



START ACTION NOTICE # 2018-08

1. TYPE OF ACTION:

Amend 7 **DE Admin Code** 3512 Tautog; Size Limits, Creel Limits and Seasons

2. PURPOSE OF ACTION:

The Atlantic States Marine Fisheries Commission (ASMFC) approved Amendment 1 to the Interstate Fishery Management Plan for Tautog in October 2017. Amendment 1 provides for the regional management of the Tautog resource based on the most recent stock assessment findings. The stock assessment indicated that the Delaware, Maryland and Virginia (DelMarVa) component of the stock is overfished but overfishing is not occurring (i.e., fishing mortality (F) = F_{Target} and $F < F_{\text{Threshold}}$). The recreational and commercial management measures proposed in this action will improve the stock condition and are required by Amendment 1.

Specifically, Amendment 1 requires that Delaware implement recreational and commercial management measures consisting of a 16-inch minimum size limit, a four fish possession limit and a closed season from May 16 through June 30. In addition, based upon evidence from law enforcement officials that indicated significant illegal sales of Tautog, states with commercial Tautog fisheries must implement a commercial harvest tagging program by January 1, 2019. Implementation of such a program will require preregistration, harvest tagging and tag reporting and accountability measures to deter the illegal sale of Tautog.

Finally, to prevent or reduce mortality from lost commercial fishing gear, Amendment 1 requires certain degradable materials on pot and trap gear from which Tautog are retained.

3. STATUTORY BASIS:

7 **Del. C.** § 901(c & d) and § 903(e)(2)a

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

Yes. <http://www.asmfc.org/uploads/file/ACFCMA.pdf>

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

This regulation was reviewed on July 13, 2016 pursuant to HB 147 (7 **Del.C.** § 10407).

6. LIKELY AFFECTED PUBLIC:

Recreational Tautog anglers, licensed commercial fishermen that retain Tautog and dependent businesses.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Publication in the Register – May 1, 2018

Public Hearing – May 2018

8. REVIEW COMMITTEE:

Advisory Council on Tidal Finfisheries

9. RESPONSIBLE STAFF MEMBER:

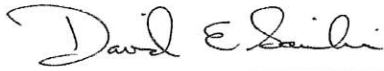
Stewart Michels
89 Kings Hwy.
Dover, DE 19901
Ph: (302)739-9914
Fx: (302)739-6157
Stewart.Michels@state.de.us

10. APPROVALS:




Stewart Michels
Responsible Staff Member

03/23/2018
Date



David E. E Saveikis
Director

03/23/2018
Date



Shawn M. Garvin
Secretary

4/29/18
Date