

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

**October 25, 2006  
Atlantic Beach, NC**

Approved January 30, 2007

## **ATTENDANCE**

### **Board Members**

Paul Diodati (MA), DMF  
Vito Calomo (MA), proxy for A. Verga  
Mark Gibson (RI), DFW/DEM  
Everett Petronio, Jr. (RI),  
Eric Smith (CT), DEP  
Lance Stewart, (CT), U of CT  
Stephen W. Heins (NY), DEC, proxy for G.  
Colvin  
Pat Augustine (NY), gov. ap  
Brian Culhane (NY), proxy for O. Johnson  
Peter Himchack (NJ) proxy for D. Chanda  
Erling Berg (NJ), gov. ap.

Timoth Targett (DE), U of DE  
Bernard Pankowski (DE), proxy for Sen.  
Venerables  
Howard King (MD), DNR  
Bruno Vasta (MD) gov. ap.  
Russell Dize (MD), proxy for R. Colburn  
Jack Travelstead (VA), MRC  
Catherine Davenport (VA), gov. ap.  
Kelly Place (VA), proxy for J. Chichester  
Bill Archumbault-USFWS  
Harold Mears-NMFS  
Bob Ross-USFWS

### **EX-Officio Members**

Jason McNamee (TC Chair)

### **ASMFC Staff**

Chris Vonderweidt  
Bob Beal  
Vince O'Shea  
Nichola Meserve

### **Guests**

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

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## SUMMARY OF MOTIONS

**Motion to change the language in Section 4.1.2 to be consistent with the way it appeared in Addendum III and have the commercial fishery have the status quo and include language on enforcement of illegal live harvest.**

Motion made by Mr. Himchack, second by Mr. Smith. Motion passes.

**Motion to approve Draft Addendum IV for public comment.**

Motion made by Mr. Smith, second by Mr. Berg. Motion passes.

ATLANTIC STATES MARINE  
FISHERIES COMMISSION

65TH ANNUAL MEETING

TAUTOG MANAGEMENT BOARD

SHERATON ATLANTIC BEACH  
ATLANTIC BEACH, NORTH CAROLINA

October 25, 2006

- - -

**WELCOME/CALL TO ORDER**

The meeting of the Tautog Management Board of the Atlantic States Marine Fisheries Commission convened in the Fear/Outlook/Atlantic Room of the Sheraton Atlantic Beach, Atlantic Beach, North Carolina, on Wednesday, October 25, 2006, and was called to order at 1:45 o'clock, p.m., by Patrick Augustine.

CHAIRMAN AUGUSTINE: Good afternoon and welcome to the Tautog Management Board. I'm glad we've got some public members out there who may want to speak. You'll be called upon accordingly as the agenda progresses forward.

**APPROVAL OF AGENDA**

I'd like to have you review the agenda at this moment. Are there any changes, corrections, or additions? Seeing none, **the agenda stands as presented.**

**APPROVAL OF PROCEEDINGS FROM  
AUGUST 15, 2006**

Item 3, approval of the proceedings from the August 15th, 2006 meeting. Do I see anyone who wants to add, subtract, change, or comment? Seeing none, **the proceedings are approved.**

**PUBLIC COMMENT**

At this time is there any public comment relative to the Tautog Management agenda? Are there any comments? Come on up to the table, Phil, identify yourself and please announce who you're representing.

MR. PHILIP KERSIO: Thank you, Mr. Chairman. Phil Kersio, United Boatmen, Recreational Fishing Alliance, New York Fishing Tackle and Trade Association. Our position on this, on the blackfish addendum is that we support the status quo with an exception.

We'd like to make a point that we've been making for five years and this Board continues to turn its head and look the other way at the existence of the illegal black market of live tautog.

We're proposing that there should be a total ban on the sale of all live blackfish. This would eliminate the problems in the stocks that we're seeing right now. You know, we are being told that the recreational community is responsible for the catch of approximately 93 percent of the total catch or somewhere in that neighborhood which means that the commercial side is only covering about 7 percent.

Now, I would not point the finger at the commercial or the recreational sector on this. I'm talking about an illegal market that is seeing participation from both sides of the fishery.

It's our position that if this board would do what we've been asking for, for the last five years, and that is to put a complete ban on the sale of live blackfish, that you wouldn't have to penalize either one of the legitimate sectors of this fishery and you would still see the rebuilding that you need to see in this fishery.

Given that the commercial sector is only responsible for 7 percent and that reportedly a lot of that 7 percent is in the fillet market and not the live fish market that this really shouldn't be a burden to anyone except possibly the restaurant sector.

You know, I personally am aware of -- and this is of course anecdotal, but I personally am aware of fish packing houses in Queens, New York, that it has become clear that they have illegal tanks. They're hidden under the floors, hidden in secret rooms.

Come on, people, let's take a look at this problem and look at it for what it really is. You're going to punish, once again you're going to punish the recreational sector for something that it is essentially not responsible for. You know, to attribute the decimation of this stock to the legitimate fishery is just an outrage.

You know, we're being nibbled away at from every angle. Take the fluke away; take the scup away, take the sea bass away; take the blackfish away. What are we left with? Yes, I know dogfish. This is really -- the problem is the live market. I just wanted to get that on the record.

I want to make sure that there is no misunderstanding here. I'm not pointing a

finger at the commercial sector or the recreational sector because there are guilty parties on both sides of this. And to simply eliminate the sale of live blackfish would eliminate the problem. Thank you, Mr. Chairman.

CHAIRMAN AUGUSTINE: Thank you for your comments for the record. And we would hope that you and others who have notified or identified the illegal sale and tanks and so on would move that information directly to enforcement.

Although we sometimes think enforcement is not as active as they should be, I think that's another step that you could help us with the process. And, again, the technical committee has noted your comments on that no sale of blackfish. Thank you.

MR. KERSIO: Thank you, Mr. Chairman.

CHAIRMAN AUGUSTINE: Bill, identify yourself and so on.

MR. BILL WINDLEY: Bill Windley, Mr. Chairman, thank you very much. I just want to say briefly that the Recreational Fishing Alliance supports this position.

And we've seen it like you just described it as a very badly needed enforcement tool, you know, so they can discriminate between, to the various sectors of the market. So we want to go on record as supporting this position. Thank you.

CHAIRMAN AUGUSTINE: Thank you, your comments are well taken. Tom, identify and your organization today.

