starts, the biomass trends laid right down on top of each other. The estimate of K is close. The biomass trends early on are probably off a bit, but the biomass trends in recent times are close.

MR. NOWALSKY: Mr. Chairman, I just wanted to highlight again in the TC's report that for both catch curves and the DBSRA analysis, that while we've seen a number of the weaknesses here, which I appreciate the TC putting forth for us to consider here, that one of the strengths put forth by both of those was that they produced a regional estimate of F for these stocks and the TC agreed that the regional estimates of F, if accurate, would be preferable to a coast-wide estimate.

That us a trait that is shared by both coastwide – by both the catch curve and this analysis put forth here from the New Jersey Proposal. We've heard just about every TC report that the desire is to move towards more regional-based management; that given the opportunity to perform a benchmark stock assessment, which had originally been scheduled for earlier this year before being supplanted by the turn of the crank for the use of the management that we're now doing now; that the TC has been looking forward to moving toward that more coast-wide management and what we're finding – or that more regional management than the coast-wide VPA that is in use right now.

So, those are two strengths that helped to achieve something that the TC has been trying to achieve; however, they have been handcuffed by not being able to have the new benchmark assessment available to them. I've made comments before that we need to get to that point.

We need to be managing using the best available science, the best available information and modeling. There are benefits to some of these more regional inputs. We went ahead and approved the Massachusetts and Rhode Island Regional VPA Proposals the last time because of the information they presented on the regional approach, and that that is one of the strengths here of both the catch curves and the DBSRA is that regional estimate that the TC has been saying they'd like to move toward.

MR. FOTE: I was listening to Dave Simpson's comments about regionalization, and I says I wholeheartedly agree with him. The problem we run into, especially with New York and New Jersey and New Jersey and Delaware, is when you look at the way our coastlines are set up, they really need to divide states in half. If we're going to do regionalization, we need to put a line somewhere at Barnegat Inlet south and we need to put a line in New York at somewhere about Shinnecock west.

The problem there has always been dividing a state up. We haven't come up with a solution. It would be nice if when the New York Bight, because New York and New Jersey both have the similar type fisheries and basically have fluke populations that are smaller fish than they have at Montauk, the tautog population is smaller fish than they have at Montauk.

If you look at world records coming out of – and things like that, they more reflect what we get in North Jersey so that would be the regionalization, but

New York has been very hesitant, and I completely understand, of dividing their state because then you have a fight between fishermen on where is the line being drawn up and it makes it very difficult.

If we're going to move forward with regionalization, we're going to have to figure out how to deal with that problem and how to put the lines in. You know, I would love to wait until New York come with the same side and do it halfway, but I've been waiting for that for a long period of time, and it ain't going to happen.

Unless Jim can basically pull miracles out and get it done in the next couple of years, I don't ever see it getting done. It's a lot easier to get it done on Long Island Sound because it is a shared coastline and pretty much the whole Connecticut and New York really have the similar fishery; whereas, if you look at the guys – you know, Sheepshead Bay, they're always complaining they don't have the same fish that Montauk and they always get left out of the process, and I'd like to be able to address that.

It's not being critical; it's just it's a difficult problem to deal with just because of the shape of the New York Bight; the same way it is with the Delaware Bay, but I think we can do that solution bigger because Delaware does not have this 120 miles of coastline going down. It probably would have to include Maryland because we have part of their coastline in the Maryland part to get in there so they'd have separate regulations, but they already have separate regulations in the Bay and along the coast. That is just my comment on that; what Dave tried to point out.

MR. GILMORE: Mr. Chairman, I'm just figure out how to get out of the box. The problem we have is timing right now. I think we're trying to come up with alternate methods for evaluating this, but we have to essentially implement regulations by January 1st, so none of us have the luxury to go back and try to crunch numbers.

In terms of the depletion-based stock model, whatever that thing is, it's not ready for primetime right now because it has got some questions about its validity. If we're going to be using that, I think that's something else we need to do if we're going to do this workshop and come up with – whether catch curves or this or something else, that's a future thing for the fishery.

