

# Atlantic States Marine Fisheries Commission

## Law Enforcement Committee

*May 6, 2025, 1:00 – 5:00 p.m.*

*May 7, 2025, 8:30 – 11:00 a.m.*

## Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added, as necessary.

*A portion of this meeting will be a closed session for Committee members only.*

**Webinar link:** <https://v.ringcentral.com/join/053399673> (Meeting ID: 053399673)

**Call in:** +1 (650) 419-1505 US (Access Code / Meeting ID: 053399673)

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|--|-----------|
| 1. Welcome/Call to Order ( <i>S. Pearce</i> )          | 1:00 p.m. |
| 2. Committee Consent ( <i>S. Pearce</i> )              | 1:00 p.m. |
| • Approval of Agenda                                   |           |
| 3. Public Comment                                      | 1:00 p.m. |
| 4. Introductions                                       | 1:10 p.m. |
| 5. NHFG Law Enforcement Case Study ( <i>D. Brown</i> ) | 1:20 p.m. |
| 6. Break   | 2:30 p.m. |
| 7. Review and Discuss Commission Species               | 2:45 p.m. |
| • Bluefish Uncertainty Tool ( <i>C. Touhy</i> )        |           |
| • Other Species  |           |
| 8. Meeting Recess                                      | 5:00 p.m. |

## Day 2

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|---|------------|
| 9. Review and Discuss Ongoing Enforcement Activities ( <b><i>Closed Session</i></b> ) | 8:30 a.m.  |
| 10. State Agency Reports ( <i>S. Pearce</i> )   | 9:30 a.m.  |
| 11. ASMFC Website Review ( <i>T. Berger</i> )   | 10:30 a.m. |
| 12. Other Business/Adjourn  | 11:00 a.m. |

The meeting will be held at The Westin Crystal City (1800 Richmond Highway, Arlington, VA; 703.486.1111) and via webinar; click [here](#) for details.



# Atlantic States Marine Fisheries Commission

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## Law Enforcement Committee Meeting Summary

March 27, 2025

**Committee Members:** Scott Pearce, Chair, FL; Rob Beal, ME; Chris Baker, MA; Jeff Mercer, RI; Keith Williams, CT; Sean Reilly, NY; Nicholas Couch, DE; Doug Daniels, PA; David Bailey, MD; Matt Rogers, VA; Jason Walker, NC; Michael Paul Thomas, SC; James Cassin, NOAA OLE; Robert Hogan, NOAA GC; Tom Bleifus, USCG

**ASMFC Staff:** Toni Kerns, Emilie Franke, and Kurt Blanchard

**Other Participants:** Captain Jack Chapin, Captain Daniel Ipock, Pallavi Javor, Elise Koob, Caitlin Craig, Max Appleman, Brendan Harrison, and Glen Fernandes

The Law Enforcement Committee (LEC) conducted a virtual meeting on March 27, 2025, to discuss the Striped Bass Plan Development Team (PDT) questions related to Draft Addendum III of the Atlantic Striped Bass Fishery Management Plan.

Emilie Franke, ASMFC FMP coordinator, provided the following background to the development of this draft addendum. The PDT is currently developing draft Addendum III with options for striped bass management measures for 2026. The first issue being considered is the 2026 commercial and recreational measures to achieve a reduction in fishery removals to support stock rebuilding. Options will consider commercial quota reductions, recreational size limit changes, and/or recreational seasonal closures (prohibit harvest or prohibit targeting). Recreational mode split options will also be considered. For seasonal closures, options will consider how to split the ocean into different regions with different closures. The second and third issues being considered are requirements for commercial tagging and standardizing how to measure striped bass total length.

The discussion was broken down by specific plan topics and is as follows:

### Ocean Regions for Recreational Seasonal Closures

The draft addendum will include options for the following Ocean region splits where each region may have a different recreational season closure. The two considerations are. Should Rhode Island be grouped with New England states, or the Mid-Atlantic states; and Should Delaware through North Carolina be a separate region?

