THE CHESAPEAKE BAY STRIPED BASS INVESTIGATION

RECOMMENDATIONS OF THE INTERSTATE WATERSHED TASK FORCE
AND
ASMFC LAW ENFORCEMENT COMMITTEE
Presented to the Atlantic Striped Bass Management Board
February 7, 2012

INVESTIGATION SUMMARY

At the 2011 Annual meeting in Boston, members of the Atlantic Striped Bass Management Board (Board) heard a presentation by members of the Interstate Watershed Task Force. The task force completed a successful investigation of illegal striped bass harvest and sale in the Chesapeake Bay area covering the period 2003-2009. The presentation included information concerning the illegal activities occurring, some of the harvest and tag data that were used to support the case, and specific recommendations for improving the effectiveness of striped bass regulations. The Board asked that additional discussion of the recommendations be continued at a later meeting. Present today are three members of the task force, Special Agent Ken Endress (United States Fish and Wildlife Service) and Sgt. Jack Bailey (Maryland Natural Resources Police) and Wayne Hettenbach (U.S. Dept. of Justice).

To recap, intelligence indicated that numerousincidents of illegal striped bass commercial violations on the Potomac River were occurring. After the investigation was initiated task force members uncovered two primary schemes.

- Fishermen from Virginia were targeting very large spawning fish in closed waters of the Potomac River Fisheries Commission and Maryland. Oversized fish were being taken during the spawning season and sold illegally.
- Fishermen in Maryland were taking advantage of loopholes in the state tagging system to falsely report large numbers of smaller fish, and obtain more tags to exceed quota limits.

In both schemes, some wholesale dealers were complicit through false recordkeeping, false check-in, and knowingly buying illegal or untagged fish. Specific illegal activities included:

•Taking fish during closed commercial season and tagging with open season tags.
•Taking oversized striped bass.
•Overharvest of quota.
•Disguise of true gear used for harvest.
•Re-use of commercial tags & use of expired tags.
•Illegal use of other fishermens' commercial tags.
•Sale of commercial striped bass tags.
•Unmarked, oversized gill nets targeting breeding stock.
•Untagged fish were able to be sold.

At the conclusion of the investigation team members determined that, from the cases involving plea agreements and convictions, over 1 million pounds of illegal striped bass were taken. The investigation resulted in:

• 19 individuals convicted.
• 3 corporations convicted.
• 140 months of cumulative prison time.
• 41 months of cumulative home detention.
• $1,628,352 in fines and restitution.
• 58 years of cumulative supervised release.

The investigation revealed that some of the control measures in place for regulating the harvest of striped bass were ineffective or inadequately designed to maximize compliance. These include:
•Slot season controls to protect spawning.
•Tagging system that allows more tags than reasonably correlates to quota limits.
•Varying gear type tag quantities.
•Tags without an expiration or year identifier and no collection of unused tags.
•Neighboring jurisdictionswith different regulations.
•Check-in stations with an economic interest in the fishery.
•Fisheries data collection without analysis to determine compliance.

The investigation has also shown that greater accountability of wholesalers would be difficult to achieve without:
•Uniform tags (colors, design).
•Uniform tagging requirements (all states).
•Valid Year inscribed on tags.
•Notice and education of dealers.
•Size limits indicated on tags.

LAW ENFORCEMENT RECOMMENDATIONS

As a result of this comprehensive investigation and criminal proceeding, the following recommendations were made by the Interstate Task Force and are endorsed by the Law Enforcement Committee of the Atlantic States Marine Fisheries Commission.

Recommendations to Improve Enforceability & Accountability

- Implement a Uniform commercial tagging system among all states where striped bass are harvested and landed for sale.
    - ✓ Uniformity by year, style, color and inscriptions.
    - ✓ Make tags valid for one year only.
    - ✓ Inscriptions should include year, state, state size limits, and unique number.
    - ✓ Use standardized, tamper-proof tags.
- Require all fish harvested for sale to be tagged immediately upon possession.
- Issue a set number of tags based on a sound scientific sample of the average (mean) weight of legal-sized fish harvested in open season for that gear type divided into the weight quota.
- Require all unused tags to be returned on an annual or seasonal basis and prohibit license renewal if unused tags are not returned.
- Strengthen reporting of tag numbers used on dealer reports or trip tickets.
- Implement License Revocation or suspension as a primary penalty for state or federal violations.
- Ensure that lawenforcement officers have real-time access to tag numbers issued to each fisherman.

The State of Maryland has already enacted regulation changes to address some of the issues uncovered by the investigation.

- Regulations are now more enforceable by uniformed officers in the field.
- Year of validity is now inscribed on tags
- A limited number of tags areissued to each licensee (pound net fishery only).
- Unused tags for all gear typesmust be returned annually.
- Commercial license suspension or permanent revocation of repeat or egregious violators.

The Potomac River Fish Commission has prohibited some subjects from commercially fishing again in their jurisdiction and the State of Virginia suspended the commercial licenses of some subjects for two years, as allowed by their regulation at the time.