

OPINION

# Imposing real bounds on the party boat fleet

by CHARLES WITEK



*Charles Witek, from Greenwich CT, has spent over 50 years on the water, and is a well-known author and blogger. Witek said, "I have realized that without strong fisheries laws and effective conservation measures, the future of salt water fishing, and America's living marine resources, is dim."*

Ten or twelve years ago, I was down in Islamorada, and jumped aboard a local party boat for the day.

It wasn't peak season.

On the plus side, that meant that there weren't many people on board the boat, and we didn't have to jostle for a favored stern spot. On the downside, one of the reason that there weren't many anglers was that there weren't too many fish, at least compared to other times of the year, and while the fishing was great, the catching was a little slow.

The boat anchored uptide of a patch reef, and tossed over a few balls of chum. It wasn't long before the water a few dozen yards astern began to take on a shimmering, golden hue as a swarm of yellowtail snapper, responding to the chum, rose up off the bottom.

They weren't big fish. Patch-reef yellowtail, living on pieces of bottom near popular ports, are fished pretty hard. "Flag" yellowtail, as the big fish are called, are almost impossible to find there; most are a couple of inches above or below the minimum legal size.

Considering the conditions, we started out OK. The first yellowtail of the morning are always naïve, and I was able to put a couple of half-decent fish on ice before the panicked struggles of our hooked snapper started making the rest of the school spooky. Cero mackerel passed by, and some of them came aboard. But as the morning wore on, the fishing inevitably slowed.

And what happened then was, perhaps, inevitable as well.

A tourist in the starboard stern corner caught an undersized yellowtail snapper.

That, in itself, was nothing new; we had been catching shorts all morning, and had been quickly dropping them back over the side. But the tourist wasn't following the program. Instead of releasing his fish, he was walking it over to the cooler.

And that's when the captain of the boat got involved.

"Where are you going with that fish? It's too small. Put it back."

That didn't go over too well with the tourist, who responded, in the unmistakable accent of the New York Metro region,

"It's my fish, and I can do what I want with it."

The fact that keeping the fish was illegal seemed to be lost on the tourist, but not on the captain, who was beginning to get a little annoyed.

"I'm not going to lose my license over your fish. Put it back in the water."

Which led to the immediate response of, "I paid to be on this boat, and I can do what I want with my fish."

At that point, the captain pulled out his wallet, took out the amount of the tourist's fare, and said, "Here's your money. Get off the deck. Go sit in the cabin, and never come out on this boat again."

Because that's how they do it down South. I've fished for snapper on various party boats in the Keys and the Gulf of Mexico, and have found that the captains and mates down there take pains to obey the laws, largely because the boat can be in legal jeopardy if they do not. And the snapper-grouper management plans don't permit fish to be filleted at sea; nothing gets cut until it's back at the dock, making undersized fish a lot easier for law enforcement officers to find.

It's a little different up here.

That was illustrated recently when enforcement officers from the New York State Department of Environmental Conservation boarded the party boat *Fin Chaser* at the dock at Star Island Marina in Montauk.

According to a report by Capt. Gene Kelly, who maintains a website dedicated to Montauk fishing:

"One of Montauk's headboats pulled into the slip on Thursday to be greeted by a couple of guys in the green uniforms of the DEC. They boarded the boat and started to inspect the anglers' coolers, finding that the first one had 96 seabass, which is 93 over the legal limit. As they continued the inspection on the starboard side, there was a massive fish kill on the port side, with dead seabass floating all over the place, and anglers who had not caught anything during the trip filing off. After the dust cleared, there were over a dozen coolers left with no owners that held over a thousand seabass. Since no one claimed them,

ownership appeared to belong to the captain and owner of the boat. Stay tuned."

Those who kept up with the story soon discovered the critical nuance. An article that appeared about a week after Capt. Kelly's report, in the *Easthampton Star*, noted that

"The party boat's customers were cited for possessing too many black sea bass and porgies, undersized black sea bass and summer flounder, and for failure to stop dumping [fish overboard] upon command. (to page 30)



**NOAA enforcement officer Ian Isaacs looks over coolers filled with undersized and over-the-limit fish (NYSDEC photo)**