

# Atlantic States Marine Fisheries Commission

## Law Enforcement Committee

*Tuesday, May 1, 2018*

*Arlington, Virginia*

### Draft Agenda

The times listed are approximate and the order in which these items will be taken is subject to change; other items may be added as necessary.

**NOTE: A portion of this meeting will be closed to the public to discuss ongoing enforcement activities. Only members of the Law Enforcement Committee, authorized law enforcement personnel and the LEC Coordinator can be in attendance.**

1. Social (open to Commissioners and Staff ) 8:45 a.m.
2. Call to Order/Roll Call of the LEC Representatives 9:00 a.m.
3. Approval of Agenda and May 2017 Minutes **ACTION** 9:05 a.m.
4. Public Comment 9:10 a.m.
5. Review and Comment on Ropeless Fishing Technologies **ACTION** 9:15 a.m.
6. Review of 2018 Action Plan Items 10:00 a.m.
7. Review and Discuss ASMFC Species Management Issues 10:05 a.m.
8. Break 10:15 a.m.
9. Federal Agency Reports 10:30 a.m.
10. State Agency Reports 11:00 a.m.
11. Recess for Lunch 11:45 a.m.
12. Reconvene 1:00 p.m.
13. Review and Discuss Ongoing Enforcement Activities 1:10 p.m.

**NOTE: This portion of the meeting will be closed to the public**

The meeting will be held at the Westin Crystal City, 1800 S. Eads Street, Arlington, Virginia; 703.486.1111

14. Discuss Use of Drones in Enforcement 1:45 p.m.
15. Review Potential Changes to Atlantic Shortfin Mako Shark Rules 2:15 p.m.
16. Update on Regional and National Enforcement Meetings 2:45 p.m.
17. Update on LEC Orientation Process for New Members (Robson) 3:00 p.m.
18. Break 3:15 p.m.
19. Review LEC Information on ASMFC Website (Robson) 3:30 p.m.
20. Discuss NOAA FY19 Budget and Joint Enforcement Agreement Impact 3:45 p.m.
21. New Business 4:15 p.m.
22. Adjourn 4:30 p.m.

**Atlantic States Marine Fisheries Commission  
Law Enforcement Committee  
Draft Minutes  
October 17-18, 2017  
Norfolk, Virginia**

**NOTE: These minutes are unofficial until reviewed and approved by the LEC at the  
2018 Spring Meeting of the ASMFC in Arlington, VA**

Participants:

CHAIRMAN: Michael Eastman (NH Fish & Game Department)  
VICE CHAIR: Steve Anthony (NC DMF, Marine Patrol Section)  
Kurt Blanchard (RI DEM, Division of Law Enforcement)  
Wynn Carney (NOAA OLE)  
Rene Cloutier (ME DMR, Maine Marine Patrol)  
Larry Furlong (PA Fish & Boat Commission, Bureau of Law Enforcement)  
Tom Gadomski (NY DEC, Division of Law Enforcement)  
Greg Garner (SC DNR, Division of Law Enforcement)  
Jamie Green (VA MRC, Division of Law Enforcement)  
Bob Hogan (NOAA Office of General Counsel)  
Rob Kersey (MD DNR, Natural Resource Police)  
Bob Lynn (GA DNR, Law Enforcement Section)  
Doug Messeck (DE DNREC, Enforcement Section)  
Katie Moore (USCG, Living Marine Resources)  
Patrick Moran (MA, Environmental Police)  
Kyle Overturf (CN DEEP, State Environmental Conservation Police)  
Jay Pilgrim (USFWS Office of Law Enforcement)  
Jason Snellbaker (NJ Division of Fish and Wildlife, Bureau of Law Enforcement)

Staff: Mark Robson, Committee Coordinator

Toni Kerns

Mike Schmidtke

Megan Ware

Other Participants: Pat Keliher (ME); David Borden (RI); Dan McKiernan (MA); Doug Grout (NH)

**1. Call to Order/Roll Call of the LEC Representatives**

Chairman Mike Eastman called the meeting to order, welcomed members and guests. Mark Robson called the role of LEC members. Wynn Carney and Jay Pilgrim were introduced as the NOAA OLE and USFWS representatives, respectively.

