



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

January 10, 2024

**To: Atlantic Striped Bass Management Board**

**From: Law Enforcement Committee**

**RE: Addendum II Comments**

The Law Enforcement Committee (LEC) conducted a virtual meeting on January 3, 2024 to review the proposals for Addendum II of Amendment VII of the Atlantic Striped Bass Fishery Management Plan.

**The following Committee Members participated in this meeting:** Jason Snellbaker, Chair, NJ; Scott Pearce, Vice Chair, FL; Rob Beal, ME; Delayne Brown, NH; Sean Reilly, NY; Thomas Gadomski, NY; Chris Baker, MA; Nicholas Couch, DE; Jeff Mercer, RI; James Cassin, NOAA OLE; and Jeffrey Sabo, PA.

**ASMFC Staff participants:** Emilie Franke, Madeline Musante, and Kurt Blanchard

Mrs. Emilie Franke (FMP Coordinator) presented the proposed fisheries management options under Addendum II to the LEC for consideration.

The participating members of the LEC discussed the proposed management options in Section 3.0 of Addendum II. The committee members came to a consensus on which options were most enforceable and these options are listed below along with a discussion of why these options were chosen.

### **Section 3.1.1 Ocean Recreational Fishery Options**

Option A. Status Quo: 1 fish at 28" to less than 35" with 2017 seasons (all modes).

Option B. 1 fish at 28" to 31" with 2022 seasons (all modes).

Option D. 1 fish at 30" to 33" with 2022 seasons (all modes).

#### ***Discussion on Sections 3.1.1***

Consistent compliance requirements across all modes within a sector leads to enhanced voluntary compliance. Compliance is complicated when there are varied sizes, seasons and possession limits for recreational fishers who fish in different modes. The LEC recognizes and respects the desire by fishers to advocate and pursue management options for their respective modes of fishing for striped bass, however when specific management options intended to safeguard the stock of a species are complicated by differing regulations for different modes of fishing, voluntary compliance and enforceability decrease.

### **Section 3.1.2 Chesapeake Bay Recreational Fishery Options**

Option B. Apply a standard minimum size limit, maximum size limit, and bag limit to the Bay jurisdictions' 2022 seasons. The minimum size shall be 19" and the bag limit 1 fish. Maximum size limit options are: B1) 23", B2) 24", B3) 25" or B4) 26".

#### ***Discussion on Sections 3.1.2***

The same discussion on Section 3.1.1 applies here. In consideration of options B1-4, the law enforcement committee noted that compliance with slot limits is typically higher with larger slot limits.

### **Section 3.1.3 For-Hire Management Clarification (if For-Hire Mode-Specific Limits are selected)**

Option A. Status Quo. No requirement in the Interstate FMP for Atlantic Striped Bass regarding how for-hire measures would apply to individuals during for-hire trips.

#### ***Discussion on Section 3.1.3***

When considering modes of fishing, consistent regulations across all sectors create better compliance. When regulations offer a distinct size and possession limit for a specific user, based on means of fishing or a specific location of fishing, this creates confusion among the users and regulators, reducing the effectiveness of a regulation. When a standard of proving who is a patron or who is a crew member, law enforcement must now pursue evidence to prove the status of an individual on a specific for-hire trip. This is not only unreasonable for an officer in the field but may also lead to false assumptions of facts. It may also create a loophole in the compliance measure.

### **Section 3.1.4 Recreational Filleting Allowance Requirements**

Option B. For states that authorize at-sea/shore-side filleting of striped bass, establish minimum requirements, including requirements for: racks to be retained; skin to be left intact; and possession to be limited to no more than two fillets per legal fish. States should consider including language about when and where racks may be disposed of, specific to each mode allowed to fillet at-sea/shore.

#### ***Discussion on Section 3.1.4***

Exceptions allowing onboard filleting of fish or other processing of animals greatly hinder enforcement of possession limits, regardless if it is a slot limits or even a trophy fish allowance. Requiring fish to remain intact facilitates identification. Particularly for large-party charters, processing at sea or filleting out catch on board complicates enforcement. Supporting regulations requiring that skin must remain on filets, counting two whole filets as one fish regardless of size, or requiring retention of "racks" may aid enforceability in specific circumstances. Where processing at sea is allowed, respective state enforcement staff should be consulted.

### **Section 3.2.1 Commercial Quota Reduction Options**

The LEC has offered no preferred option for this section.

#### ***Discussion on Section 3.2.1***

We do ask that consideration be given to straightforward opening and closing of fishing times to meet the quota objectives. This is preferred over measures that will extend fishing, such as multiple shortened seasons or limited closure dates within a season that would complicate enforcement efforts.

### **Section 3.3 Response to Stock Assessment Updates**

The LEC has offered no preferred option for this section.

#### ***Discussion on Section 3.3***

Whenever an action is taken to change current management options, Law Enforcement would ask that all appropriate means are used to inform the regulated community of the changes.