

*Draft for Public Comment*

**Draft Addendum V  
to the  
Interstate Fishery Management Plan  
for Tautog**



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## PUBLIC COMMENT PROCESS AND PROPOSED TIMELINE

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5:00 pm (EST) on July 28, 2007**. Regardless of when they were sent, comments received after that time will not be included in the official record. Comments may be submitted by mail, email, or fax, as well as at public hearings. The Tautog Management Board will be considering final action on this addendum during the week of August 13, 2007 at the ASMFC Summer meeting. This Management Board meeting will be open to the public, however public comment opportunities may be limited due to time constraints.

If you would like to submit comment in writing, please use the contact information below.

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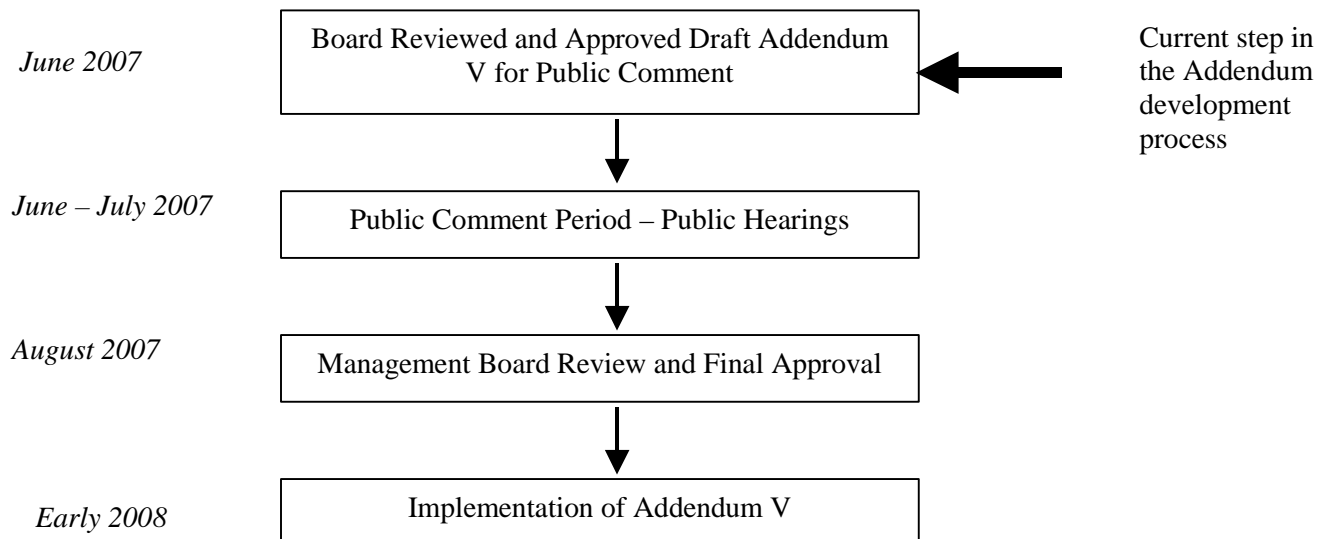
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If you have any questions or would like more information, please call Chris Vonderweidt at (202) 289-6400.

### ASMFC's Addendum Process and Timeline

The development of Addendum V to the Fishery Management Plan for Tautog will follow the general process outlined in the figure below. Tentative dates are included to illustrate the timeline of the addendum process



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## 1.0 INTRODUCTION

### 1.1 BACKGROUND INFORMATION

In February 2007, the Atlantic States Marine Fisheries Commission Tautog Management Board approved *Addendum IV to the Interstate Fishery Management Plan for Tautog*. Addendum IV made a series of changes to the tautog management program including<sup>1</sup>:

- 1) Established a spawning stock biomass (SSB) target = 26,800 metric tons and threshold = 20,100 metric tons.
- 2) Set a fishing mortality rate target (F) = 0.20 to rebuild stocks to the biomass targets.
- 3) Adopted language from Addendum III reading “*States must implement regulations to reduce fishing mortality in the recreational fishery only to achieve the target.*”

The language from Addendum III was adopted into Addendum IV based on the historical coastwide average showing tautog harvest pressure to be ~90% recreational and 10% commercial. Based on the 90/10 split, it was felt that reductions to the recreational harvest would have the most effect in reducing F.