Right now we're pretty much saddled with we've agreed to a 53 percent reduction. I think based upon

the numbers, and even New Jersey, that if we want to reduce that by a few percentage points, that's fine. Just for New York's perspective, the difference between the 53 percent and the 51 percent is one day, so it doesn't really matter to us.

I mean, if we have to go with the 53 percent right now just to move off the dime here, we'll do that and consider an evaluation of these other models in next year's efforts to manage the fishery. I think that's where we need to go because we just don't have the time to try and re-evaluate another model before we have to implement the regulations. Thank you.

CHAIRMAN GOLDSBOROUGH: Thank you, Jim, for that perspective. Any other comments?

MR. HIMCHAK: The crux of our problem in New Jersey from the beginning of this addendum has been the use of harvest as exploitation and, as I said, the zero harvest that was credited to us in the foundation years. I don't understand questioning the validity of the model – I mean, it's an awful lot of work; it's published; it's utilized. This is not even being considered for the eel stock as a peer benchmark stock assessment. I mean, this is coming down into a preference here.

As I said, I think the model is valid and it's our best estimate. None of these meet the same level of precision as the coastal VPA, but then again is that really what should be running the whole program. That's an issue for another day, but we have vote on are these technically sound is the point I would make and the technical committee has not said throw either method out.

I would move that we would accept all four proposals submitted by New Jersey, New York, Maryland and Virginia as our regional estimates of F and that result in a subsequent reduction as specified on this table here. Well, actually, I think technically we postponed Jack's motion from the August meeting, so we would bring that up on the floor and then amend the motion to move forward with catch curves and then add this new approach. Is that not correct administratively or Roberts Rules?

CHAIRMAN GOLDSBOROUGH: You may be right, Pete, and we're looking into that. David.

DR. PIERCE: I'm very uncomfortable with the method that has been proposed by New Jersey. I think that all states should use the catch curve analysis that will result in a 50-some-odd percent reduction. We don't have the catch curve results in

front of us, but they were mentioned a little around ago. It's around 50 percent.

One of the reasons why I don't support the New Jersey method, again, is the difference in percent reduction. I look at total harvest in 2003 through 2010, one of the figures in the documents that we have on the disk, and I see number of fish, total harvest, recreational and commercial combined, and I see that in 2010 New Jersey's harvest is about double New York's harvest.

So in terms of percent reductions required, I'm having difficult reconciling why a state that has much more harvest than another state is going to be required to have far less reduction in their harvest if they use this DBSRA. On it's face it doesn't seem logical to me when I'm faced with the actual catch information in 2010, as I said, with New York being around 175,000 fish and New Jersey being around 325,000 fish. It doesn't make sense.

Well, let's see, there is a motion on the board now. All right, anyways, it would seem that eventually we should get to the point where – well, I was going to make a motion to substitute. This is a legitimate motion, right, it's on the floor.

CHAIRMAN GOLDSBOROUGH: We've brought it back to the floor.

DR. PIERCE: Okay, a motion to substitute that New York, New Jersey, Maryland and Virginia be allowed to use the catch curve method requiring a percent reduction – well, requiring percent reductions resulting from catch curve analyses. **Okay, so the motion would be to substitute that New York, New Jersey, Maryland and Virginia be required to have percent reductions resulting from the catch curve method.**

CHAIRMAN GOLDSBOROUGH: Can we presume you mean the Chapman-Robson Catch Curve Method that the technical committee has endorsed?

DR. PIERCE: Well, I'm referencing the figure that was provided – that table that was provided to us, whatever catch curve method it is.

CHAIRMAN GOLDSBOROUGH: That is what it is, yes. Pat.

MR. AUGUSTINE: Second the motion, Mr. Chairman.

CHAIRMAN GOLDSBOROUGH: Second by Pat Augustine. Pete.

MR. HIMCHAK: I don't understand how the maker of the motion – he is uncomfortable with reconciling numbers in neighboring states when the technical committee emphatically states that they preferred the DBSRA Model to catch curves.