MR. THOMAS FOTE: Tom Fote, Jersey Coast Anglers Association. We see the same problem in New Jersey. There is a lot of busts that go on with the recreational anglers trying to sneak these onboard.

Basically they have special tanks and everything else.

And the only way to eliminate it is either basically through the sale or -- they get caught but it's the price of doing business one night because the money they get is so great that you catch them one night and the fines don't equal what they basically catch. So we really need to solve that problem because I think that's the cause of the major part of this problem.

CHAIRMAN AUGUSTINE: Thank you for that input, Mr. Fote. Any other comments from the public? None. Comments from the board? Seeing none, we'll move on to Item Number 5, the technical committee report. Jason, would you be kind enough to give us that presentation?

#### ***TECHNICAL COMMITTEE REPORT***

MR. JASON MCNAMEE: How are you doing? I'm Jason McNamee. I work for the Rhode Island Division of Fish and Wildlife and I'm chair of the Tautog Technical Committee. I have a brief presentation which will go over the tasks that were asked of the technical committee and we will provide you with our recommendations and some of our comments also.

Okay, the charges that have come to the technical committee, the previous charge was to update the VPA to include an estimate of F 2004.

And the current charge before us was to develop an addendum to the Tautog Fishery Management Plan: First to adopt a spawning stock biomass threshold and target with one option being a spawning stock biomass target comparable to a 30,000 metric ton total biomass which is the mean from 1982 to 1992; and the second task was

to set an F target below the current target of 0.29 to allow for stock rebuilding.

A brief assessment history, the first VPA went to the SARC 26. It was rejected. At SARC 30 in 1999 two models were brought forward, a biomass dynamic model which was rejected and also a virtual population analysis with corroborative tagging. And the F was 0.29 during that assessment.

ASMFC assessment update in 2002, it was a VPA, came out with an F of 0.41. The target was changed to F 40 percent spawning stock biomass which was 0.29.

A benchmark in 2005, coastwide VPA plus state-by-state stock status reports and then based on the outcome of that benchmark assessment we were asked to update that assessment with the most recent data which we did in 2006. And we did a coastwide VPA updated with 2004 and 2005 fishery-independent indexes.

Here are the updated VPA results. I won't get in to all of this but the F came out to 0.28 which was similar to what the peer reviewed assessment had, also 0.28. January 1 biomass estimate of 11,296 metric tons, spawning stock biomass estimate of 10,612 metric tons which was a slight increase from 2003 but a very slight increase.

This is a graph of the historical retrospective F pattern. You can see the downward trend in F over the recent past. The red target line for the most, the current update should be actually up to the 0.3 line. The most current F target would be 0.3.

Here is a graph of the spawning stock biomass over time. You can see it has bottomed out and it hasn't recovered much over the recent past. Here is the observed and predicted spawner recruit values which also came out of the VPA.

Stocks status based on VPA updated information, a recap, overfishing is not occurring based on the current F target and VPA F estimates for the last two years.

Spawning stock biomass and biomass remain at low levels, above one-third of the early time series average. This rate is too slow of a stock increase for timely rebuilding. And catches remain at low levels.

Okay, and then on to the second task here. This would be the technical committee projections. The Tautog Technical Committee conducted stock projections of the resource to develop options for fishing mortality and biomass reference points, specifically spawning stock biomass.

The projections were conducted using two modules of the NOAA Fisheries toolbox. We used SRFit for the spawning recruit relationship and then AgePro to develop the projections. The input data for these analyses came from the output of the 2006 stock assessment update and that was done using ADAPT for the VPA software.

And the projections presented are based on both the Beverton-Holt and, both a Beverton-Holt and constant recruitment at present levels. And the reason we present both are they sort of end up being a worst-case/best-case scenario. Beverton-Holt seems to paint a rosier picture. And then we also did a version with a constant recruitment.

We received some recommendation for doing this. It's a slow-growing species and the thought was the recruitment wouldn't change too much in the, you know, in the first couple of years of any new F target.

So we went with a five-year geomean for constant recruitment and then ran the

projections with that. So here is the first round of projections. These are the ones based on the five-year geomean constant recruitment. The top line there would be a moratorium or at least an F equal to zero.

And then there is variation between all the way from F of 0.1 all the way up to the current F of 0.28. And then the same thing but this is based on the Beverton-Holt recruitment. I can come back to these graphs after if you'd like.

So the technical committee recommendations, the biomass target reference point, the recommendation is to go with 26,800 metric tons. This value is the average spawning stock biomass from the first ten years of available data, 1982 to 1991, as estimated by the VPA.

The technical committee also recommends a spawning stock biomass threshold of 20,100 metric tons which is 75 percent of the target value. A fishing mortality reference point of 0.15, this rate promotes a modest rebuilding rate and is consistent with the fishing mortality target in place from the original fishery management plan which was F equal to natural mortality which is 0.15.

Under this scenario spawning stock biomass would increase to 15,500 metric tons during the first five years of rebuilding, approximately 50 percent of the difference between the current spawning stock biomass level and the recommended threshold level.

And then some comments that the technical committee also wanted to bring forward to the board. They wanted to note that the rebuilding schedules presented assume that fishing mortality is a primary influence on the stock.

In other words, other constraints on the stock such as habitat loss, changes to natural mortality, environmental factors, predation,

can also affect rebuilding rates and were not considered in these analyses.

The Technical committee also discussed how localized individual stocks may all respond differently to management measures, meaning the stocks aren't as highly migratory as a lot of the fish species that the ASMFC deals with and they have different environment conditions in their localized areas.

Rebuilding schedules assume a management option is selected and implemented directly without any phase-in period. And then they went on to say additional projection runs would be necessary to evaluate how the stock would response to a phased-in management approach. And that's it for the presentation.

CHAIRMAN AUGUSTINE: Thank you, Jason. I want to thank you on behalf of the board for the work that the technical committee put into this presentation. And I would like now to go to the board members to see if anyone has any questions relative to this presentation. I think we're all very satisfied. Was there a hand back there? Mr. Himchak.

MR. PETER HIMCHAK: Mr. Chairman, I would be willing to offer a motion to support the technical committee's recommendations as options in the public hearing document for both the SSB and the target fishing mortality rate.

CHAIRMAN AUGUSTINE: Bob tells me it's better to hold on that and when we go through the addendum process we'll just include it at that point in time if that will satisfying your concerns. Thank you. Any further comments? Again, we thank you very much, Jason, and your technical committee. Yes Mr. Travelstead, sir.