### 1.2 STATEMENT OF THE PROBLEM

As individual states developed management proposals to achieve the required  $F = 0.20$ , it became apparent that there are significant exceptions to the 90/10 recreational/commercial harvest split. Commercial harvest proportions have grown in proportion of the overall harvest in some states contributing significantly to overall fishing pressure. To achieve a needed cut in total annual harvest, reductions from the recreational sector to meet the target reduction of 25.6% requires a greater than 25.6% reduction from the recreational sector to account for the total combined harvest of both sectors. As an example, commercial harvest in one state comprises approximately 39% of the total harvest, 2003-2005. To achieve the required reduction in harvest to meet  $F = 0.20$ , that state would have to reduce their recreational harvest by approximately 41% to achieve the existing addendum goals. This would lead to a further increase in the commercial harvest proportion. Other states have similar but less dramatic issues and have expressed interest in additional flexibility in achieving the  $F = 0.20$  target.

Agreeing that the “recreational only” language contained in Addendum IV had the potential to disproportionately reduce recreational fisheries in some states, the Board initiated Draft Addendum V to the Fishery Management Plan for Tautog.

## 2.0 GOALS AND OBJECTIVES

### 2.1 FLEXIBILITY TO ACHIEVE FISHING MORTALITY RATE

The main purpose of this Addendum is to give states flexibility to achieve the fishing mortality target rate required in Addendum IV. Flexibility is achieved by allowing states to choose where reductions should come from in a manner that best meets their individual needs.

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<sup>1</sup> See *Section 2.0 Goals and Objectives*, of Addendum IV to the Fishery Management Plan for Tautog for more detail.

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This addendum will not modify the  $F = 0.20$  target established in Addendum IV; it simply proposes to allow states to achieve this  $F$  target through restrictions in either their recreational and/or commercial fisheries.

## 2.2 REMOVAL OF NORTH CAROLINA FROM THE MANAGEMENT PLAN

This Addendum also proposes removing North Carolina from the tautog management plan.

North Carolina's annual commercial and recreational harvest have made up less than 1% of the coastwide fishery meeting the requirement for *de minimis* status since the Atlantic States Marine Fisheries Commission began regulating tautog in 1996<sup>2</sup> (Tables 1 + 2). *De minimis* status is defined as "a situation in which, under existing conditions of the stock and scope of the fishery, conservation and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by an FMP or amendment."

Because their tautog fishery is insignificant, North Carolina has requested that they be removed from the plan to relieve them from all burdens that accompany their inclusion. Future expansion in the North Carolina fishery is highly unlikely considering North Carolina's low latitude in the context of tautog's distinctively temperate, geographical distribution.

**Table 1. North Carolina recreational tautog harvest (A + B1) in weight (lbs.) of fish, 1996-2005. (Source: MRFSS, 2006)**

Year	NC Landings (lb)	Coastwide Landings (lb)	% of Coastwide Landings
1996	13,190	3,184,899	0.41
1997	58,750	2,132,038	2.76
1998	26,420	1,479,759	1.79
1999	11,940	2,532,690	0.47
2000	3,194	3,397,038	0.09
2001	3,413	2,748,613	0.12
2002	4,447	4,921,967	0.09
2003	20,512	2,227,444	0.92
2004	36,151	3,479,015	1.04
2005	20,886	2,340,481	0.89
<b>Average</b>	19,890	2,844,394	0.70

<sup>2</sup> The exception was 1997 when North Carolina comprised 2.76 % of the coastwide recreational fishery.

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**Table 2. North Carolina commercial tautog harvest in weight (lbs.) of fish, 1996-2005. (Source: NMFS Fisheries Statistics Division, 2006; NC Value from 2005 North Carolina Tautog Compliance Report)**

Year	NC Landings (lb)	NC Value (\$)	Coastwide Landings (lb)	% of Coastwide Landings
1996	452.00	209.00	355,894	0.13
1997	623.00	224.00	280,947	0.22
1998	2173.00	629.00	254,426	0.85
1999	728.00	178.00	209,140	0.35
2000	674.00	505.00	246,335	0.27
2001	414.00	269.00	305,480	0.14
2002	705.00	558.00	351,540	0.20
2003	98.00	77.00	338,921	0.03
2004	84.00	46.00	294,346	0.03
2005	56.00	31.00	230,576	0.02
<b>Average</b>	673.00	276.00	315890.00	0.21

## 3.0 MANAGEMENT PROGRAM SPECIFICATIONS

### 3.1 MANAGEMENT PROGRAM TO MEET THE F TARGET

This Addendum proposes granting states the flexibility to reduce in the commercial fishery to achieve the fishing mortality rate specified in Addendum IV ( $F = 0.20$ ). It does not propose to alter the target set in Addendum IV. If approved, states would now have the flexibility to achieve an overall  $F = 0.20$  through any combination of commercial and/or recreational reductions.

