

Law Enforcement Committee Recommendations
for
Management Options in Striped Bass Draft Addendum III
Presented to Atlantic Striped Bass Management Board
May 1, 2012

3.0 Management Options 3.1 Commercial Tagging Program Implementation

Option 1 – Status Quo: No Tagging Program Requirement

Under this option states are not required to implement a commercial tagging program.

Option 2 – Mandatory Commercial Tagging Program

Under this option states would be required to implement a tagging program when striped bass are commercially harvested within the state or jurisdictions waters. There are five categories the Board will consider in implement a tagging program (A – E). The Board may choose to adopt some or all of provisions in each category.

THE LEC RECOMMENDS OPTION TWO. IMPLEMENTING A MANDATORY COMMERCIAL TAGGING PROGRAM AMONG ALL THE STATES WILL REDUCE THE LIKELIHOOD OF ILLEGALLY HARVESTED AND UNTAGGED FISH FINDING THEIR WAY INTO THE MARKET. THE FINDINGS OF THE INTERJURISDICTIONAL TASK FORCE AND SUBSEQUENT ARRESTS AND CONVICTIONS POINT OUT THE SIGNIFICANT POTENTIAL FOR ILLEGAL HARVEST AND SALE OF FISH WHEREVER THERE IS INADEQUATE TAGGING AND MONITORING IN PLACE.

A. Tag Information and Type

Option 1 – State Program

Under this option, states and jurisdictions would be required to submit a Commercial Tagging Report to ASMFC no later than the date specified in Section 4. The Commercial Tagging Report will include a description of the tag color, style, and inscription for all gears and/or seasons issued. Tags must be tamper-evident. Tags are required to be valid for only one year or season. Tags are required to be inscribed with, at a minimum, the year of issue, the state of issue, and a unique number that can be linked back to the permit holder. Where possible, tags should also be inscribed with size limit and the permit holder's identification number. State should consider the use of bar codes imprinted on tags, for use in tracking fish from harvester to dealer to buyer, as the technology becomes more available. Changes to the tags, with the exception of year, are required to be reported to ASMFC as specified in Section 4.0.

Option 2 – Uniform Tagging Program

Under this option, the Board will develop a uniform tagging program to be implemented coastwide no later than the date specified in Section 4.0.

THE LEC RECOMMENDS OPTION TWO WITH SOME QUALIFICATIONS. MEMBERS OF SOME STATES RECOGNIZED THE DESIRABILITY OF CONTINUING TO USE MORE THAN ONE COLOR TAG TO IDENTIFY FISH CAUGHT IN CERTAIN GEAR OR AREAS. NONETHELESS A UNIFORM TAGGING PROGRAM SHOULD BE DEVELOPED BY THE BOARD THAT INCORPORATES THE REQUIREMENTS SPELLED OUT IN OPTION ONE, WHILE ALLOWING SOME FLEXIBILITY TO STATES IN THEIR USE OF MORE THAN ONE TAG COLOR PER YEAR. THE

OVERALL GOAL HOWEVER SHOULD BE TO USE A STANDARD COLOR OR COLORS EACH YEAR AMONG ALL OF THE STATES.

B. Tag Timing

Option 1 – No Action

Under this option the state or jurisdiction may choose to implement their commercial tagging program at either the point of harvest or the point of sale.

Option 2 – Point of Harvest

Under this option, commercially permitted striped bass fishermen who take and possess striped bass of legal commercial size shall immediately attach and securely lock into place through the mouth and gill a striped bass commercial tag issued by the permitting state or jurisdiction immediately after removing the striped bass from the gear and prior to attending another piece of gear.

If the Board approves this option, they will need to determine if the measures should be adopted on a coastwide or state/jurisdiction specific.

Sub-Option A – Approve for coastwide

Sub-Option B – Approve for tagging programs for new commercial tagging programs adopted through this Addendum.

Option 3 – Point of Sale

Under this option, no striped bass may be sold unless it possesses a commercial tag issued by the state or jurisdiction. All tags must be securely locked into place through the mouth and gill with a striped bass commercial tag issued by the permitting state or jurisdiction.

Sub-Option A – Approve for coastwide

Sub-Option B – Approve for tagging programs only adopted through the Addendum.

THE LEC RECOMMENDS OPTION TWO, SUB-OPTION B. THE MOST EFFECTIVE ENFORCEMENT OF A TAGGING PROGRAM RESULTS FROM TAGGING FISH AT THE POINT OF HARVEST. THIS OPTIMIZES ON-WATER AS WELL AS DOCKSIDE MONITORING AND ENFORCEMENT. SUB-OPTION B WOULD ALLOW TWO STATES THAT CURRENTLY REQUIRE TAGGING AT THE POINT OF SALE TO CONTINUE DOING SO.

C. Tag Allowance

Option 1 – No Action

Under this option no action is required by states or jurisdictions. Amendment 6 to the Striped Bass FMP does not specify commercial tag allowance measures.

Option 2 – Biological Tag Allowance

Under this option states or jurisdictions will be required to distribute commercial tags to permit holders based on a biological metric approved by the Technical Committee. This option is intended to help prevent state or jurisdictional commercial quota overages, which will contribute to the health and sustainability of the striped bass population. Program examples include:

- In New York, the number of tags issued is equal to the average weight of striped bass harvested in the fishery in the previous year divided by the total striped bass quota assigned to New York by the ASMFC.
- In Virginia, the number of striped bass tags issued to each permitted fishermen equals the estimated number of fish to be landed by that fishermen's harvest quota based on their average catch from the

previous year. A buffer of 10% of the total number of tags issued to the fishermen is included. Fishermen may request additional tags from the VMRC if they use their initial allotment.