MR. JACK TRAVELSTEAD: Jason, could you go back to the slide that shows the targets and thresholds that are recommended? The value that is recommended for the biomass target, can you tell me how many times since 1982 that we have been at that level or have achieved that level of biomass?

MR. MCNAMEE: Yes, since 1982, is that your question?

MR. TRAVELSTEAD: Yes.

MR. MCNAMEE: Zero. That target is based on -- I'm sorry. Could you repeat the question one more time?

MR. TRAVELSTEAD: The biomass target you are recommending is 26,800 metric tons. And I'm just curious, well, over what, over any period of time historically how many times have we achieved that level in any years?

There is a debate going on at a number of boards that sometimes we're setting these targets so high that you know we've never seen them hit in history or maybe once or twice in the historical dataset. And I'm just curious. I want to try to avoid that for this species.

MR. MCNAMEE: Okay, I got it that time. Thank you. It actually, for the first portion of that time period it was actually above that.

That number of 26,800 is an average based on there so -- I don't have the graph in front of me but I believe the first half of that ten-year time period was, at least the first half, was above that.

And then further evidence for stable biomass at that level, Rhode Island has an index from the University of Rhode Island that goes back to 1959, I believe, and it shows

biomass, an index, rather, that's stable at that level through the same period and then turns downward with the biomass numbers that the VPA shows. So it was a number that had been achieved that we had seen from the species.

CHAIRMAN AUGUSTINE: Thank you, Jason. Mr. Travelstead, we have, Bob went to Page 15 in your document and Figure 5. I think he is going to review that and can kind of help take the fog out of it. Bob.

MR. ROBERT E. BEAL: Well, Jack, in the draft addendum -- and if folks don't have them, it was only e-mailed out about a week ago. It was not on the briefing CD. We were getting the technical committee's analysis done then we pulled together the addendum so folks haven't had a lot of time with it but if you do have that and you go to Page 9 of Draft Addendum IV, Figure 5 shows the spawning stock biomass.

And, as Jason said, for the first five years of the ten-year average, so '82 through '86, those years inclusive, there was, the spawning stock biomass was above that target. I think for the next two years after that it is above the threshold. So seven out of the ten years it was either above the target or threshold for the base period.

CHAIRMAN AUGUSTINE: Thank you, Bob. Mr. Himchak, you had a follow on question?

MR. HIMCHAK: Yes, thank you, Mr. Chairman. I have a question for Jason on the wording within the addendum itself. And I am wondering what prompted the technical committee to change the language in Section 4.1.2, commercial fisheries, from Addendum III to Addendum IV which now reads that states may choose to achieve a portion of the required reduction through additional restrictions on commercial harvest.

This is an element that was not included in Addendum III. And that language runs counter to the language of the technical committee's discussion under special comments where they talk about recreational fishing and the percentage of harvest and the increase in the landings.

And I am wondering why. Did the technical committee have some specific discussion to deal with allocation issues relative to required reductions in a state?

CHAIRMAN AUGUSTINE: Jason, would you have an answer for that?

MR. MCNAMEE: Yes, actually I think I will say that we did not have a specific discussion on that and I will pass it over to Bob. The addendum was done, the addendum comments and changes were done through e-mail and I'm not aware of how that section changed from the original addendum so I will actually turn it over to Mr. Beal to answer that one.

CHAIRMAN AUGUSTINE: Go ahead, Bob.

MR. BEAL: All right, great. Thank you, Mr. Chairman. Pete, I mean I'm trying to figure out if it's better to go through the entire addendum first and then deal with addendum questions or do you want to deal with this one first? It's up to the group.

MR. HIMCHAK: Well, I have to bring this up because I thought you were just getting ready to dismiss the technical committee from its report.

CHAIRMAN AUGUSTINE: No, the technical committee is going to stay here. I believe you're going to stay here and respond to questions as we get into the addendum.

I am more inclined to have any other questions that were at face value something we could question at this point in time. So if that's appropriate for the board to deal with it that way, that's how we'll deal with it, if you don't mind. We'll keep it within, your question within the context of the review of the addendum.

MR. HIMCHAK: Well, can I just ask one question?

CHAIRMAN AUGUSTINE: Okay, go ahead.

MR. HIMCHAK: So you are now going to proceed, in following the technical committee recommendations we're going to go through the addendum page-by-page?

CHAIRMAN AUGUSTINE: Yes, exactly.

MR. HIMCHAK: Okay, thank you.

CHAIRMAN AUGUSTINE: Any other comments from the board? Okay, seeing none let's move on to the next item and that is the review, Number 6, review draft of Addendum IV and consider approval for public comment action. Remember, this is a public information document and, Mr. Beal, would you do this for us please?

***REVIEW DRAFT ADDENDUM IV AND  
CONSIDER APPROVAL FOR PUBLIC  
COMMENT***

MR. BEAL: Absolutely. Thank you, Mr. Chairman. I'll just quickly run through the draft document that was, you either received via e-mail last week or were just handed at this meeting.

Essentially what this document does is incorporates the recommendations that came out of this management board based on the technical committee's analysis to put together a suite of options that can be taken

out to public hearing and, you know, for consideration on what if anything we should do to initiate rebuilding of the tautog stock.

So with that, I'll just go ahead and move through the document, beginning with the statement of the problem right upfront. It just, the first paragraph notes the results of the benchmark stock assessment and the update of the stock assessment that was conducted earlier this year, noting that for the last five years or so we've been at low levels with no signs of recovery.

It's been pretty much a flat line at about one-third of the historic biomass. And it's not, really no trend up or down for the last few years.

And the second paragraph under statement of the problem notes that the current tautog fishery management program does not have a biomass reference point, either a spawning stock biomass or total biomass. So this document goes on and recommends that based, again, on the technical committee's analysis that they've put together.

Moving along through the document, the background information summarizes kind of where we've been with tautog management through the original FMP and the series of addenda that followed. And then it ends up with a summary of Addendum III which is what we're currently using to manage the population.

Then we go into section 1.3, FMP implementation. It's essentially a description of the current management program, the recreational and commercial management measures that are in place.

Tables 1 and 2 summarize those regulations that the states currently have in place just as, you know, an illustration of what is going on up and down the coast and lets folks see the

range of kind of who has done what under the current management program.

If you move on to Page 4, at the bottom of Page 4 the description of the fishery, that section simply goes into the landings patterns and what has gone on and what gear types are used in the commercial fishery in particular. It summarizes the recreational fishery.