RI with Mid-Atlantic	RI with New England
Region 1: ME-MA Region 2: RI-NC	Region 1: ME-RI Region 2: CT-NC
Region 1: ME-MA Region 2: RI-NJ Region 3: DE-NC	Region 1: ME-RI Region 2: CT-NJ Region 3: DE-NC

The PDT recognizes previous LEC input on the importance of consistency in shared waterbodies. The draft addendum will include a note that if Rhode Island were grouped with the New England states, enforcement in Block Island Sound would be more difficult because Rhode Island may have a different season than Connecticut and New York. Similarly, if New Jersey and Delaware were split into separate regions, which would create challenges in Delaware Bay. Although the PDT notes there seem to be less striped bass fishing activity in Delaware Bay in recent years (more fishing outside of Delaware Bay proper), so this may not be as much of a concern.

PDT question for the LEC:

- Does the LEC have any input on the regional split options for the Ocean?

**The consensus from the LEC was to adopt a two-region approach, with Rhode Island being included in the southern region to ensure consistent regulations with the adjoining states, particularly consistency among RI-CT-NY. The rationale behind this decision was that with shared waterbodies like the Block Island Sound or Delaware Bay, consistent regulations between states would be more enforceable. This approach would minimize enforcement challenges and promote better compliance across regions.**

**If the Board does consider a three-region approach, it would help with enforcement challenges if Delaware were included in the same region as New Jersey. This would minimize enforcement challenges in Delaware Bay.**

### **Recreational Mode Split**

Recreational-mode split options will be considered with different size limits and/or different seasonal closures between for-hire (charter/head boat) vs. private/shore anglers. Options could include different size limits by mode and/or different seasons by mode. There was also a Board member request to consider setting days off per week for for-hire instead of a seasonal closure.

PDT questions for the LEC:

- Does the LEC have input on the type of mode split option: different size limit by mode vs. different season by mode?
- Are there certain regions, waterbodies, or time of year when having different regulations by mode would be more difficult?

- Are there concerns regarding differentiating vessels by mode? E.g., small for hire guide vessel vs. a private vessel.
- Any enforcement insight from species that currently have mode splits in place (e.g., black sea bass in some states)?

**The LEC agrees that mode splits between Private/Shore and For Hire modes present enforceability issues. While some mode splits are implemented in other fisheries, Law Enforcement is wary of its broad application. Size and possession limits by mode are enforceable but having consistent regulations for all recreational users is more effective. Seasons by mode complicate enforcement, requiring identification of the sector a vessel belongs to and verification of for-hire trips through interviews, vessel monitoring, or other means. A particular challenge is the same vessel could be used for both private trips and for-hire trips, making it difficult to enforce seasons by mode. Specific enforcement challenges may vary by state depending on state permitting requirements and required trip reporting.**

**Nonetheless, it was acknowledged that for certain regions (e.g., Long Island Sound), the enforcement of distinct mode-specific regulations could be particularly challenging. The LEC emphasized the importance of clear guidelines and robust monitoring mechanisms to ensure compliance and reduce potential conflicts. They advised that careful consideration be given to the specific characteristics of each region and the type of fishing activity predominant there.**

### **Commercial Tagging**

Currently for commercial fisheries, states can choose to tag at point of harvest or point of sale. Draft Addendum III will consider requiring all states to tag at point of harvest due to the Board's concerns about the risk of illegal harvest in states with a point of sale tagging program. This would impact MA, RI, and NC which currently require tagging at the point of sale.

PDT questions for the LEC:

- Are there enforcement concerns in MA, RI, or NC about point of sale tagging and illegal harvest?
- Would the point of harvest tag address concerns about illegal market/personal consumption harvest?
- Are there enforcement concerns about illegal market/personal consumption harvest in state with point of harvest tagging?

**The majority opinion of the LEC is to support commercial tagging at the point of harvest. This requirement would improve enforcement of possession from the total time the species is in possession, reduce the ability to hi-grade, and increase accountability. Discussion points included safety at sea, tagging at point of landing (one state has implemented this variation), tag accountability, illegal sales, and personal consumption.**

**An opposing opinion supported tagging at the point of sale. In this discussion, similar points were considered, as well as the need to establish new tagging programs, individual quotas,**

the use of Weighmasters, tag accountability, and tracking of unused tags. Some LEC members noted the administrative burden of distributing tags to individual fishers, especially when a state's fishery is not managed with individual quotas. Concerns about sharing tags among fishers were also noted if tagging programs switch to the point of harvest, and it should be considered whether trading tags could potentially outweigh (or even increase) an illegal market fish.

