



Atlantic States Marine Fisheries Commission

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MEMORANDUM

July 11, 2017

To: Tautog Management Board
From: Law Enforcement Committee
RE: Enforcement Issues for Tautog Draft Amendment 1

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) met via conference call on June 29, 2017 to review and provide comments on proposed management measures of The ASMFC Draft Amendment 1 for Tautog. The following members were in attendance:

LEC: Chairman, Lt. Mike Eastman (NH); Maj. Rene Cloutier (ME); Asst. Director Larry Furlong (PA); Lt. Tom Gadomski (NY); Sgt. Greg Garner (SC); Maj. Rob Kersey (MD); Capt. Bob Lynn (GA); Capt. Doug Messeck (DE); Katie Moore (USCG); Maj. Pat Moran (MA); Director Kyle Overturf (CT); Capt. Jason Snellbaker (NJ)

STAFF: Ashton Harp; Mark Robson; Megan Ware

Issue 4.1 Regional Boundaries

The LEC reviewed its position on establishing a regional boundary line at the east end of Long Island Sound. The LEC first considered this issue during a March 17, 2017 teleconference call, and again during its regularly scheduled meeting on May 9, 2017. The LEC reaffirms its previous positions:

March 28, 2017 Memorandum of Teleconference Call

Defining a boundary line between areas

A proposed boundary line between the sound and the ocean would be hard to determine on the water as there are no clear buoys to reference. This would make enforcement difficult, especially if land reference points are used to define the boundary line. A boundary line over the water without clearly visible landmarks or demarcations is almost completely unenforceable. At the very least, making strong cases for violations of such a line presents numerous enforcement challenges such as verifying position data of the patrol vessel and the fishing vessel in question, and determining a vessel operator's intent to violate the boundary vs. an accident of navigation.

May 9, 2017 LEC Meeting Summary:

Tautog.—*Ashton Harp briefed the LEC on proposed management boundaries for Long Island Sound. Options 5 and 6 for defining a boundary line in eastern Long Island Sound both present enforcement challenges if the differences in regulations among the 3 associated management units are significant. Recreational and commercial fishermen regularly move back and forth from the inner sound, the ocean side of Long Island and Rhode Island waters. The LEC cautioned*

that selecting either line will require substantial enforcement resources to ensure compliance with the various management regulations that will be in close proximity. It was pointed out that using the ColRegs line in Option 6, with more visible land-points, might be preferable, although Option 5 was also acceptable. Enforceability of widely differing regulations in close proximity will be influenced by tagging requirements of commercially harvested fish.

Issue 4.4 Commercial Harvest Tagging Program

The LEC reaffirms its support for a commercial tagging program for tautog. The LEC also reaffirms its previous positions regarding the timing of tag applications. **Tagging of tautog should occur as close to the point of harvest as possible.** Dealer tagging is not supported. Members expressed concern that even tagging at the dock or prior to offloading presents significant enforcement challenges, but is at least a more acceptable option than dealer tagging. In summary, the quicker a harvested tautog is tagged, the more likely a commercial tagging program will achieve its intended results.

The Law Enforcement Committee appreciates the opportunity to provide advice and recommendations regarding the management of tautog.