Table 3 is a summary for the last ten years or so of the recreational landings that are broken down by state and you have the average, in the lowest two rows an average of that entire ten-year time period and an average of just the last few years.

So that just illustrates where folks have been. Figure 1, again, just a graphical summary essentially of Tables 3 and 4, just a description of what is going on with commercial and recreational landings for the last ten years.

And as we heard earlier in public comment and some of the other board discussion the commercial fishery is a very small portion of the total harvest of tautog.

And then the Section 1.4.2 is the commercial landings. Again, Table 4 is the annual breakdown by state of the commercial harvest. Moving on to the Section 1.5, it's a description of the resource, essentially a short summary of the stock assessment that was conducted over the last year with the updates that were conducted I guess through the last board meeting, essentially.

Table 5 at the top of Page 7 just summarizes the fishing mortality rate and landings and all the information that went into and came out of the stock assessment for about the last decade or so.

Moving on to 1.5.2 is a description of fishing mortality through time. Figure 2 illustrates the total landings and it also illustrates the pattern and the fishing mortality rate for the last, a little over 20 years.

As you can see, the current target is right at 0.3 for the fishing mortality rate which is the black horizontal line kind of in the middle of Figure 2. We've been under that target for the last two years but kind of for the most part been above that through the management history of tautog, or at least the interstate management history.

Moving on to 1.5.3, just a, Figure 3 is a description or a summary of the recruitment pattern in this fishery. As you can see, it declined fairly significantly from the early '80s through the mid-90s.

In 1998 and 2002 you can see there is a couple of strong year classes that peaked up in kind of recent history. And those are probably important year class to kind of shepherd through the stock if we can.

Moving down to Figure 4 at the bottom of Page 8 you can see the, essentially the stock size in numbers of fish. That's declined again from the early '80s through the mid-90s, had a gradual increase through, you know, 2003-2004, and dropped off a little bit in the last year.

Moving on to Page 9, you can see the spawning stock biomass. And this is a figure that I was referencing earlier in response to Mr. Travelstead's questioned about have we ever been above the biomass target that is being suggested or spawning stock biomass target that is being suggested by the technical committee.

As a reminder that target is recommended at 26,800 metric tons so you can see the first five years we were above that. The

threshold that they're recommending is -- what is it? -- it's 20,100 metric tons so you can see we've been over the 20,000 line a couple years as well.

Moving on to Figure 6, which has a typo in the title, you can see that the total stock biomass estimated for January 1st for the last 13 or 14 years follows the same pattern as the recruitment and spawning stock biomass.

It was high in the early '80s and it has been dropping down through the mid-90s and it has been relatively flat since the mid-90s, so for about a decade it has been flat. Section 1.5.5 is special comments.

The first paragraph notes that a lot of the increased harvest that has been seen in the last couple of years may be due to essentially recruitment which is as the size limits went up in the past kind of moving beyond the ability to harvest certain year classes of fish.

Those year classes of fish have now grown into the fishery and are now able to be harvested by the recreational and commercial gears. Moving on to Page 10, Section 2 is goals and objectives. It's a description or Section 2.1 is a description of the biological reference points that are being proposed.

If this document or this addendum is approved with the biological reference points that are proposed it would be the first time that the tautog management program has essentially a control rule with, where we can define overfishing and overfished conditions in the stock, both with a biomass target and threshold.

And then 2.2 briefly describes the stock rebuilding program. Section 3 is the management program specifications which

is essentially the meat of the addendum as we go out to public comment.

The first issue is under Section 3.1 which is the biomass reference point. That section goes on to give a brief description of the history for where the biomass has been and then it goes on to note that the 2004 spawning stock biomass estimate is 10,600 metric tons.

And at the top of Page 11 there is the two options associated with the biological or the biomass reference point. Option 1 is status quo which is no reference point.

Option 2, again based on the technical committee's recommendations, is a biomass, a spawning stock biomass target reference point of 26,800 metric tons and a threshold SSB reference point of 20,100 metric tons which is 75 percent of the target value.

And the technical committee felt this was a reasonable position to be in given the range that the tautog biomass, the variance that the population has had over time.

Section 3.2 goes on to describe the fishing mortality reference point. Essentially, a lot of the things that Jason described in his presentation are included in the text in I guess it's five paragraphs that are on Page 11 under Section 3.2.

It goes on to describe how the projections were done. At the top of the third paragraph you can see there is a reference to fishing mortality rate of 0.2, 0.2, 0.15, 0.1, and 0 fishing mortality rate.

And those are the reference points that the technical or the fishing mortality rates that the technical committee applied to rebuilding of this stock. If you flip over to Page 12, the table on Page 12 has the options associated with the fishing mortality reference points.

As you can see there, the options are, again, throughout the range of reference points that the technical committee evaluated. Option 1 is status quo, 0.28, which is what we experienced last year.

As you can see, the third column in that table is where we expect to be five years down the road from now. And then the fourth column is the percent reduction from where we are, a fishing mortality rate that it would take to achieve the reference point, the fishing mortality rate that is in the second column.

So as you can see, under the status quo scenario we will go from the 10,600 metric tons where we currently are up to 12,700 metric tons assuming average recruitment over that rebuilding, over that five-year period. So there is a slight increase projected given the, even with the status quo fishing mortality rate.

And then as you go down through this table the fishing mortality rate decreases. Option 3 which is recommended by the technical committee is a fishing mortality rate of 0.15. That gets you to 15,509 metric tons in five years. That's about a 50 percent increase in stock biomass, spawning stock biomass from where we are right now.

In order to achieve that, the states would have to achieve a 46.4 percent reduction in fishing mortality rate. And then Option 4 and Option 5 are, again, you know, greater decreases in fishing mortality rate and increases in the spawning stock biomass after the five-year period.

Option five is a complete moratorium, as Jason mentioned. And that will bring you over the threshold within five years is the projection that is, you know, associated with a moratorium on fishing.

Moving on through the document, Figure 7 and Figure 8 are the different rebuilding trajectories that the technical committee has come up with. You know it's pretty, no surprises there. The more you cut the fishing mortality rate, the faster the stock response.

But there are two different scenarios that were explored by the technical committee. But as Jason said, in the first five years you're essentially moving along the same lines with either of the assumptions that go into those projections.

