

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

### Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations for enforcing tautog tagging requirements in accordance with the Atlantic States Marine Fisheries Commission (ASMFC).

#### A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on this proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

#### C. Statutory Authority

The proposed amendments to § 63.50 (relating to importation of tautog) are published under the statutory authority of section 2102(c) of the code (relating to rules and regulations).

#### D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

#### E. Summary of Proposal

Tautog (*Tautoga onitis*), also known as "Tog" or "Blackfish," are an Atlantic Ocean, coastal, bottom-dwelling marine fish most commonly found around structures such as wrecks and reefs in offshore waters and jetties, piers and rocky areas in near shore waters. Tautog range from Nova Scotia to Georgia, but their core populations reside between Virginia and Massachusetts. They are stout, solidly built fish averaging between 2 and 8 pounds, with the current world record at 28 pounds. They are slow growing and can reach 35 to 40 years of age. Because they strongly relate to structure, tautog are easy for commercial and recreational anglers to locate and not difficult to catch with the right bait and tackle. Tautog are considered excellent table fare by both recreational and commercial fishers. In the mid-1980s, tautog harvests peaked at over 7 million fish, but in recent years declined to approximately 500,000 fish. There was a trend towards substantial numbers of tautog caught by "recreational" anglers without commercial licenses and sold into the commercial market. These fish are unaccounted for in distribution between recreational and commercial fishing quotas and confound fisheries management planning. Due to their commercial value and reduced population levels, the ASMFC determined that additional regulatory action must take place to address illegal harvest.

The Commonwealth is a member of the ASMFC, and the Commission's Executive Director, Timothy Schaeffer, is the administrative member for the Commonwealth. At

its fall 2019 meeting, the ASMFC requested the Commonwealth develop regulations requiring all tautog possessed for commercial purposes or sold in this Commonwealth to be properly tagged following the ASMFC tautog tagging program guidelines. States along the Atlantic Coast with commercial tautog fisheries must issue serial numbered tags to commercial harvesters and all fish sold in these states must be tagged with a metal band on the fish's gill cover. The Commonwealth will not be tagging tautog, but this Commonwealth is an important marketplace of commercial seafood including tautog. Providing Commission waterways conservation officers with the authority to inspect for and enforce tautog tagging regulations will close a potential loophole in the ASMFC tautog tagging program and advance tautog conservation along the Atlantic Coast.

The Commission proposes that § 63.50 be amended to read as set forth in Annex A.

#### F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-296. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 63. GENERAL FISHING REGULATIONS

#### § 63.50. Importation of tautog—2102(c).

It is unlawful for a person to import into this Commonwealth, sell, offer for sale or purchase tautog (*Tautoga onitis*) measuring less than 15 inches in length. **It is unlawful for a person to sell, offer for sale or purchase tautog (*Tautoga onitis*) that do not bear an official tag issued or approved by the Atlantic States Marine Fisheries Commission.**

[Pa.B. Doc. No. 20-295. Filed for public inspection February 28, 2020, 9:00 a.m.]