**Option 1: Status quo; States can only achieve the  $F = 0.20$  target through reductions in the recreational fishery only.**

**Option 2: States may implement restrictions in the recreational and/or commercial fisheries to achieve the  $F = 0.20$ .**

### 3.2 REMOVAL OF NORTH CAROLINA FROM THE MANAGEMENT PLAN

This addendum proposes to remove North Carolina from the Management Plan because their fishery is insignificant. Including North Carolina provides no conservation benefit while placing burden of implementing regulations on North Carolina Department of Environment and Natural Resources.

**Option 1: Remove North Carolina from the management plan.**

**Option 2: Status quo; North Carolina remains part of the management plan.**

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## 4.0 MANAGEMENT PROGRAM

In order to achieve a fishing mortality rate of 0.20, states must achieve a 25.6% reduction in the exploitation rate (U) using the reduction tables provided in this section. If this Addendum is approved states can use *both* the recreational and commercial reduction tables. If this flexibility option is not approved, states are required to reduce based solely on the recreational tables.

Tables 3 through 5 were created based on consensus Tautog Technical Committee recommendations. These recommendations were presented to and approved by the Tautog Management Board on May 9, 2007. The methods for creating reduction tables are as follows.

1. Exploitation rate will be used as the standard metric to determine the percent reduction that a state will have to achieve to meet the target F. Based on the coastwide VPA, states will have to reduce exploitation rate by 25.6% to meet the target.
2. The average of 2003, 2004, and 2005 landings was used for the base year to smooth variability in the MRFSS landings data.

To calculate the total reduction in a state, follow the instructions in each section and then add the commercial percent reduction with the recreational percent reduction.

## 4.1 COMMERCIAL FISHERY

States are allowed to bring forth management proposals to reduce U by 25.6%, with measures that differ from table 3, for review by the Technical Committee. The Technical Committee will provide feedback and recommendations to the Management Board for each plan. The Board will then make the final decision to approve or disapprove each states plan.

**Table 3: Potential percent reduction in commercial landings for monthly seasonal closures (from percent commercial landings by month and state).**

	CT	DE	MD	MA	NJ	NY	RI	VA
<b>JAN</b>	0.23%	0.00%	3.61%	0.02%	0.00%	1.76%	0.00%	10.80%
<b>FEB</b>	0.30%	0.00%	0.25%	0.00%	0.00%	0.35%	0.00%	1.33%
<b>MAR</b>	0.27%	0.00%	0.00%	0.00%	0.00%	0.11%	0.00%	5.19%
<b>APR</b>	2.26%	0.63%	6.23%	1.23%	4.04%	2.16%	5.39%	25.39%
<b>MAY</b>	0.27%	1.25%	16.72%	24.76%	14.58%	17.31%	37.36%	2.96%
<b>JUN</b>	34.85%	4.51%	14.78%	0.02%	21.19%	19.28%	0.41%	0.53%
<b>JUL</b>	18.28%	8.91%	9.23%	7.57%	0.13%	12.04%	0.13%	0.54%
<b>AUG</b>	4.93%	15.49%	5.69%	13.95%	0.03%	5.92%	16.68%	0.30%
<b>SEP</b>	4.43%	2.50%	12.30%	12.59%	0.06%	5.69%	6.25%	2.06%
<b>OCT</b>	17.10%	31.70%	4.84%	39.55%	1.17%	9.75%	17.84%	9.72%
<b>NOV</b>	14.43%	19.94%	15.95%	0.30%	34.62%	16.97%	15.04%	23.39%
<b>DEC</b>	2.66%	15.05%	10.40%	0.01%	24.19%	8.67%	0.88%	17.79%

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## 4.2 RECREATIONAL FISHERY

States are allowed to bring forth management proposals to reduce U by 25.6%, with measures that are different from the following tables (4 & 5), for review by the Technical Committee. The Technical Committee will provide feedback and recommendations to the Management Board for each plan. The Board will then make the final decision to approve or disapprove each states plan.