Table 6 and 7 are just a tabular summary of where we expect to be as far as the spawning stock biomass in the next 5 or the next 15 years. So it's assuming that we're starting out where the spawning stock biomass is right now.

Moving on to Section 4 which is the management program implementation, the second paragraph is something that was included in the motion that initiated this addendum. And what this is, it's a recognition that some of the states may have the ability to conduct state-specific stock assessments and may be able to even develop state-specific reference points.

If they do that those states would obviously have to run those past the technical committee and get approval on those through the management board process before they're able to implement those. But this document does note that the states may want to explore that.

In Section 4.1, which is the management measures, this gets to Pete Himchak's question from earlier which is, you know, how do we achieve the reductions if the board chooses to implement any.

The way the wording, the way the document is currently worded it's up to the

management board. They could achieve those reductions either through, solely through reductions in the recreational fishery or through a combination of recreational and commercial harvests.

Essentially I put that option in there to give the states the most flexibility when they're going home to, you know, if the board decides to take a decrease in fishing mortality then the way it's written right now -- and I am not suggesting it couldn't or shouldn't be changed -- this gives the states the most flexibility.

It's up to the state how they want to implement this management program. And again there is nothing -- in the third paragraph under 4.1 it notes the adaptive management process that the commission has and that allows the states to apply for conservation equivalency.

Section 4.1.1 is associated with reductions in the recreational fishery. It's, as you move on through Table 8, obviously there is not a lot of information in Table 8 in this document. That table was actually just e-mailed to me this morning. I think -- do you know if it was handed out, Chris?

CHAIRMAN AUGUSTINE: It was handed out.

MR. BEAL: Okay, so Table 8 was the one that was handed out as we went into this agenda item. So we'll just plug that information into this document as well. The states can use Tables 8 and 9 through the equation -- that's kind of on the middle of Page 16 or on the bottom third of Page 16 -- to determine what their total reduction would be associated with a change in possession limit and/or implementation of a fishing season, a recreational fishing season.

On the commercial side there is a reduction table for, associated with changing the

fishing season for the commercial fishery. This document currently doesn't have changes associated with either decreasing or increasing the minimum fish size in a state's fishery.

If a state chooses to do that, they'll have to pull together the analysis and put together a conservation equivalency proposal for the technical committee to consider.

Section 5 is recommendations for federal waters, kind of standard language that we would, you know, ask that the federal government mirror or at least complement the regulations that are in place in the state waters.

Section 6 is compliance and it's pretty straightforward. It just indicates that if this addendum is approved the states have to implement the recreational and/or commercial management measures that are included in the document.

The final page, Page 18, the compliance schedule, 6.1.2, as you can see, obviously the first three dates there are left blank. I don't know. It's up to the Board if they want to propose something for public comment or they can take it out with no implementation dates and decide that upon coming back from public hearing.

And we can ask that question at the public hearings as to when folks or when the public thinks we should implement this management program.

There is some indication from the folks on the management board at the last meeting that, you know, if we're going to really initiate a change in tautog management we should do that as quickly as possible and get that in place for next summer's fishery.

So, it's, obviously the schedule is up to the board. Part of that has to do with how long

it will take the states to develop their programs once this document, assuming it's approved with a reduction, once this document is completed to how much time they need to go home, develop their programs, and then run those through the technical committee, come back to the board.

You know, the normal process. It takes a little while. And then the states would have to implement those regulations as well. So part of this is contingent on the state timeline. So that's my quick summary of the document. I tried to answer a couple of questions that came up before we went into this and if folks have any more obviously I'll be glad to answer them.

CHAIRMAN AUGUSTINE: Very well done, Bob. I appreciate it. Thank you. Remember, ladies and gentlemen, this is a document to go out for the public to review. So any thoughts about dropping out particular options from this or adding options would now be the time. But, remember, it's a public information document. Mr. Himchak.

MR. HIMCHAK: Thank you, Mr. Chairman. I have to apologize for my earlier excitability. You know, I've been on the Tautog Technical committee since its inception and I get a little, very involved with this particular species.

And the logic of Addendum IV follows Addendum III in that if we ratchet down the fishing mortality rate -- and I'm not saying it shouldn't have stayed at 0.15 that we subscribed to for many years -- that the SSB will rebuild.

And I think we've seen that this response, this cause and effect, is not taking place or it's not taking place at any significant pace.

And it, and, again, yes, I see a need in Addendum IV to somehow address through research recommendations or -- and again, it goes back to the comment during the public comment period that we're still ignoring a couple serious issues that may cause the SSB not to respond as we keep ratcheting down our size and possession limits and that is, one, of course, is the live fish market.

And this fish is ripe for noncompliance. The other issue is the lack of any recreational landings data for Wave 1. And, again, these are some of the biggest fish taken from the New York bight to areas south. I think it was the world-record tautog taken in January.

So as to why the SSB isn't responding as F is ratcheted down, I think there are some black holes here that have, we have to focus more on in this process rather than keep ratcheting down. So I'd like to -- I don't know if the addendum could put on some research recommendations or?

CHAIRMAN AUGUSTINE: Mr. Himchak, you're suggesting we do that. I believe we can do that. So to the extent you could describe it more specifically -- and I think you've done a good job so far -- Bob will write down some notes on it and if we can develop that so it will go out with the document. Okay? Mr. Travelstead.

MR. TRAVELSTEAD: Several questions. On Page 15 where it talks about management program implementation there is the statement that if a state can provide evidence at the same level of precision as the most recent assessment then the state is only required to implement measures equivalent to those findings.

And I'm sure you are aware Virginia has over the last several years used a series of catch curve analyses to estimate our fishing mortality rate. And the technical committee

has accepted those and that has allowed Virginia to implement measures that differ from those contained in the current plan.

My question is does this language alter that ability? I'm assuming that this is new language and that the analyses that Virginia has done would no longer be adequate, but I'd like to get an answer to that question.

CHAIRMAN AUGUSTINE: Mr. Beal.

MR. BEAL: Jack, I put this language together essentially based on the last discussions at the last management board meeting. I think it was actually, part of it was contained in the motion.

Jason may be able to comment on the clause, you know, "at the same level of precision as the most recent assessment." I'm not, you know, it's hard for me to say if the analysis that you have conducted in the past are at the same level of precision or not.

CHAIRMAN AUGUSTINE: Jason, could you respond to that, please.

MR. MCNAMEE: Yes, I was under the impression that this was the same language that existed before and it was a discretionary judgment. And I assume that's to be made by the technical committee.

