NEW JERSEY MARINE FISHERIES COUNCIL

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October 25, 2022

Shawn LaTourette

Commissioner

Department of Environmental Protection

P.O. Box 420

Trenton, NJ 08625-0420

Dear Commissioner LaTourette:

I am writing on behalf of the New Jersey Marine Fisheries Council (Council) to recommend DEP Fish and Wildlife establish a range of costs for the replacement value of marine fish and shellfish possessed in violation of law under NJSA 23:3-22.2. Increasing accountability of our resource users will further the agency’s mission to protect and manage the state’s valuable natural resources for current and future generations, ensuring equal and continued access for all stakeholders.

Council receives regular updates from Fish and Wildlife’s marine law enforcement personnel, and these reports consistently include reports of egregious and intentional violations of New Jersey’s recreational possession limit, size limit, and open season regulations. These violations typically involve some of the most recreationally important species in New Jersey, including striped bass, tautog, summer flounder, and black sea bass. Council has deliberated repeatedly on the root cause of these violations and determined that current statutes and regulations do not provide sufficient social or financial deterrents for many offenders. We have discussed and evaluated several possible alternatives to address the situation and have concluded that the most direct and expeditious avenue would be to increase accountability by establishing replacement values for these resources.

Under NJSA 23:3-22.2, the Commissioner of the Department of Environmental Protection (DEP) shall establish a range of costs incurred by the DEP for the replacement value of any animal taken or possessed in violation of law. In addition to the civil and other penalties and costs imposed for a violation of law enforced by the DEP, a court may assess the violator thereof for costs pursuant to the schedule established by the Commissioner, which sums shall be paid to Fish and Wildlife for deposit in the ‘hunters and angler’ license fund established pursuant to R.S.23:3-11.

With the maximum penalty for the taking of illegal marine fish under NJSA 23:2B-14 currently at only $100 dollars per fish, the MFC feels establishing a replacement value for fisheries resources taken in violation of the law will create a deterrent to would be poachers and provide an additional enforcement tool for our conservation police officers to protect our valuable natural resources. Thank you for your consideration.

Sincerely,



Richard N. Herb

Chairman

New Jersey Marine Fisheries Council

c. David Golden, Assistant Commissioner

Jason Snellbaker, Deputy Chief