**2. Approval of Agenda and May 2017 minutes**

The minutes were approved as prepared. The meeting agenda was adjusted to allow for federal reports at the beginning of the first day. Certain administrative reports were moved to the end of the second day, time permitting.

### **3. Public Comment**

There was no public comment.

### **4. Nomination of new LEC Chair and Vice Chair**

Kyle Overturf and Kurt Blanchard offered to serve as the nominating committee and will present officer nominations at the end of the meeting for LEC consideration.

### **5. Review of 2017 Action Plan results and proposed 2018 tasks**

Mark Robson reviewed highlighted action items from the 2017 Action Plan that were completed or addressed and reviewed changes and additions to the list of tasks for 2018.

### **6. Review and Discussion of American Lobster management issues**

Megan Ware and David Borden briefed the LEC on recent discussions of the American lobster Management Board and efforts to address electronic tracking and standardization of management measures. David Borden introduced Nick Salvi from Faria Beede Instrument Co., who provided the LEC information on their latest tracking equipment for fishing applications. Tests of products are underway in Maine in the sea urchin fishery. Of interest in the lobster fishery is the possible use of this technology to identify when trap haulers are activated. The need for rapid ping rates and trap-haul signaling are both important for future use in monitoring offshore lobster trap fisheries. Current technology being tested in Maine has an active range of 12-15 miles, but which can store up to 20,000 positions when out of active range. LEC members discussed the use of these units for enforcement investigations and also for routine LE fleet monitoring and maintenance. Additional types of technology will be explored by the LEC for possible applications in the offshore lobster fishery.

### **7. Review and discussion of Cobia draft FMP development**

Mike Schmidtke briefed the LEC on development of a new fishery management plan for cobia. After reviewing the need for a state plan that would be complementary to federal regulations in the EEZ, the LEC focused on possible options for setting regulations for *de minimis* states (states north of Virginia). The LEC strongly encourages development of a plan that would provide the greatest amount of regulatory consistency, particularly for the region encompassing NJ, DE, MD and VA. To the extent those state-waters regulations could mirror federal waters while also being consistent among the states, it would enhance enforcement efforts in that region.

### **8. Review and discussion of Atlantic menhaden Draft Amendment 3**

Megan Ware briefed the LEC on the development of draft amendment 3 of the fishery management plan and sought any LEC feedback on possible management options under development. Of particular interest to the LEC members was the possible handling of incidental catch and the small-scale fishery. Members noted that there were not any unusual enforcement challenges in enforcing a 6000-lb bycatch limit in this case. While a simple closure of the directed fishery when quotas are met was seen as less of a strain on enforcement resources, it was also noted that a closure is more effective if possession of the species in question is prohibited, and that this would not likely be possible for menhaden given its widespread use for bait. The LEC did not comment on various allocation options.

## **9. Break**

### **10. Review and discussion of ongoing enforcement activities (closed to the public)**

Members discussed ongoing enforcement cases and activity.

### **11. Review and Discussion of other ASMFC managed species as needed**

Toni Kerns briefed the LEC on the request of the Policy Board to look at existing state or federal regulations providing for the charging of charter captains or operators. LEC members had previously shared language from their respective states, if such provisions were in place. ME, MA, DE and SC all reported some success in making cases against for-hire captains or operators with regulations or statutes they have implemented. The LEC discussed this issue relative to the black sea bass fishery and several members observed that repeated abuse of size and bag limits on certain for-hire vessels has been an ongoing problem. If all states could implement the needed measures to charge and prosecute captains or operators (along with customers), it would help in putting a stop to these illegal practices.

### **12. Review of new member orientation process**

Mark Robson reviewed a draft procedure for orientation of new members on the LEC. The procedure will include first contacts, follow-up materials, detailed procedural reviews and short-term mentoring or overlap. LEC members agreed an established procedure would be a great help to new members. A further recommendation was made to ensure that the orientation process allows for a LEC member to bring in a new replacement at least one meeting in advance of a transition to allow better familiarization with the role of the LEC. Mark will coordinate this process with ASMFC staff for implementation.

