



# Atlantic States Marine Fisheries Commission

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## Law Enforcement Committee Meeting Summary

July 19, 2023

**Committee Members:** Jason Snellbaker, Chair, NJ; Delayne Brown, NH; Keith Williams, CT; Sean Reilly / Thomas Gadowski, NY; Chris Baker, MA; Nicholas Couch, DE; Jeff Mercer, RI; Matthew Corbin, MD; Jason Walker, NC; Robert Hogan, NOAA GC; Lennie Day, USCG; Wayne Hettenbach, USDOJ; Eric Marek, USFW

**ASMFC Staff:** Kurt Blanchard; Emilie Franke, James Boyle, Madeline Musante

**Other Participants:** Raymond Kane

The Law Enforcement Committee (LEC) conducted a virtual meeting on July 19, 2023, to discuss the following topics.

### Species Issues

**Atlantic Striped Bass** – The LEC discussed the emergency action taken under Amendment 7 of the Atlantic Striped Bass fishery management plan. Staff presented the results of the subsequent four public hearings in reference to this action. Members of the LEC commented on their observed findings of this action. The consensus was that there was confusion by our constituents on the implementation of the emergency rule between the time of the ASMFC action and state implementation. Further comments were that once the states implemented the rule and with sufficient public outreach the confusion diminished. Generally, members felt that they had experienced good compliance by the fishing community with this rule change. There was repeated concern that some jurisdictions had promulgated and advertised rules for the current fishing year. This has caused an enforcement concern with the inability to effectively enforce the regulatory change.

Staff also briefed the LEC on proposed management changes under draft Addendum II for the 2024 fishing year. Measures such as season and bag limits along with slot limits were discussed. Staff also presented on regional management measures being considered along with the potential for a different set of measures for the For-Hire sector, no-targeting with seasonal closures, fillet rules and mesh restrictions in the gill net fishery.

**Tautog Tagging Study** – The LEC was briefed by staff on state harvester surveys that were completed by the Technical Committee (TC), as well as an assessment by the State of New York to review the tags currently being used and test other types of tags that may be offered as alternative tags for this program. The New York assessment is a three phased approach to assessing the tags considered for use. The first phase is complete and will be presented to the

TC with recommendations for phase 2. The goal behind this study is to identify a tag for use that will not damage a fish in the live market and hold the appropriate information necessary for tracking in the fishery.

In an effort to update the January 2022 LEC Report to the Tautog Management Board, staff proposed the following questions to the LEC for consideration:

**1. Is the program working to reduce illegal harvest?**

**– Is there a quantitative or qualitative way to evaluate?**

The consensus was that the tautog tagging requirement is effective in reducing the illegal sale of unreported fish. The rationale for this opinion is that officers are seeing fewer fish and violations in the live market, which is attributed to a reduction in the illicit sale of recreationally caught fish. The tagging program has closed a path for illegal distribution and provided a means of accountability with dealers and fisherman. Officers still pursue and document the illegal so called “Back Door” sales of fish, but the main path for distribution has been reduced. The group also discussed the possibility that increased penalties, as implemented in New Jersey, and/or a potential decrease in consumer demand are possible explanations for the reduction in fish and violations.

These findings are subjective in nature as most states do not collect species-specific data. The inability to have consistent data points across all jurisdictions creates a false narrative in our deliberations. Many states can provide the number of citations and or warnings issued for documented violations, but not all states can show the number of inspections or license checks, either commercial or recreational, specific to a species.

**2. What are the areas of concern for compliance?**

**– Are these outweighing the benefits of the program?**

The main concern for compliance was the specific time of tagging fish. This issue is not new to the tautog tagging requirement and was considered at the time of implementation of the program. Most regulations have identified that commercially caught fish must be tagged at the time of “offload”. This was in consideration of having a fisherman required to tag a fish at the time of take, while in the middle of handling gear and/or navigating weather conditions. This becomes problematic when an inspection is being conducted at sea or near shore and the fish are not required to be tagged. Rhode Island recently changed their law to fish needing to be tagged at time of “landing”. There was some discussion about a shore-based fishery where neither “Offload nor “Landing” apply, and how time of possession should be considered. There was an additional comment that dealer tagging verses fisher tagging should be considered. The striped bass fishery was used as an example.

The consensus was that any compliance concerns did not outweigh the benefit of the program.

### **3. Are the tag issues causing non-compliance?**

The LEC does not think that tag issues are causing non-compliance. A small amount of non-compliance has been observed based on fisherman not respecting the rule. In both New York and New Jersey, officers have witnessed untagged fish at dealers with matching tags adjacent to the respective fish. An additional violation was documented by Rhode Island of a dealer who was in possession of untagged fish. The belief was that this was a three-day limit of fish, sold at one time. With the lack of tags, officers had difficulty in tracing the fish back to the fisherman. Officers commented that they are not seeing the level of damage to fish that are being reported by industry.

#### **Other Issues**

**Update on the ISFMP Policy Board Meeting** – The LEC was briefed by staff on the July 11, 2023, meeting of the ISFMP Policy Board. Specifically, information about the MAFMC / RSA Program presentation was shared with the committee members. Staff provided a general overview of the discussion and actions taken by this board. At this time, there is no action necessary.