DR. PIERCE: Again, I'll turn to the chair of the technical committee to respond to that particular point; but from the presentation that has been provided and from the documents in front of us, it seems that the technical committee just can't make the call on this. They can't give us the thumbs-up or thumbs-down. They're essentially leaving it up to us to make the decision as to what we should do.

In light of all the discussions we've had about catch curve analysis and the revelation about what the catch curve analysis reveals for New Jersey, it seems to be the smartest way to go and get this resolved so we know what to do in 2012, and we don't end up with a situation where two neighboring states, New York and New Jersey in particular, have this very disparate percent reduction in catch that once again doesn't seem to jive with where harvest is or where catch was in 2010; New York being far lower than New Jersey. Anyways, that's my motion.

MR. GILMORE: Mr. Chairman, I agree with David's comments. As what I said before to Pete, Pete, I don't think it's an invalid approach. I just said it's not ready for primetime. We need to have further evaluation. In looking at this, it's a very different percentage from anywhere else and we're just not ready to go there, I think. I think we can evaluate it and look at it for next year, but with the time we have right now it's just not ready.

CHAIRMAN GOLDSBOROUGH: Thank you, Jim. Keep in mind we have a motion to substitute and we have to vote on whether we're going to substitute it and we'll get to that in a second. Tom.

MR. FOTE: If I remember right, Rhode Island and Massachusetts are taking no reduction. You know, they're complaining about taking a less reduction and yet they're taking no reduction while all the other states are taking a 53 because we approved the regional plan for them. I didn't have the same problem when you did it. I guess you are just very selective when you have problems.

CHAIRMAN GOLDSBOROUGH: Any other discussion on the motion to substitute? Mark.

MR. GIBSON: Yes, I guess I'm going to agree with the motion. You're right, we're being asked to deal with this on the fly. I think the technical committee is split – well, there is certainly not a consensus. As it says in the report, some members prefer this to the catch curve but not the entire committee. They were hit with it with a short time.

I'm being hit with it at a short time, and I'm starting to convince myself that the reason this number is lower in terms of percent reduction is because of this fundamental assumption that the stock started out at K, unfished capacity, so the amount of the current level is a percent depletion relative to K but if the stock wasn't at K, if it was lower than that, then where you are right now relative to K is certainly less – you had less than you thought. I being asked to deal with this on the fly and maybe I'm wrong on that, but that's what I'm seeing right now, so I think I'm going to support the motion.

CHAIRMAN GOLDSBOROUGH: Any other discussion of the motion to substitute? Do we need to caucus? I'll read the motion. The motion to substitute is that New York, New Jersey, Maryland and Virginia be required to implement percent reductions as a result of the catch curve methodology developed by the technical committee. Motion by Dr. Pierce; second by Mr. Augustine.

(Whereupon, a caucus was held.)

CHAIRMAN GOLDSBOROUGH: Are we ready to vote? All in favor of the motion to substitute please raise your right hand; all opposed please raise your right hand; abstentions, the two federal agencies; null votes. **The passes six to four with two abstentions.** This becomes the main motion now. Is there any further discussion of it before we vote on it? Adam.

MR. NOWALSKY: Mr. Chairman, I'm going to go ahead and move to amend that also included is the New Jersey DBSRA and associated reduction.

CHAIRMAN GOLDSBOROUGH: Is there a second to that? Is there a second to the motion to amend the main motion? The motion to amend fails for lack of a second. Any further discussion of the main motion? Pete.

MR. HIMCHAK: I'd move to amend the motion to delete New Jersey from the catch curve analysis. We don't endorse the process and we'd prefer to take the 53 percent reduction.

CHAIRMAN GOLDSBOROUGH: Is there a second to that motion to amend? The motion to amend fails for lack of a second. Any further discussion of the main motion? Adam.

