

**NJ Marine Fisheries Council
Law Enforcement Committee
July 25, 2022**

The Enforcement Committee met to consider options for addressing the excessive number of poaching violations that have been reported by Marine Enforcement staff. Staff have reviewed current regulations and presented two possible courses of action, both of which will require changes to existing statutes.

Deputy Chief Snellbaker initiated the meeting by revisiting a previous suggestion from Council to increase the penalty for illegal striped bass from \$100 to \$200. He informed the committee that this would require a change to the statute, which states that the penalty for a first offense is limited to \$30 to \$100. One participant commented that those penalties were implemented in 1979 and suggested that penalties should change with the cost of living.

Deputy Chief Snellbaker proposed two new alternatives that could reduce poaching. The first would be to change the law regarding the NJ Saltwater Registry to make it enforceable. The current NJ Saltwater Registry law has multiple deficiencies as it currently stands. In addition, the current registry program does not grant a privilege to fish, the way a hunting license or freshwater fishing license does. A registry program that grants a privilege to fish in marine waters would lead to better compliance with fishing regulations because non-compliance could revoke the privilege to fish. The penalty for fishing while revoked would be high and be a significant deterrent. As added incentive, New Jersey is a member of the Interstate Violator Compact, which dictates that someone who loses hunting or fishing privileges in one member state loses those privileges in all 48 states that participate in the compact. The Interstate Violator Compact also has provisions to revoke licenses to persons that do not pay their fines/penalties.

Another concern raised is that, in order for enforcement to be able to field-check that anglers are registered, registration would need to be administered through the state's electronic licensing system, which comes with associated costs. Staff responded that it would be consistent with the Recreational Crab Pot license, which is free but charges an administrative fee. Several participants raised concern that this change could be considered a marine recreational license, which

has been attempted and defeated in the past. It was noted that it has been many years since it was attempted, and leadership for some of the opposing organizations has changed. Despite the drawbacks of the administrative fee and past opposition to a license, the committee and advisors were in favor of pursuing this option or finding another source to pay for the use of the electronic license system. These proposed changes to the registry would result in better compliance and enforcement, both of which promote sustainability. Further, increased participation in the registry would provide better estimates of recreational participation. In addition, other threats, such as climate change, are exerting pressure on our fish stocks, and improved compliance could help alleviate some of those pressures.

The second proposal was to take advantage of existing regulations that allow enforcement to recommend to the courts, restitution for the replacement value of illegal fish. These regulations have been in place for decades, but lack a cost schedule established by the Commissioner and concerns for significant natural resource damage negotiations for major environmental events. It was also noted that, like penalties, these replacement values were established years ago and are out of date. It was noted that paying replacement value is not mandatory. Enforcement would use discretion and only ask the courts for the replacement value of fish caught for egregious violations. Council and advisors agreed with this proposal, and several thought it might be more palatable to stakeholders than the administrative fee for the free saltwater registry. One advisor mentioned a future meeting of their organization with the Commissioner's Office suggesting that replacement values be instituted for all fish and wildlife. As a first step, it could possibly be applied to striped bass, with other species added over time.

The Committee recommended that Council write a letter to the Commissioner's Office supporting changes to the statute that make the saltwater registry program more enforceable and to institute replacement values for illegally harvested fish.