**Table 4<sup>3</sup>: Percent reductions in tautog recreational fishery at different possession limits by state; 2003-2005 average. Data from MRFSS.**

Possession Limits	MA	RI <sup>a</sup>	RI <sup>b</sup>	CT <sup>c</sup>	CT <sup>d</sup>	NY <sup>e</sup>	NY <sup>f</sup>	NJ <sup>g</sup>	NJ <sup>h</sup>	DE <sup>i</sup>	DE <sup>j</sup>	DE <sup>k</sup>	DE <sup>l</sup>	MD	VA
1	48.2	14.4	53.4	7.2	53.4	5.6	58.3	12.4	40.7		15.0	6.6	37.9	66.3	64.6
2	17.7	4.7	42.2	3.4	29.6	3.8	36.5	5.2	27.0	1.2	5.0	4.7	26.0	44.0	40.8
3	0.0	0.0	33.3	1.3	11.3	2.2	22.7	2.0	17.2	0.2	0.0	3.7	18.6	25.5	25.4
4			25.3	0.0	0.0	1.4	13.0	0.0	10.1	0.1		2.9	13.8	8.2	15.6
5			18.6			0.7	6.6		4.4	0.02			9.4	0.0	8.0
6			13.6			0.3	1.8		1.8	0.01		1.6	6.2		3.1
7			9.3			0.0	0.8		0.4	0.0			3.7		0.0
8			5.9				0.4		0.0				2.3		
9			2.8				0.1						1.1		
10			0.0				0.0					0.0	0.0		

**Table 5: Percent reduction in tautog recreational landings for bi-monthly seasonal closures; 2003-2005 (\*Data for wave 1 unavailable). Data from MRFSS**

Wave	MA	RI	CT	NY	NJ	DE	MD	VA
1 *								
2	0.1	0.0		0.2	7.8	4.7	18.9	37.5
3	51.0	12.4	4.5	3.9	28.2	31.2	27.3	13.3
4	9.7	9.1	8.1	0.04	2.9	5.4	1.2	1.0
5	20.0	24.5	43.4	22.8	6.6	42.0	33.1	18.9
6	19.2	54.0	44.0	73.0	54.5	16.6	19.6	29.3

- <sup>3</sup> a Based upon Rhode Island's May 1–October 14 season  
 b Based upon Rhode Island's October 15–December 31 season  
 c Based upon Connecticut's June 15–September 7 season  
 d Based upon Connecticut's September 22–December 13 season  
 e Based upon New York's January 1–May 31 season  
 f Based upon New York's October 1–December 31 season  
 g Based upon New Jersey's January 1–May 31 season  
 h Based upon New Jersey's November 15–December 31 season  
 i Based upon Delaware's January 1–March 31 season  
 j Based upon Delaware's April 1–June 30 season  
 k Based upon Delaware's July 1–August 31 season  
 l Based upon Delaware's October 1–December 31 season

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\*The values in Tables 4 and 5 are not additive. Therefore, if both possession limits and seasonal closures are used, the total reduction is not the sum of the values from each table. To determine the total reduction, it is necessary to account for the effects of one measure on the others. This can be done using the following formula:

\* Total reduction =  $(100 * (X/100 + \{(1-X/100)*Y/100\}))$ ;  
X = the percent reduction value from the seasonal closure table,  
Y = the percent reduction value from the possession limit table.

## **4.3 ADAPTIVE MANAGEMENT**

The Management Board may vary the requirements of this Section as a part of adaptive management as necessary to achieve the goals and objectives of the FMP. Because specific measures for achieving fishing mortality targets are to be determined by each state, each state may change those regulations, providing such changes are made in accordance with procedures established in Section 4.4 of the Interstate Fishery Management Plan for Tautog.

## **5.0 COMPLIANCE**

### **5.1 REGULATORY REQUIREMENTS**

To be considered in compliance with Addendum V, all state programs must implement a regime of restrictions on tautog fisheries consistent with the requirements of *Sections 3 and 4*. Under Section 4.4 of the Interstate Fishery Management Plan for Tautog, the Management Board may vary the requirements specified as part of adaptive management as necessary to achieve the goals and objectives listed in the FMP.

Each state must submit its required tautog regulatory program to the Commission through ASMFC staff for Technical Committee review and approval by the Board. During submission, until the Board makes a decision on a state's program, a state may not adopt a less restrictive management program than is currently in place.

### **5.2 COMPLIANCE SCHEDULE**

It is proposed that states must implement Addendum V according to the following schedule to be in compliance:

**July 20, 2007: States submit proposals to meet fishing mortality target.**

July 20 – August 13: Technical Committee reviews state proposals.

August 13 - 16, 2007: Management Board reviews and takes action on state proposals.

January 1, 2008: States implement reductions to meet fishing mortality target.

May 1, Annually: Plan Review Team reviews state compliance.

Summer ASMFC meeting week, annually: Management Board reviews state compliance.

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