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The Department has had several phone calls from watermen inquiring about the following situation, and this article is the Department's response and clarification.

Scenario: Can waterman Joe use waterman Bill's gill net if both watermen are aboard the vessel? The gill net is marked with Bill's license number. Forget whether the watermen are in the striped bass common pool or ITQ fishery - that is actually not important to the scenario. The issue really is- can you use another person's gear?

State law (NRA 4-505) prohibits a person from catching and carrying away fish from another person's net. This was intended to protect watermen from theft, but the law clearly says you have to fish your own gear. By regulation, gill nets used for striped bass have to have "Each marker, cork, or float marked with the licensee's commercial tidal fish number; or a float line with a marker permanently affixed every 50 feet bearing the licensee's commercial tidal fish number." Bill's gill net is marked correctly and in compliance with this regulation. The problem is that Bill is not fishing it, Joe wants to fish Bill's net. Joe's license number is not on the net.

Fisheries Service and Natural Resources Police met to discuss the rules and the watermen's concern. Based on that discussion, this is the policy for January - February 2015 gill net season:

The law is meant to protect the watermen from theft. But clearly Bill does not want that protection because he is on board to give permission for Joe to use his net. NRP will not write a violation or warning on fishing someone else's gill net (NRA 4-505) if the owner of the gill net is on board the boat while it is set, soaking and retrieved and that individual is in possession of their valid commercial license. Note that if there is a net violation (corks, length, anchor, etc) it will be written to the owner of the net. If there is a fish violation (size, lbs. etc) it will be written to the gillnetter on board with the striped bass permit.

This is not a permanent policy. The issue will be discussed at the next striped bass workgroup. The watermen need to decide if this is what they want. We heard from a few watermen that called with concerns, we listened, and addressed the short term problem. But the workgroup should put forward a recommendation to the Department on this issue. If you have an opinion, please contact your workgroup representative. If the workgroup recommends it, the remedy described above may be put into regulation.

As always, if you have questions or concerns about a law or regulation, call us. Thank you to the watermen that called regarding the gill net issue.