CHAIRMAN AUGUSTINE: Does that satisfy you? Bob, do you want to add to it? Does that satisfy your needs?

MR. TRAVELSTEAD: That helps a lot. Yes, let me ask one other question. Table 10 on Page 17 describes the potential percent reductions in commercial landings for the various states and if they choose to implement those kind of measures.

And yet I note from the front of the document where it describes existing commercial closed seasons that this table

seems to suggest that a state could get credit for reductions for seasons that are already closed. That's not clear to me.

Let me use Virginia as an example. We're closed from September through December. Oh, I'm sorry, we're closed January through April and yet the table suggests that we could get some substantial credits --

CHAIRMAN AUGUSTINE: No, you're open from January to April, if I correctly understand that.

MR. TRAVELSTEAD: Oh, okay. I'm sorry. I'm reading the table wrong. I'm okay with that.

CHAIRMAN AUGUSTINE: Okay, thank you. Any other questions or comments around the table? Yes, Mr. Smith.

MR. ERIC SMITH: Thank you. I've been trying to digest this all the while decompressing from fluke this morning so forgive me if I ask a question that has been already asked and answered. I wonder in the recommended SSB targets, Jason, was there consideration given to other approaches of finding a stable period or a period by which to use instead of an average?

For example, did you look at medians? It tends to drop the number down a whole lot. I know in the lobster, recent biological reference points for lobster, they use the median of the 22-year time series.

And I think Jack asked the question before. You know the concern is with other species we tend to set something then we find out later we've overreached and it takes an act of God or the National Marine Fisheries Service or Congress to get back from it.

So, we're all a little gun-shy after this morning and what we're going through with

other species. I don't want to under-shoot, either. And when I look at the median of that time series, you know, the second half of the time series it's flat and we think low and we're not entirely comfortable with that as a target.

And the early 10 or 12 years is highly more variable and at higher levels. So the median clearly comes out somewhere around 12,000 tons and the average is something like 25,000. That's a big difference.

So, again, my fundamental question is did you look at different ways of trying to find a realistic biomass target that didn't look like it took an average of the highest years in the time series?

CHAIRMAN AUGUSTINE: And, Jason, do you want to try that one?

MR. MCNAMEE: We were focused on that task given to us by the board so we were basing it on that time period. But we did take a look.

And I mentioned earlier the University of Rhode Island Index Survey shows during the same period of time and then extended back to the 1950 time a stable number that kind of comes across and then mirrors the decline that we see in the VPA or biomass estimates.

So my answer is we were focused on doing what the board asked and that was developing the SSB target based on the, you know, the early VPA numbers. But we did take a look and were comfortable with that higher level of biomass as a stable biomass level.

CHAIRMAN AUGUSTINE: A follow-on, Mr. Smith?

MR. SMITH: Yes, thank you. So the average over the series from the '80s back

maybe to the '60s averaged around that 30,000 or 25,000 ton level and it's only in the later 10-15 years of the time series where we've dropped down to where we are now? That's what the Rhode Island index shows you?

CHAIRMAN AUGUSTINE: Jason.

MR. SMITH: Is that correct?

MR. MCNAMEE: Again, it was an index so the index is stable, you know, during that time period when the biomass was high. That's what I meant by that.

CHAIRMAN AUGUSTINE: Thank you for that response. Any further questions from the board? Mr. Himchak. Oh, I'm sorry, Mr. Mears and then Mr. Himchak.

MR. HARRY MEARS: Thank you, Mr. Chairman. I'm just trying to make sure I have the proper understanding of the Figure 7 and Figure 8 in the draft document.

And as I understand it, a target reference point of 26.8 metric tons is being proposed and then there are two sets of assumptions that are being discussed I believe as a best-case or worst-case scenario. One is constant recruitment and the other would be recruitment based on the Beverton-Holt model.

And if you look at Figure 7 projections based on constant recruitment at the recommended F of 0.15, if that's in fact the case over the next 10 to 15 years my interpretation of the chart is that you would never reach your objective. In fact, you would barely reach your threshold in reaching your biomass target.

Whereas, in the better-case scenario, the Beverton-Holt, again it would seem that even after 15 years you wouldn't reach it even though you'd come to like 95 percent

of your goal. But am I right so far interpreting those two figures?

CHAIRMAN AUGUSTINE: Jason.

MR. MCNAMEE: That's correct. As I mentioned and Bob mentioned, we think for these two figures the important period of time to look at is the first five years where they're pretty much the same.

And then after that, five years basically the constant recruitment is just using a constant number through this entire time period.

So you wouldn't see any benefit further out in time using that method from an increased stock size. The Beverton-Holt is more dynamic, you know, would take that into account.

So that is why we did discuss that, how it reaches a threshold and then kind of, you know, reaches an S until -- but the idea is we'll be reassessing this species within five years and can do an updated projection at that time, again using both methods.

CHAIRMAN AUGUSTINE: Does that help, Mr. Mears?

MR. MEARS: Yes, just one final comment. It just causes me some concern that in either case we're identifying management measures that even after 15 years in either case would not get us to our goal.

And I just find that -- I realize after every five years you might reassess and say, well, we have to change our management measures. But as our upfront, proposed management measures we're identifying a target that our own projections don't even get us to.

CHAIRMAN AUGUSTINE: Jason.

MR. MCNAMEE: Yes, what I didn't -- I didn't mean to, what I meant to imply was after five years the absolute numbers that are represented are not as reliable so when it is reassessed then you can project out further starting from a better, more reliable place.

CHAIRMAN AUGUSTINE: Does that help, Mr. Mears? Thank you. Mr. Himchak, if you would hold for one second please I would appreciate. Dr. Gibson had his hand up and I passed over him, not intentionally. Dr. Gibson.

DR. MARK GIBSON: Thank you, Mr. Chairman. I share Harry's concern. And I'm afraid it's a little worse than that because I'm of the opinion that the SSB reference points are probably too liberal.

And they're based right now on the ten-year average, you know on the back converged portion of the VPA. But if you look at that Figure 5 there are clearly two distinct periods in that, the first five years when it averaged about 32,000 tons and the next five it's probably averaging just around the 20,000.

So there was a clear decline in SSB during that time period. There is really no stability for the averaging process. At the same time, in Figure 3 recruitment fell when that happened suggesting that there is a strong influence of the amount of SSB over the recruitment levels.

