

Atlantic States Marine Fisheries Commission

1444 Eye Street, N.W., Sixth Floor
Washington, D.C. 20005
(202) 289-6400
(202) 289-6051 (fax)
www.asmf.org

George D. Lapointe (ME), Chair
Robert H. Boyles, Jr. (SC), Vice-Chair

John V. O'Shea
Executive Director

Working towards healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015

May 22, 2007

To: Chris Vonderweidt
Tautog FMP Coordinator

From: Michael Howard
Law Enforcement Coordinator

Subject: Comments on Regulatory Ideas for Tautog

The Law enforcement committee has thoroughly explored various ideas on how to obtain better compliance in the Tautog fishery, especially in unlicensed commercial fisherman selling tautog. The issue is regional and involves primarily four states. They are Rhode Island, Connecticut, New York and New Jersey. It is also necessary to recognize that conservation officers inspect less than five percent of recreational fishing trips. Factors that affect compliance are varied but include public support of simple and easily understood regulations, availability of legal and or illegal sizes while fishing, uniformed and plain-clothes enforcement backed up by strong penalties as a deterrent. Other measures include inspections at all locations that the fish is sold or transported.

An important component of this discussion is the fact that existing laws are enforceable but not being adhered to by some fishermen. Adding more regulations to existing violators will have no effect on compliance.

Item #1 – Requiring all recreationally caught tautog to be v-notched. The vast majority of the committee does not support this type regulation. It should not be compared to efforts to protect female lobsters in the commercial lobster industry. The requirement will not have support of the public and will not prevent sales of live tautog to the live markets. One state believes that it could be enforced, but is impractical and will not result in reducing the live market by unlicensed fishers.

Item #2 – Making Live Wells Illegal on recreational vessels or; possessing live tautog in a live well or; wording that prevents live tautog from being possessed on a recreational vessel- The LEC is unanimous in its strong position that this proposal in any form would not be enforceable. Live wells are standard on the majority of boats and even an attempt to define the term to include all the possibilities of a live well would leave a regulation that is very simply not enforceable. Preventing recreational fishers from possessing live tautog while allowing it for commercial will result in reduced public support and not prevent or reduce existing illegal sales.

Item #3 – Require recreationally caught tautog to be killed immediately when caught. The LEC does not believe the proposal of new regulations will prevent unlicensed fishers from selling their catches. Although a few officers believe that this type of regulation might be enforceable, it will be difficult and complicated to enforce with the best of defined terms.

The law enforcement committee also discussed other options that might increase compliance while having the least impact on law-abiding citizens. These measures include;

1. Increase enforcement of existing rules and regulations on Tautog. The existing regulations on size and bag are clear and understandable. Enforcement priorities must be shifted or enhanced to improve the monitoring of tautog catches that might be illegal or have the potential for illegal marketing. This requires agency wide support and in most cases funding in the form of extended patrols or new personnel. This enhancement will impact violators and not legal fisherman.
2. Seek support for increased penalties for the existing types of violations to provide a significant deterrent to the vast majority of fishers that are not inspected or for some reason and do not support the existing size, bag limit or licensing requirements. Again this will target the violator and not legal fisherman.
3. Publicize enforcement efforts and rationale to increase public support of existing tautog rules and regulations. Education is an important and economical way of gaining public support.
4. Monitor enforcement in an effort to measure violation trends in tautog regulation enforcement. The Law enforcement committee believes that there has been a substantial effort recently targeting illegal live sales of tautog and possession of undersize tautog. Some time is needed to see if there is a downward trend in these types of violations and increased compliance.