

POSSIBLE CHANGES TO REGULATIONS TAUTOG — Recreational and Commercial

What is being considered?

The department plans to implement changes for the commercial and recreational tautog fishery in response to the Atlantic States Marine Fishery Commission Amendment 1 to the Interstate Fishery Management Plan for Tautog.

Measures that Apply to Both Recreational and Commercial Harvest

In Maryland, commercial management measures match recreational. Based on discussions with neighboring states and comments received at meetings, the department will propose regulations to be the same as the season and limits in 2018 and 2019:

January 1 — May 15	No changes (4 fish/person/day)
May 16 — June 30	Closed
July 1 — Oct 31	2 fish/person/day
November 1 — December 31	4 fish/person/day

Measures that Apply to Commercial Harvest

Amendment 1 requires states to implement a tagging program for the commercial tautog fishery. All commercially caught tautog will be tagged by the harvester at the time of harvest or prior to offloading.

Mandatory components of the tagging program are:

- Individuals authorized to commercially harvest tautog must apply a harvest tag to the cheek bone of the fish at the time of harvest or prior to offloading.
- All states will use the same single-use tag.
- The tag will be inscribed with the year of issue, state of issue, and a unique number.
- The unique number will be linked back to the licensee.
- States will distribute tags to participants.
- It is unlawful to sell or purchase commercially caught tautog (alive or dead) without a commercial tag.
- Tautog must be landed in the state that is identified on the tag.
- All states will require the recipients to return unused tags from the previous fishing year no later than February 15.

A special tagging gun is necessary to apply the harvest tag. The department will supply one tagging gun to each federally permitted dealer for use by harvesters. Alternatively, harvesters may purchase their own tagging gun. The tagging gun is approximately \$25.

The department will purchase the tags and will not pass the cost of the tags on to the harvesters. Harvesters will order tags from the department a minimum of one week before they need them.

Why is this change necessary?

In October 2017, the Tautog Management Board approved Amendment 1 to the Tautog Fishery Management Plan (FMP), which required implementation of a commercial harvest tagging program to combat illegal and unreported harvest of tautog. In October 2018, the Board moved to postpone implementation of the tagging program, due to issues identifying a suitable tag and applicator. At that time, the Board also reviewed but did not take action on a draft document outlining

implementation guidelines for the tagging program (enclosed). The FMP also required states to implement the season and size management measures of the amendment by April 2018. The goal of Amendment 1 is to sustainably manage tautog over the long-term using regional differences in biology and fishery characteristics as the basis for management.

This idea was originally scoped during early 2018; however, details were still being developed for the tagging program. The department decided to manage the size, creel, and season for the fishery by public notice until a regulation could be developed for all parameters.

A new tag and applicator have been tested in collaboration with several state partners and found to be suitable for the tagging program. Thus, the Atlantic States Marine Fisheries Commission is requiring states to implement their regulatory programs in 2020 to comply with Amendment 1. The tagging program is necessary to minimize the illegal, unreported, and undocumented catch of tautog.

These changes will ensure our compliance with the management plan.

Who will this affect?

Recreational anglers, commercial harvesters, and anyone who buys or sells commercially caught tautog.

When will this be effective?

The department expects this change to be effective in July of 2020; however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (October 25—November 10). During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy. If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly’s Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the Department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

Has this change been discussed with advisory commissions?

The tagging information was discussed with commercial watermen attending the September 27, 2019 Coastal Commercial Fisheries Forum. Participants were interested in having the tag applicator provided by the department and available at the dock. It was identified that the tagging program will reduce illegal fish and therefore increase the demand/price on legal fish. The changes

for season and creel limits were scoped with the Sport Fisheries Advisory Commission and the Tidal Fisheries Advisory Commission at their meetings in July 2019. The commercial tagging requirements were scoped at the Sport Fisheries Advisory Commission meeting on October 22, 2019 and at the Tidal Fisheries Advisory Commission meeting on October 24, 2019.

Additional Information

Atlantic States Marine Fisheries Commission Amendment 1 to the Interstate Fishery Management Plan for Tautog asmfc.org/uploads/file/5a0477c3TautogAmendment1_Oct2017.pdf