### **Standardized Total Length Measurement**

Currently, state regulations vary about how to measure striped bass for regulatory compliance. Some states already require pinching/squeezing the tail, some states allow angler discretion on whether to pinch the tail, and some states require the tail be left natural or fanned out. The Board has raised concerns that the method of measurement (i.e., fanning of the tail or pinching the tail) can effectively widen the narrow recreational slot and undermine the management program. For example, by forcefully fanning the tail to fall under the maximum size limit. MADMF collected data comparing measured length when pinching the tail to measured length when fanning the tail (MADMF research considered).

The draft addendum will consider for all states to require pinching/squeezing the tail when measuring striped bass total length to address these concerns, especially under the current narrow recreational slot limit. This would be required for both the commercial and recreational sectors. Attached is a list of current state regulatory language. Both RI and MA have nearly identical regulatory language on this issue currently going through their regulatory cycles for possible implementation this year.

PDT questions for the LEC:

- Does the LEC have any input on this measurement issue?
- Any LEC guidance on how general or specific the coastwide FMP should be in regulatory language?
- How does the requirement of 'squeezing the tail' apply to measuring racks/fillets at sea?

**The LEC supports a clear definition of how to measure the length of a fish and consistency among states. A fisher-friendly measure would ensure the best voluntary compliance. The same measurement definition should apply when considering a fillet rule; a rack would be measured in the same manner.**

## **Law Enforcement Committee - Meeting Summary - March 27, 2025 – Appendix A**

The Striped Bass Plan Development Team (PDT) has requested a more detailed clarifying response from the Law Enforcement Committee (LEC) to the following questions related to the development of draft Addendum III to Amendment VII of the Atlantic Striped Bass Fishery Management Plan.

PDT Questions for the LEC:

- Are there specific enforcement concerns in Massachusetts and Rhode Island with current Point of Sale (POS) tagging programs that could be mitigated by switching to a Point of Harvest (POH) tagging program?
- Do POS tagging programs contribute more to illegal market harvests than POH tagging programs?
- Are the states with a POH tagging program experiencing similar or different enforcement challenges compared to states with a POS tagging program?

The PDT's questions were shared with LEC representatives from Massachusetts to North Carolina. Their responses are as follows:

### Massachusetts

A Massachusetts representative offered that a POH program improves fishers' catch accountability while on the water. Catch limits can be hard to verify with multiple fishers on board, but POH tagging will help track a fisher's trip limit at sea. It may also prevent high grading of catches, as smaller possession limits would be harder to manipulate. This method offers officers an additional way to address violations related to untagged catches at the POH.

### Rhode Island

The nature of the Rhode Island striped bass fishery differs from states with individual quotas. In states that have individual quotas, there is great incentive to sell striped bass in an illegal market and have no record of your individual quota utilization. Point of harvest (POH) tagging gives enforcement the opportunity to prevent this practice and is essential for states with individual quotas.

In Rhode Island, the only specific enforcement concerns that POH tagging could help to address is striped bass legally harvested by licensed commercial fishers being sold on the black-market and/or not being reported. However, the RIDEM Division of Law Enforcement believes that this is not a significant issue and very few fish are meeting this outcome.

Rhode Island has a striped bass season that lasts approximately 10 days with around 250-300 fishers participating, a five fish per day limit, and less than 20 dealers purchasing the fish. It would take a collective effort from fishers to all sell illegal market to increase the number of days the season is open and increase the number of fish that anyone individual could land. Therefore, there is little incentive to sell illegal market as it does not equate to additional fish that an individual fisher could sell.

Most fish being sold at an illegal market are from non-commercial recreational fishers and POH tagging would do little to aid in the enforcement of this issue and could exacerbate it.

Recreational fishers would not be allowed to take a commercial-sized striped bass (there is no overlap in sizes like tautog) whether the fish were tagged at POH or not. The same enforcement efforts and actions are going to take place to combat illegal sales of recreational striped bass if there is POH or POS tagging.

The increased number of tags that would have to be distributed to accommodate POH tagging is of concern to RIDEM DLE. Rhode Island has approximately 1,100 fishers that are licensed to harvest striped bass, but only about 25% of those fishers participate in the fishery. Point of Harvest tagging would necessarily require more tags to be issued to provide for fair access for licensed fishers to harvest and tag a striped bass. RI DEM DLE is concerned that some of these additional tags could be placed on fish prior to being sold on the illegal market, making them indistinguishable from a legally sold fish through a licensed dealer. These tags could be attached to the fish after the season has closed or by recreational fishers who obtained tags from a non-participating commercial license holder. Our enforcement efforts would then be focused on the disposition of unused and unreturned tags (attached to illegal market fish, lost, broken) months after these fish were harvested and these cases would be a challenge to prosecute.

