



# Atlantic States Marine Fisheries Commission

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## Law Enforcement Committee Recommendations on the Enforceability of Measures in the Bluefish and Striped Bass Conservation Equivalency Proposals

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The Law Enforcement Committee (LEC) met via conference call to review conservation equivalency proposals in the striped bass and bluefish fisheries, specifically to discuss the enforceability of proposed management measures. The LEC addressed several concerns regarding specific types of management programs. In general, voluntary compliance for the casual or infrequent angler (the most common type) is tied to regulatory simplicity; more complex regulations become more difficult to enforce and increases the likelihood of violations. The following bullets present consensus recommendations and comments from the call.

### Slot Limits

- Slot limits are enforceable, but may increase unintentional violations particularly in states or regions where slot limits have not been used previously. This is because anglers are not used to having this type of regulation, and education becomes an integral component to garner compliance.
- A slot limit creates additional compliance challenges because now there is potential for illegal harvest both under and over the slot limit, as opposed to just sublegal harvest.
- The narrower the slot the likelihood of violations increases because it is more difficult to find a legal-sized fish.

### No Targeting Provisions

- Absent of a definition of “targeting” (including provisions for gear type, tackle and bait) it is impossible to enforce this measure. This may be particularly difficult to define when anglers use the same (or similar) fishing methods to target species other than striped bass (e.g., bluefish)
- Officers may not prioritize enforcement of certain FMP regulations if they know it is not enforceable and will not stand in court.

### Differing Regulations by Mode

- The more divided recreational fishing modes are (for-hire vs private), the more difficult it is to adequately enforce any restrictions.
- A single size and bag limit for all recreational anglers is preferred to ensure the greatest enforceability on the water, dockside or on land.

- Creating separate size or bag limits for the for-hire and private mode presents significant additional enforcement challenges at marinas or dockside where the two types of anglers are likely to co-mingle.
- For a field officer on land, having sector-specific regulations is difficult to enforce because officers often don't know if a boat offshore is private or for-hire.
- Anglers may "switch modes" mid trip depending on regulations and the size of the catch and (i.e., if a charter trip catches a fish that is legal size for private anglers only, it may claim to be fishing privately to keep the fish).
- References to "private" and "shore" angler modes are a concern if these distinctions point to a possibility of separate regulations for private boat anglers vs. private shore anglers. The onus is on the officer to do his due diligence to figure out what type of fishing was occurring (private, shore, charter). One size limit across modes keeps enforcement simple. Introduction of size limits that differ across modes pose enforcement challenges

#### **Season Closures (specific to multiple season closures)**

- When there are multiple closures within a fishing year, fishermen are often caught off guard which can lead to unintentional violations.
- When establishing season closures, have them in place for several years. If closures change year-to-year, the likelihood of unintentional violations increases. Education takes time to set in.

#### **Enforcement of Shared Water Bodies or Neighboring States**

- Enforcement is not an issue, but compliance in closely adjoining states would be greatly enhanced if the regulations are consistent. Different regulations between two neighboring states (e.g., NY and CT) presents special enforcement challenges, and are often confusing to anglers.
- Officers tend to enforce strict possession, i.e., anglers are held to the regulations in force at the location where they are stopped by an officer.
- Inconsistent seasons poses a problem between neighboring states (e.g. NY and NJ), especially when fishermen unintentionally pass into another states waters.
- Catching a fish in one state's waters and traveling through another poses problems in possession enforcement.
- Consistency of regulations for shared water bodies is important for enforcement, e.g. consistency within the Chesapeake Bay among the jurisdictions of MD, VA, PRFC and DC would greatly enhance enforceability and compliance.

#### **General Comments on Regulation Changes**

- Adds education/outreach effort to enforcement.
- Frequent regulatory changes lowers compliance.
- Officers issue more warnings than citations following a change in regulation.