These examples have not been reviewed or approved by the Technical Committee.

THE LEC RECOMMENDS OPTION TWO. THIS WOULD PROVIDE A CLOSER MATCH BETWEEN THE NUMBER OF AVAILABLE TAGS AND THE NUMBER OF FISH THAT MIGHT BE HARVESTED WITHIN A WEIGHT-BASED QUOTA. A KEY FINDING OF THE INTERJURISDICTIONAL INVESTIGATION WAS THAT FISH WEIGHTS WERE BEING UNDERREPORTED IN ORDER TO OBTAIN ADDITIONAL TAGS THAT WERE READILY AVAILABLE. THIS WAS A PRIMARY MECHANISM FOR EXCEEDING ALLOWABLE WEIGHT QUOTAS. WHERE VIOLATIONS WERE OCCURRING, AVERAGE FISH WEIGHTS BEING REPORTED WERE SIGNIFICANTLY LESS THAN BIOLOGICALLY-DETERMINED AVERAGE WEIGHTS OF STRIPED BASS IN THAT PARTICULAR FISHERY. THE LEC RECOGNIZES THAT THIS METHOD OF DISTRIBUTING TAGS IN AN OPEN FISHERY WHERE A STATE ISSUES TAGS TO LICENSED DEALERS MAY NOT BE FEASIBLE. HOWEVER A STATE QUOTA COMBINED WITH BIOLOGICALLY BASED AVERAGE WEIGHTS COULD STILL BE USED TO INFORM THE TOTAL NUMBER OF TAGS TO BE MADE AVAILABLE EACH YEAR. THE GOAL SHOULD BE TO REDUCE THE AVAILABILITY OF EXCESS TAGS THAT COULD BE USED TO MASK ILLEGAL HARVEST.

D. Tag Accounting

Option 1 – No Action

Option 2 – Tag Accountability

Under this option, states and jurisdictions with a commercial tagging program must require permit holders issued tags to turn tags in or provide an accounting report for any unused tags prior to the start of the next fishing season. Tags or the accounting report shall be turned in to the agency issuing the tags. The accounting report must include the disposition of all tags issued to the permittee and signed under pain of perjury. Five of the eight states (New York, Delaware, Maryland, PRFC, and Virginia) with a commercial fishery currently require return of unused tags prior to the start of the next fishing year, while one state (North Carolina) requires enforcement officers to pick up unused tags from dealers at the end of the fishing season. Permit holders who do not comply with this section will be subject to penalties as set forth in Section 3.2.

THE LEC RECOMMENDS OPTION TWO. MOST STATES ARE ALREADY ADOPTING THIS PROVISION, WHICH SIGNIFICANTLY ENHANCES ACCOUNTABILITY FOR TAGS BEING USED AND REDUCES THE LIKELIHOOD OF ILLEGAL ACTIVITIES THAT WERE DOCUMENTED IN THE INTERJURISDICTIONAL INVESTIGATION.

E. Reporting

Option 1 – No Action

Option 2 – ACCSP Standards

Under the option, states and jurisdictions shall, at a minimum, approve the ACCSP standards for catch and effort data collection. The ACCSP standard for commercial catch and effort data is mandatory, trip-level reporting of all species commercially harvested with reporting of specific minimum data elements; including species, quantity, state and port of landing, market grade and

category, areas fished and hours fished. Dealers and/or harvesters landing catches must report to the state of landing monthly or more frequently, if possible. Each gear and area combination should be detailed; such as separate listings each time the fisherman changes gear or fishing area within a trip. Price data are preferred at the trip-level, but partners may opt to collect prices through dealer surveys. In addition to the above, the unique commercial striped bass tag identification number which can be linked to the individual fisherman must be reported.

THE LEC SUPPORTS OPTION TWO. THEY FURTHER RECOMMEND THAT REPORTING SHOULD BE MORE FREQUENTLY THAN MONTHLY WHEREVER POSSIBLE. MORE FREQUENT REPORTING ALLOWS BETTER AND TIMELIER ENFORCEMENT MONITORING.

F. Striped Bass Exportation

Under a mandatory commercial tagging program it would be unlawful to purchase striped bass without a commercial tag. This is to prevent the sale of striped bass into a state or jurisdiction where there is currently no commercial fishery program.

THE LEC STRONGLY SUPPORTS THIS PROVISION.

3.2 Penalties

Under this option it is recommended that states and jurisdictions strengthen their penalties for striped bass violations so that the penalties are sufficient to deter illegal harvest of striped bass. The Law Enforcement Committee recommends license revocation or suspension as a primary penalty for state or federal violations.

Tag Accountability Penalty

If tags are not accounted for the Law Enforcement Committee recommends that if the permit holder cannot account for unused commercial striped bass tags, then that individual will not be issued a commercial striped bass permit for the subsequent fishing year.

THE LEC SUPPORTS THIS PROVISION. THE STATE OF MARYLAND HAS IMPLEMENTED REVOCATIONS AND SUSPENSIONS AS A RESULT OF THE INTERJURISDICTIONAL TASK FORCE FINDINGS AND LAW ENFORCEMENT OFFICIALS BELIEVE IT IS IMPROVING COMPLIANCE AND UNDERSTANDING. CIVIL AND/OR CRIMINAL PENALTIES CAN BE EFFECTIVE DETERRENTS.