MR. NOWALSKY: If I understand the motion as it's motion, then New Jersey will be required to implement a catch curve as opposed to the 53 percent reduction that we voted on an hour ago? I mean that was the intent of what Pete was just trying to accomplish right now; because as this reads, "New York, New Jersey, Maryland and Virginia be required to implement percent reductions as a result of the catch curve methodology", and an hour ago we voted to allow New Jersey and Maryland options to achieve some other reduction. I'm just trying to get clarity as to what New Jersey and Maryland and also Virginia and, well, I guess New York had previously had approved other options at the last meeting.

CHAIRMAN GOLDSBOROUGH: The presumption is, of course, that the state is going to choose the option it has with the lower percentage; but you're right, the language might be different. Tom.

MR. O'CONNELL: Yes, in my notes, when the motion was made, it said "be allowed to implement"; and that may solve the problem.

CHAIRMAN GOLDSBOROUGH: Dr. Pierce, is that change acceptable to you?

DR. PIERCE: I'm not clear what the change is.

CHAIRMAN GOLDSBOROUGH: That states be allowed to implement percent reductions from the catch curve analysis as opposed to be required.

DR. PIERCE: Yes, that's fine.

CHAIRMAN GOLDSBOROUGH: And the seconder, Pat Augustine, it is okay with you?

MR. AUGUSTINE: Yes, it's acceptable.

CHAIRMAN GOLDSBOROUGH: I also had Dave Simpson.

MR. SIMPSON: I just wanted clarity; New Jersey's percent under a catch curve would be within a couple percent of 53?

CHAIRMAN GOLDSBOROUGH: Jeff, can you elaborate on that?

MR. BRUST: A little bit. The analysis that I provided to the technical committee was done before the standardized method was developed, but my recollection – and I don't remember the actual number, but it was around the 50 percent value. If we choose to use a catch curve, I would have to go back and use the standardized method, but I'm guessing – everyone else's went up – I would expect ours would probably go up as well.

MR. SIMPSON: Yes, just for comfort and knowing what we decided when we do this, I might suggest that we amend the language a little bit to say "provided no reduction less than 49 percent would be permitted"; if that would be considered a friendly amendment. I don't want to wake up tomorrow morning, so to speak, and find out it was a 12 percent reduction required. I just want to know that we're in this ballpark of a couple of percent. I'm looking at Maryland that has 49 percent and suggesting if that were added into the motion, that we'd have the comfort of knowing what we're approving here.

CHAIRMAN GOLDSBOROUGH: I have assurance from the technical committee chair that New Jersey under this methodology would be in the ballpark of 53 percent. Pete.

MR. HIMCHAK: Yes, I just wanted to make sure that we didn't put a caveat in here for a maximum percent reduction, that this would be reviewed by the technical committee as it has reviewed every other standardized catch curve analysis; so if came out to be 48 percent, I don't want to be denied the additional 1 percent.

CHAIRMAN GOLDSBOROUGH: Is the maker comfortable with the way it reads now?

DR. PIERCE: Yes, I don't want any particular percentage inserted into the motion. It's a catch curve analysis; we see what it shows. You've already cited the view of the chair of the technical committee, so I'm comfortable with the motion as it reads.

MR. ROBERT E. BEAL: Just so everyone is clear, what I think this motion does – and we can make sure the interpretation is the same with the board – is that all the states that already have 53 percent options that are approved; and if this motion is approved, the four states listed, New York, New Jersey, Maryland and Virginia, have the option to employ a catch curve analysis and the associated reduction if they choose to do that. This just gives those four states the option of the standard 53 percent or the catch curve and the

associated reduction. This doesn't require them to use one methodology over the other. It just gives them options between the two; is that correct?

CHAIRMAN GOLDSBOROUGH: That's correct, with the catch curve approach being the Chapman-Robson methodology.

MR. BEAL: Correct.

CHAIRMAN GOLDSBOROUGH: Any other discussion before we vote. Okay, I'll read the motion into the record while we caucus. Move that New York, New Jersey, Maryland and Virginia be allowed to implement percent reductions as a result of the catch curve methodology developed by the technical committee. Motion by Dr. Pierce; second by Mr. Augustine.

