

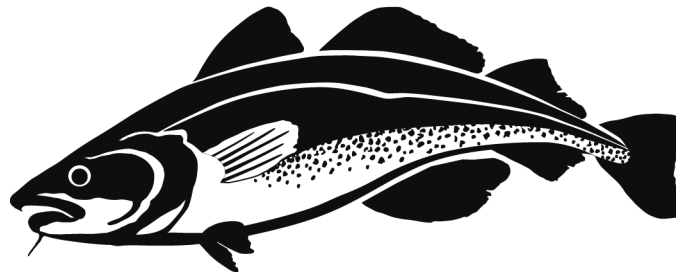
Improving Compliance in For-Hire Fisheries

MAFMC Law Enforcement / For-hire Workshop

November 14, 2018

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Marine Fisheries
Commonwealth of Massachusetts



Issues

- Recent well-publicized black sea bass & scup for-hire violations
 - May 2018 New Bedford
 - September 2017 Montauk
 - May 2015 New Bedford
- ASMFC Management Board recently proposed addendum language to hold operators liable
 - Board opted to “pump the brakes” – and hold this workshop.



Issues

- Modern conservation restrictions are constraining anglers' harvest – (even as stocks recover).
 - Size limits, Bag limits, Closed Seasons
- Interstate Management Plan sees states competing for miniscule increases in catch.
- Non-compliance evokes cynicism & anger toward fishery management system
 - Private anglers criticizing for-hire operations
 - Compliant or-hire operations criticizing Non-compliant ones



Background on Permit status

- Recreational anglers aboard party/charter vessels exempt from obtaining a MA Saltwater Rec. Permit.
- Those anglers fishing activities are authorized under the authority of the Vessel's For-Hire Permit.
 - For hire vessels required to post rules and provide measuring devices
- MA DMF frequently uses administrative actions to revoke or suspend permits for severe fisheries violations – both commercial and recreational.
 - But individual anglers aboard for-hire permits are not issued permits – **Nothing to suspend or revoke.**



Statement of the Problem

- Some for-hire vessels observed by MRIP samplers & MEP of elevated levels of non-compliance.
- Culture of Noncompliance
 - “Abandoned coolers” upon seeing Env. Police
 - Some captains heard coaching clients against complying or cooperating
 - Multiple police officers required to inspect a party boat vessel and its anglers
 - Crews not doing their job. Seen fishing for the “pool” instead of assisting/inspecting anglers – sometimes selling fish!



Challenges

- Difficult to supervise every angler
 - High Ratio of anglers to crew
- Multi-decade tradition of catching large quantities of scup and sea bass



- Reports of some unruly anglers refusing to cooperate
- Loss of customers to competing operations when rules are enforced.



Past actions – Part A (2014)

- Captains and/or owners made liable for infractions by clients.

(C) Liability for Violations Onboard For-hire Recreational Vessels. With respect to recreational for-hire fishing operations permitted in accordance with 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels*, an individual patron, **as well as the named for-hire permit holder or for-hire vessel operator, may each be held liable for any violations of recreational size, possession or daily bag limits established at 322 CMR that are attributable to the patron fishing onboard the for-hire recreational fishing vessel.** In enforcing this provision, law enforcement officers may exercise their discretion on whether to cite the named for-hire permit holder or for-hire vessel operator for such violations in instances where the best industry practices required by 322 CMR 7.10(5): *Permit Requirements Applicable to For-hire Vessels* have been used on the for-hire vessel.



Past actions – Part B(2014)

- All black sea bass and scup filets must have skin attached
- Black Sea Bass and Scup. Recreational fishermen may fillet black sea bass and scup, provided the recreational fisherman complies with the following conditions to determine compliance with the daily recreational bag limits:
 - **a. it shall be unlawful to possess a fillet that does not have all the skin affixed until the recreational fisherman reaches their domicile or temporary residence; and**
 - b. it shall be unlawful to possess more than two times the number of fillets than the recreational bag limits for black sea bass and scup specified at 322 CMR 6.28.



Past actions – Part C(2018)

- Fines and penalties legislation enacted
 - Non-criminal fines doubled from \$50 to \$100
 - Plus a \$10 per non-conforming fish fine

Out of state anglers may opt to never pay the fines.



Notable black sea bass/scup violations

- MA **charter** boat fishing out-of-season and were 67 fish (BSB) over the limit (2015). **Permit Revoked**
- NY-based party boat seasonally operating out of New Bedford many clients with violations (2015). **Settlement Agreement with conditions**
- New Bedford based party boat had 37 clients and 33 were in violation (2018). **Settlement Agreement with conditions**



Tourists cited for overfishing on New Bedford boat (Boston Globe 5/31/18)

.....The people on board, who were from South Carolina and New York, had caught black sea bass that weighed 560 pounds over the legal limit — including 33 fish that didn't meet the 15-inch-long minimum requirement — and scup that was 90 pounds over the legal limit, police said. Officers also found one undersized striped bass and one undersized tautog on the boat.



The South Carolina passengers were part of a church group traveling with their pastor, Moran said. “The pastor told us that since only a few of the congregation could come up to fish, they wanted to catch as much fish as they could to take back for the church fish fry,” he said. “He then asked us to pray for him.”

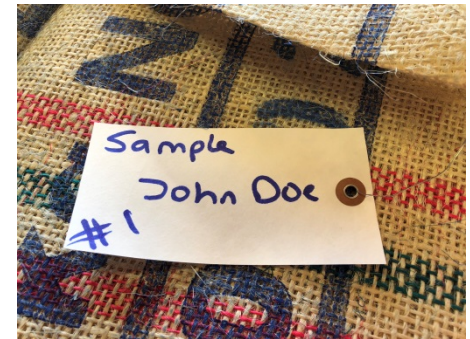
Officers issued multiple citations in response to the violations, and the illegal fish was donated to the New Bedford Salvation Army, police said. “This is early in the season,” Moran said. “This just started, and it’s not going to be good for the fishery if this is how it goes all summer.”



Possible Solutions to Foster Compliance

(Gleaned from past settlement agreements)

- Printing of bag & size rules on all tickets sold
- Crew needs to promote compliance:
 - Dedicate effort to inspect the anglers & catches.
 - Restrict crew fishing activities
- Segregations of catches (Possible additional separation of Black Sea Bass)
- Issuance of bags by vessel operator
 - Labeling of all “bags” (or containers) with angler name or number
 - Creation of a passenger list to link up with catches



Questions?



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