So, I'm more of the opinion that the appropriate target is the first five years, recognizing that there was fishing going on then. That's probably a better proxy for Bmsy and 75 percent of that would probably be a better proxy for the threshold.

So I think we need a wider range of pairs of SSB targets and thresholds. I understand Eric's point and I wouldn't be adverse to having a more liberal version based on the

median and 75 percent of that as well as a more conservative version which is, you know, the first five years and 75 percent of that.

But looking at the dynamics I see in front of me are such that these biomass levels are probably too liberal as targets and thresholds which would, adoption of something more conservative than that would even further exacerbate the problem that Harry has made.

So I would like to hear some more discussion on that before we, if there is willingness, or before I entertain a motion to do that.

CHAIRMAN AUGUSTINE: Yes, thank you Mr. Gibson, Dr. Gibson. Bob has so noted and I think he is going to be able to incorporate that into the document. So, Bob, would you give them a little more detail on that?

MR. BEAL: Sure. Mark, you're just essentially asking for two additional options, at least two additional pairs of targets and thresholds for the SSB measurement. One will be based on median and the other will be based on the five-year average from '82 to '86.

DR. GIBSON: I was just trying to wrap up, unless I mischaracterized what Eric was looking for. But clearly what I'm asking for is a biomass target based on the first five years of VPA data and a threshold at 75 percent of that. I won't speak for Eric as to what he was looking for.

CHAIRMAN AUGUSTINE: Mr. Himchak, would you still bear with us for a moment? Mr. Smith.

MR. SMITH: Yes, I hate to say this but I got an answer to my question that satisfied me that using the median wasn't really appropriate. I was looking for clarification.

And what I just heard Mark say convinces me even further that we would be under-reaching if we did that. So I'm not proposing that we put in a median to have a low and a high. Thank you.

CHAIRMAN AUGUSTINE: Thank you. Now, Mr. Himchak, please.

MR. HIMCHAK: Thank you, Mr. Chairman. Yes, I'm very happy with the discussion on the other options on SSB targets. Again, I have to go back to my initial concern that was expressed regarding the flexibility.

Now I understand how the language got in there but I'm seeing this as a focal point of a public hearing. And maybe I'm selflessly trying to save myself some aggravation because our commercial tautog fishery is very well-regulated, the legal commercial fishery, with a quota which we are not required to have with closed seasons and with a limited-entry. We only have 64 people that are legally allowed to harvest tautog.

So my point in the, my objection in the flexibility in the language is that it puts my legal commercial fishery in jeopardy. And I don't think that the technical committee recognizes that, the commercial landings as a major contributor to SSB not recovering.

CHAIRMAN AUGUSTINE: Thank you, Mr. Himchak. Do you have a specific recommendation and we could put it in as another option? I know you've just described it but could you make it either in the form of a motion or in the form of specific, hard direction to the technical committee or to Mr. Beal?

MR. HIMCHAK: Would you give me about five minutes and I'll try and write something up?

CHAIRMAN AUGUSTINE: We would appreciate it. Thank you. Mr. Beal.

MR. BEAL: Just to Mark Gibson's point regarding a second set of or a second, yes, set of targets and thresholds for spawning stock biomass, I don't know if we've got consensus that folks are comfortable putting that in there or they're not. You know it will be based on the first five years of VPA information.

CHAIRMAN AUGUSTINE: Is there anyone around the table who is not comfortable with that? Is anyone opposed to it? So do it. Good point. Thank you. Any further comments from the board? Dr. Gibson.

DR. GIBSON: Yes, Pete's working on something. I'm not understanding why there's a problem in giving the states the option to adjust both commercial and recreational fisheries if they choose to do it that way, if they feel there is a need to do that in terms of either equity or efficacy of their meeting the reduction targets.

I don't know why New Jersey would feel obligated that they had to do something that way. I'm confused about that. Maybe I missed something.

CHAIRMAN AUGUSTINE: I don't know who we want to respond to that. Mr. Beal? Mr. Himchak? He's writing up something. You want to talk or do you want to write?

MR. HIMCHAK: Well, I would request that the language in Addendum IV under Section 4.1.2 remain the same as it was under Addendum III. Again, it takes the flexibility away from us. I don't know if any other state wants to, I mean I definitely want to go in that position. I don't know if any other state recognizes the need to not put the legal commercial fishery at risk.

CHAIRMAN AUGUSTINE: Okay, Bob, well take -- well, go ahead. You explain it, please.

MR. BEAL: Maybe the language isn't clear but the way when I drafted I envisioned, you know, that if the board decides to take a reduction in fishing mortality then it's really up to the states as to how you do it.

You know, there is no risk to your commercial fishery at the state level unless the state ops to take a reduction in their commercial fishery. The states have the option of doing, you know, taking the entire reduction out of their recreational fishery if they so choose.

That's the way, and I'm not sure if that satisfies your concerns but that's the way I had thought I had drafted the language. Maybe it's interpreted differently.

CHAIRMAN AUGUSTINE: Mr. Himchak.

MR. HIMCHAK: Well, I would prefer the language not being in there but I don't seem to be mustering any support.

CHAIRMAN AUGUSTINE: Okay, it's up to the board. Do you want to leave it in or out? Mr. Smith.

MR. SMITH, I guess I want to understand the problem a little more carefully but we are going to run out of time pretty quick.

CHAIRMAN AUGUSTINE: Yes, we are.

MR. SMITH: If this language were not here, what exactly would it say? Would it, under the existing plan there would be no regulation of the legal commercial fishery? Is that correct?

CHAIRMAN AUGUSTINE: Mr. Beal.

MR. BEAL: Addendum III required that the entire necessary reduction came out of the recreational fishery and the commercial fishery stayed status quo.

CHAIRMAN AUGUSTINE: Okay, Mr. Smith?

MR. SMITH: Yes, but I do see Pete Himchak's point, quite frankly. And I also heard Phil Kersio's point loud and clear. And I think maybe we ought to do two things here. We ought to have an option in there that deals with deliberate strengthening of enforcement against the illegal trade of blackfish that largely is a live market.

And also, I mean, I'm not against the kind of thing that Pete is talking about because I just can hear a public hearing in Connecticut how it's going to play. You know people will be there from the recreational fishing community very agitated and, you know, how come we don't do it to them, too, if it's going to be done to us.

And if you look at a fishery that's 90 percent -- in our state it's more than 90 percent -- recreational, if this language stays in we have to explain why and we have a bunch of conflict. If the language is not there then the board has taken that issue out of play.