(Whereupon, a caucus was held.)

CHAIRMAN GOLDSBOROUGH: Are we ready to vote? All in favor please raise your right hand; all opposed right hand; abstentions; null votes. **The motion passes eight to two.** We still have fifteen and we have a little bit of other business.

MR. CARUSO: Okay, I think fortunately none of what I'm going to talk about in the next couple of minutes is going to require anymore board action. This is something the technical committee got to talk about at the meeting. New Jersey, specifically Jeff brought forward an opinion statement at the technical committee meeting and we decided to address it. Jeff's comments described numerous problems inherent with the coast-wide VPA and the current reference points relative to his model outputs and the statement about the reduction being excessive and unwarranted. The committee spoke at length about this. We agree with most of Jeff's concerns; they're nothing to us.

They mirror those of the peer review panel and those of the technical committee and the stock assessment subcommittee's comments in the past. However, the committee felt strongly that management shouldn't be postponed; that even with immediate funding it would likely be at least five years before we see some kind of updated stock assessment and that the stock condition is such that we need the action pretty quickly to rebuild this stock.

Following up again on the opinion statement, the discussion highlighted the need to express the importance of a benchmark assessment for future management; nothing new to you folks. It's on Pages

7 to 9 of the report. The committee still recommends some kind of workshop to bring in outside experts to discuss the data limitations and appropriate regional assessment approaches.

In line with most of the board's feeling about moving to regional approaches, we'd like this to be held prior to the beginning of the benchmark assessment process. Of course, we know we have some unfinished business reconciling the aging discrepancies from some of the states prior to the benchmark.

The technical committee also discussed the strategy to maximize spawning potential of maximizing F at the end of the meeting. We thought that the board could possibly consider the 16-inch size limit and spawning closures to maximize the SPR. This would be an alternative to the management actions you just took. However, the impacts were unknown at the meeting, and we haven't adequately analyzed that to date.

We did really not have time to set the criteria prior to the states submitting data; you know, what month you would take or how long you would take it out. The states did submit reductions based upon those two measures, the 16-inch size limit and some type of spawning closure, after the meeting. We compiled in Table 2 on Page 11 or your report.

We've got a little note here that I guess the table has one error that the total reduction for New York would be about 35 percent and not the 51 listed in the table. I have since gone back and looked at that data relative to a coast-wide harvest reduction, knowing full well that I had some missing data from some of the states, but what would mean in totality would be probably no more than about 30 percent coast-wide harvest reduction, so obviously a long way from 53 percent. That's about it from the committee.

CHAIRMAN GOLDSBOROUGH: Thank you, Paul. Any questions? Adam.

MR. NOWALSKY: Mr. Chairman, I think the obvious question is how do we move forward with getting this workshop on a schedule at the earliest possible date. The TC has expressed the need for moving forward here. We heard alternative mechanisms here that could be more beneficial both to our mechanisms for conservation as well as for the sustainability of the fishermen. We need to find a way to make this move forward so I'll look for direction on how we get this process moving forward.

CHAIRMAN GOLDSBOROUGH: Thank you, Adam; I'll defer to the duo of Vince and Bob and see if they enlighten us on what our options are.

MR. BEAL: The action plan doesn't have a workshop at this point other than a workshop to reconcile the aging issue with the Virginia biological data. We don't have resources in the draft action plan that we're going to talk about in half an hour or so. Resources aren't in there for a full assessment workshop to pull in outside experts and explore a number of methodologies, but we do have resources to do the specific aging issue, the Virginia biological data.

ADJOURNMENT

CHAIRMAN GOLDSBOROUGH: Okay, so that will be back to the work plan workshop. That's where we'll have to work that out, to answer your question, Adam. Any other discussion? Anybody like to make a motion to adjourn? We are adjourned.

(Whereupon, the meeting was adjourned at 4:05 o'clock p.m., November 8, 2011.)