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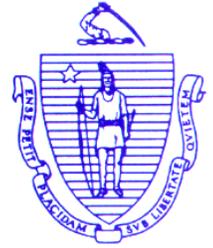
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Marine Fisheries Advisory

Clarification: Sale of striped bass caught during for-hire trips

On July 11, the Division distributed an Advisory reminding commercial striped bass harvesters about the 2013 quota and regulations. A statement in that Advisory – that **commercial fishermen engaged in commercial fishing for striped bass may not fish aboard the same vessel at the same time as recreational fishermen** – has caused some confusion.

This language, embedded in the regulations at 322 CMR 6.07(4)(j), prohibits a vessel from taking in excess of the commercial trip limit by preventing others aboard the vessel that don't have a commercial permit from also taking a recreational trip limit of striped bass. The commercial trip limit language at 322 CMR 6.07(4)(d) specifies that the commercial trip limits apply to a vessel regardless of the number of commercial permit holders on board, but does not address additional recreational anglers on board, hence the language at 322 CMR 6.07(4)(j).

This section is not meant to prohibit for-hire operators who also hold a commercial permit with a striped bass endorsement from commercially fishing for striped bass during a for-hire trip, provided certain criteria are met.

It has been a long-standing practice of some vessel operators who are dually permitted for for-hire fishing and commercial striped bass fishing to have their for-hire patrons take fish beyond the individual recreational limit to assist the operator in catching the vessel's daily commercial possession limit. At the end of the trip, the passengers may leave the vessel with no more than the individual recreational bag limit (2 per person), and the operator sells the remaining fish.

Here are some examples:

- A commercially permitted charter boat conducts a trip on a Tuesday with three passengers who each take two fish off the boat for personal use. The vessel may take up to 30 striped bass and all fish must be 34" or greater. The operator may sell no more than 24 fish. If this trip is conducted early in the day and there is a subsequent trip later in the day, then the subsequent trip must be an exclusively recreational trip with 2 fish allowed per angler at 28" or greater.
- On a Sunday, when the commercial limit is 5, if the patrons take 5 or more fish off the vessel, then no striped bass may be sold.

Once the number of striped bass aboard a vessel is greater than twice the number of fishermen, the trip is considered to be exclusively commercial, and all striped bass in possession must be greater than the commercial size limit, 34". All other rules pertaining to commercial trips also apply, both in relation to striped bass and other species. Notably, as a commercial trip, striped bass cannot be filleted or processed in any manner other than evisceration (striped bass may only be filleted by crew on non-commercial, for-hire trips). The vessel could not take any other species of fish for which the commercial season is closed, or in any manner that violates commercial possession, size, and open day rules for those species.

All striped bass landed during one of these commercial trips must be reported on harvester, trip-level reporting forms. Striped bass taken by the passengers at the end of the trip are to be reported under the "personal use" disposition code (002). The remaining fish sold into commerce by the operator shall be reported under the "sold (food)" disposition code (001). Passengers aboard the vessel should know that they are on a commercial fishing trip, to avoid bias entering recreational harvest estimates or double counting should they be subject to a Marine Recreational Information Program intercept or telephone survey. Finally, harvesters are reminded that commercial and recreational possession limits are per day.