### **13. Recess**

### **14/15. Reconvene second day and review agenda changes**

### **16. Review and discussion of ASMFC species as needed**

Doug Messeck, LEC representative to the Coastal Sharks Management Board, reviewed the recent discussions of the Board. No action was needed from the LEC.

Jason Snellbaker, LEC representative to the Tautog Management Board, asked the LEC for input on any problems associated with the lack of a federal fishery management plan and regulations for tautog in the EEZ. After lengthy discussion it was apparent that states differ in their ability to cite and prosecute violations in federal waters off of their respective coasts. While language in the Magnuson-Stevens Fishery Conservation and Management Act may allow states to enforce regulations in federal waters in the absence of a federal plan, some states or their respective court systems are unwilling or unable to do so for jurisdictional reasons. LEC members discussed possible mechanisms for states to implement regulations or statutory language specifically extending state rules into federal waters, thus aiding enforcement efforts. As the ASMFC and states move forward on commercial tagging of tautog, especially if point-of-harvest tagging is implemented, the LEC recommends addressing this issue among the affected states.

### **17. Review of changes to the Enforceability Guidelines matrix table**

The LEC reviewed draft changes to its Enforceability Matrix table that better reflected the role of aerial enforcement in assessing the enforceability of various management measures. Mark Robson will work with ASMFC staff to revise and update the Enforceability Guidelines.

### **18. Federal Agency Reports**

**NOAA**-Bob Hogan and Wynn Carney reviewed recent cases and activities. The outcome of the Carlos Rafael case was covered, along with several other recent cases concerning goliath grouper, Narwhal tusk smuggling, and HMS cases involving bluefin tuna.

NOAA OLE is hiring more officers, making up a complement of 20 uniformed officers to date. Three supervisory port officers are being hired for Newark, Newport News and Houston. Recent citations have been issued for improper handling of billfish, where the science now supports a mortality concern. There have been some warnings and some summary settlements in these cases.

**USCG**-Katie Moore reported on recent pulse operations to address illegal striped bass harvest, where approximately 90 cases were made. The Coast Guard is also addressing HMS boardings for coastal sharks, lobster fishing, bluefin tuna activity. All of the cases are going back to NOAA since they cannot issue summary settlements. Cases are getting prosecuted, with \$500/striped bass penalties being applied. The Coast Guard is beginning work on a single, unified case package to be used nationally.

**USFWS**-Jay Pilgrim reported on two new over-limit cases for Chesapeake Bay oysters, conducted in coordination with VA, MD, and NOAA. He reported on American eel harvest and shipping issues. The Service has noted eels being sent to Europe for smoking and other treatment, then returning to the United States. Shipments of American and European eels are being mixed. Remaining cases in Operation Broken Glass are being wrapped up as Lacey Act violations.

### **19. Break**

### **20. State Agency Reports**

Representatives reported new hiring and training academies underway or planned.

Kyle Overturf reported on a new tracking technology program being developed for the state's oyster fishery. To date, only 1 oyster boat has an experimental GPS unit installed. The program is being developed by the CT Agriculture Department and is preliminary testing stage.

LEC members reported on the recent NACLEC Leadership Training Academy and recognized Bob Lynn, Jason Snellbaker and Mike Eastman as recent graduates. This program is promoted and supported by the USFWS and a number of LEC members are graduates and/or members of the Academy steering committee.

**21. Election of new Chair and Vice Chair**

The Nominations Committee put forth Captain Steve Anthony (NC) for Chairman, and Captain Doug Messeck (DE) for Vice Chairman. There were no other nominations. Both individuals were unanimously selected to the respective positions.

**22. New Business for future consideration**

There was no new business brought before the LEC.

**23. Adjournment**

The meeting of the LEC was adjourned at 12 pm, October 18, 2017

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