I guess that is what Pete is getting it. I have some sympathy with that but on the other hand I also think the public, you know, has a right to weigh in from time-to-time on those things even if it's difficult for me to have to try and explain to them why were doing, proposing what we're proposing.

So I'm like Pete. If that generates enough interest for other people to decide they want to change something, let's hear it. Otherwise, let's leave it.

CHAIRMAN AUGUSTINE: Thank you, Mr. Smith. Bob made several notes on that

and by the nodding of his head I believe we can accommodate that in the document. Bob, would you respond to that, to what extent we can do that?

MR. BEAL: There still seems to be some differing views around the table, you know, that the options are completely, you know, obligate the states to only take the reduction in their recreational fishery, leave it the way it is where states can choose later, or modify the language in the document where we're notifying the public that the board is going to make a future decision on obligating the entire reduction to come out of the recreational fishery or the states are going to have the flexibility later on.

You know, those seem to be the kind of options that are out there. We can modify it either way. We just need to kind of be clear on what that is.

CHAIRMAN AUGUSTINE: Okay, Mr. Himchak, are you ready?

MR. HIMCHAK: Yes, maybe just to bring this to a head. Maybe I should introduce a **motion to change the language in Section 4.1.2 to be consistent with the way it appeared in Addendum III and have the legal commercial fishery have the status quo.** So I'll make that motion.

CHAIRMAN AUGUSTINE: Thank you, Mr. Himchak. Are we all set on that? Do we have a second? Mr. Smith. Thank you.

MR. SMITH: **I'll second it if as a friendly amendment he will also adopt the language that the addendum address the enforcement issue of the illegal harvest of tautog and the live market fishery.**

MR. BEAL: Do you want to include that in the same motion, Eric, or do you want it as kind of a --

MR. SMITH: Yes, it's all Section 4.1.2 so I don't mind having it be two small paragraphs in there.

CHAIRMAN AUGUSTINE: Fine. Mr. Himchak, is that all right with you?

MR. HIMCHAK: That's fine.

CHAIRMAN AUGUSTINE: It accomplishes both.

MR. HIMCHAK: That's fine, Mr. Chairman.

CHAIRMAN AUGUSTINE: And that's all right with the seconder. We're all set. A quick comment, Mr. Beal.

MR. BEAL: Also, Section 4.1, the first paragraph there also states that states have the option of achieving the target solely through reductions in the recreational harvest or through a combination so we'll have to modify language, you know, kind of throughout the document that makes it consistent.

But I just want to make sure we're not, the motion includes Section 4.1 but other sections are going to have to be changed to be kind of internally consistent.

CHAIRMAN AUGUSTINE: Okay, that will accommodate it. And we're short on time but Mr. DiDomenico would you please come up and make a comment from the public, please.

MR. GREG DIDOMENICO: Thank you, Mr. Chairman. I'll be brief. Greg DiDomenico, Garden State Seaford Association. Obviously, we are much in support of Mr. Himchak and the motion. What has to be made perfectly clear in this amendment, that there are three fisheries in the tautog fishery.

There is a recreational fishery, a legal one; there is a legal commercial fishery; and there is something else. There is an illegal fishery regardless of the gear that is contributing greatly to the mortality on tautog.

That is the portion of the mortality that needs to be addressed, not so much the legal catch for both the commercial and the recreational people but the illegal catch that is done by whomever is what really needs to be targeted. Thank you.

CHAIRMAN AUGUSTINE: Thank you, Mr. DiDomenico. Okay, to the motion, board members, further discussion? Seeing none, caucus, one minute. The minute is up. Any further caucus? Okay, ready for the motion. We will read the motion into the record.

Move to alter the language in Section 4.1.2 of draft Addendum IV to be consistent with Addendum III, leaving the commercial fishery at status quo and include language on enforcement of illegal live harvest. Motion by Mr. Himchak, Seconded by Mr. Smith.

All board members in favor, please raise your right hand; six; opposed the same sign; null votes; abstention; two abstentions. The motion carries 6-2-0-2. Okay, are we ready to move this public document forward? I look forward to a motion to move this document to the public with those changes as made in today's meeting. Mr. Smith.

MR. SMITH: **So moved.**

CHAIRMAN AUGUSTINE: Moved by Mr. Smith, seconded by Mr. Berg. Mr. Berg? Mr. Berg seconded that. Thank you. That will keep you awake. Okay, move to approve Draft Addendum IV for public comment.

All in favor, board members, show of right hands please; ten; same sign for opposed; zero; null; abstain. The motion carries 10-0-0-0-0-0. Okay, is there any further business? One question we have on timeline, when we're going to try to accomplish this. Mr. Beal, would you please let us know.

MR. BEAL: Sure, the question is how quickly do you want to move forward? I assume, you know, we will fix up this document which really won't take too long and get it out to the public. The question is when do the states want to conduct public hearings?

You know we try to have the document out for an addendum at least a few weeks before we start public hearings so that takes us into, probably bumps up against, you know, late-November/early-December which is holidays and those sorts of things. And we can do the hearings in December, no problem.

I don't know if that's a problem in the states or should we wait until after the new year in which case we will, you know, we can compress the hearings between Chris and I and maybe go in two different directions and get them done before the January meeting because our first meeting in 2007 is kind of early.

CHAIRMAN AUGUSTINE: For staffing purposes what would be more appropriate?

MR. BEAL: I mean it's easier to do them in January than December but that gives the board less time to kind of spill over the public comment and then, you know, you probably won't get your public comment until a day or two before you get to the January meeting to potentially take final action on this document.

CHAIRMAN AUGUSTINE: What would the board prefer? Yes, Mr. Smith.

MR. SMITH: December.

### ***OTHER BUSINESS***

Chairman AUGUSTINE: December. Do I see anyone opposed to that? Seeing none, December. Thank you. Any further business to come before this board? Seeing none -- go ahead, Mr. Beal. We're trying to move it ahead.

MR. BEAL: Yes, I know. I like questions. Just a quick, I assume essentially all the states on the board are going to want a public hearing. Is there any state that doesn't want a public hearing I guess is the easier way to look at it? All right, we'll plan for ten or so.

### ***ADJOURN***

CHAIRMAN AUGUSTINE: Okay, thank you for your attention and quickly moving through this process. This meeting is adjourned.

(Whereupon, the meeting adjourned at 3:00 o'clock P.m. on Wednesday, October 25, 2006.)

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