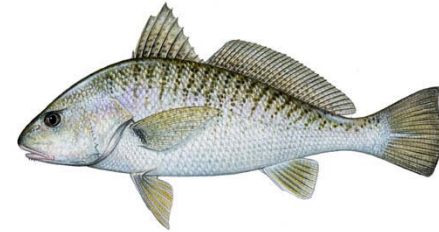
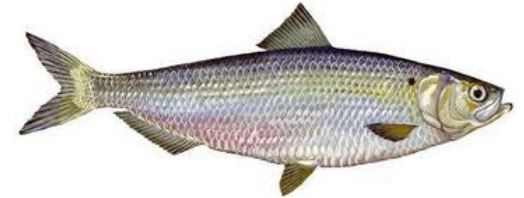
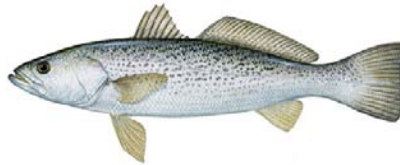


MARYLAND DEPARTMENT OF NATURAL RESOURCES

Commercial Finfish Harvest Tolerance



Presented to the Tidal Fisheries Advisory Commission

March 17, 2011

By: Michael Luisi

Statement of the Problem

- **Industry expressed concern regarding Points / Suspensions due to:**
 - *Unintentional Harvest of Undersized / Oversized Target fish species*
 - *Unintentional Harvest of Non-Target species in bait fisheries (Menhaden)*
- **Legislation in 2010 / Blanket Tolerance Provision (%) on all Finfish**
- **DNR commitment to evaluate the need for Tolerance (Finfish Harvest)**
- **The following tables summarize these tolerances (Finfish):**



The Points System – Contains ‘Built-In’ Tolerance

Species	Restriction	‘Built-In’ Tolerance	Results In Points	Violation
All except (SB)	Size Limit	1 – 10 fish	>11	Tier I
Striped Bass	Size Limit	1 – 5 fish	>6...>11...etc.	Tier I, II...

Example:

A fisherman comes to the dock with 300 lbs of striped bass. Upon inspection, two undersized (< 18in.) fish are identified. Each measures 17 ½ inches. In addition, this fishermen has 150 lbs of croaker, of which, 8 of these fish are noticed to be much less than the 9 inch minimum size limit. All of these mistakes were unintentional and a result of the volume of the catch.

Consequence:

The ‘Built-In’ tolerance of the point system will allow the above scenario to take place without any points accumulating on the fishermen’s license. A citation may be issued that will result in a fine...but the fishermen cannot be suspended based on points.

The Points System – Contains ‘Built-In’ Tolerance

Species	Restriction	‘Built-In’ Tolerance	Results In Points	Violation
All Listed Below	Season	None	Any Amount	Tier III

Ches Bay Species with Seasons: Striped Bass, Yellow Perch, (R. Herring, Croaker, Weakfish, Flounder)

Example:

A fisherman comes to the dock on September 23rd with a load of menhaden (35 bushels). Upon inspection of his catch, 20 bluefish and 2 flounder are noticed to be mixed in with the bait – six of the bluefish and both of the flounder are undersized. *Note: DNR closed the Chesapeake Bay flounder season on September 10th as a result of the quota being met.*

Consequence:

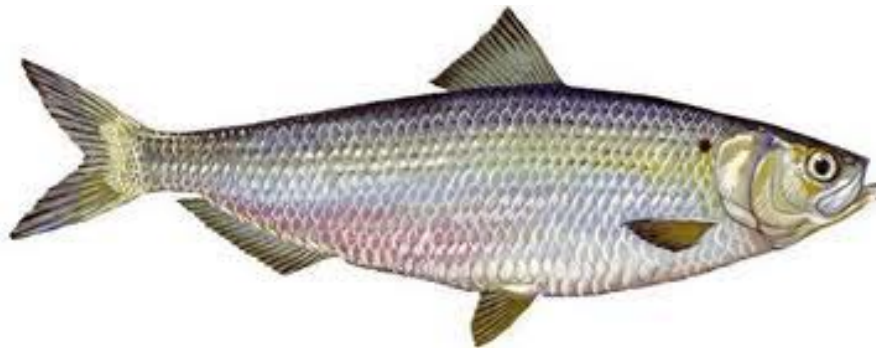
The built-in tolerance in the point system allows for the oversight of the six small bluefish, however, there is no current tolerance for summer flounder landed out of season. This fisherman will be charged and if found guilty will receive a Tier III violation.

❖ This type of scenario has been reviewed by the Penalty Workgroup – Can be revisited upon request.

The Points System – Contains ‘Built-In’ Tolerance

Additional Example for Future Consideration:

- As of January 1, 2012, river herring (blueback and alewife) will be restricted in Maryland under a harvest moratorium. Industry has expressed concern regarding the unintentional landing of river herring in the bait fishery due to the difficulty in identifying these species when mixed with large volumes of menhaden.
- This is an issue that can be address through the Penalty Workgroup
- Stay tuned for more on this...



Continuing Progress on this Issue

- We feel that we can continue to work with the commercial industry to mitigate the impacts of unintended harvest of target and non-target species through the current Points System.
- By establishing a set ‘Tolerance Limit’ we would essentially
 - Eliminate officer discretion
 - Establish ‘Legal’ undersized fish on the market

Final Thought...Frequency of Occurrence

- The following is a Citation Summary for 2010 – Regarding Finfish Size Limits and Seasons
 - ❖ No Points:
 - ✓ Striped Bass (7 Size Limit) and (7 Out of Season)
 - ✓ White Perch (1 Size Limit)
 - ❖ Points:
 - ✓ Striped Bass (1 Size Limit) = Tier I (5 points)
 - ✓ Striped Bass (0 Season)