There are certainly practices that could be implemented to limit the amount of tags issued and reduce associated illegal use of the tags, but they would require increased administrative effort and cost and be an inconvenience to the fishers for such a short season.

In summary, POH tagging may aid in reducing the number of unauthorized sales by commercial fishers, but we do not see this as a significant issue with the current POS tagging. We do have concerns about the additional numbers of tags that would be issued with POH tagging and having to switch some of our enforcement efforts to determining the disposition of the unused and unreturned tags. Point of sale (POS) tagging allows RIDEM DLE to primarily focus on a limited number of dealers to monitor catch and ensure the fish are being accurately reported and tagged.

### New York

New York uses a POH tagging program for striped bass, with serial numbered tags that include the harvester's permit number to prevent illegal tag transfers. The current tags prevent reuse, addressing past issues where tags could be manipulated. There were credible reports of wholesalers returning tags to harvesters after processing fish.

An illegal market for unpermitted harvest persists, primarily through direct sales to restaurants. Officers rarely inspect these establishments, and the fish are quickly prepared, reducing the chance of discovering untagged fish.

## New Jersey

In NJ, striped bass sales are only legal if they are hybrid bass from outside of NJ. Tagging is only required for fish caught in our bonus program, which uses our commercial quota since NJ does not have a typical striped bass fishery outside this program. The bonus program mandates tagging at POH.

Compliance with POH tagging is good, but we have some violations each year. If found guilty, offenders are banned for life from the program. However, if we believe the failure to tag was an honest mistake, we usually issue a summons for undersize and/or overlimit possession.

## Delaware

Delaware is a POH tagging state in which fish must be tagged prior to landing. However, to be a true POH tagging state, we would need a regulation change. Based on my experience, I do not believe that there is an illegal market for fish in Delaware.

Delaware also has a requirement that fish be taken to an “official” weight station, where they are weighted, and tagged with a second “weigh station” tag prior to being sold. These weigh stations are run by commercial fishers and/or dealers.

## Maryland

Maryland is a POH tagging state. The Interstate Watershed Task Force (IWTF) investigation from 2012 and the findings from this investigation are the reason we have a POH program. Along with adjacent jurisdictions, POH addresses that the fish are tagged correctly and are trackable. The IWTF report provides examples of how POS can be abused. The following is an excerpt from the IWTS report.

### *LAW ENFORCEMENT RECOMMENDATIONS*

*As a result of the 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. This includes:*
  - *Uniformity by year, style, color, and inscriptions.*
  - *Tags should be valid for one year only.*
  - *Inscriptions should include the year, state, state size limits, and a 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 scientific sample of the average (mean) weight of legal-sized fish harvested during the open season for that gear type, divided into the weight quota.*
- *Require all unused tags to be returned annually or seasonally 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 law enforcement officers have real-time access to the tag numbers issued to each fisher.*

### Virginia

Since the late 1990's Virginia has had a point of harvest tagging program. In terms of which is better, I support POH tagging for enforceability especially considering the penalty for violation of the regulation. LE has and will always have those violators attempting to skirt the regulation. Charging offenders is easy, due to the tagging requirement. Conviction in court is another whole issue. Since my time with the agency, LE has prosecuted several Lacy Act cases for striped bass. Unfortunately, I do not believe there is a method that is perfect. I can see pros and cons in both.

### North Carolina

NC has point of sale tagging. There has not been a commercial ocean fishing season for these fish in over 10 years, and there was minimal illegal market activity in the last open seasons.

### Summary

The LEC considers POH tagging to be more effective in resource protection than POS tagging. Both types of programs face similar enforcement challenges, such as proving who is in possession and who may have sold the fish. The primary concern for enforcement appears to be illegal sales of striped bass to restaurants. POH tagging mitigates these challenges by providing better accountability on the water and enabling law enforcement to track a fish from its origin. Supporters of POS programs cite tag accountability, shorter seasons, and smaller possession limits as benefits. Recommendations from the IWTF in 2012 remain relevant to today's striped bass commercial fisheries.