

**Law Enforcement Committee
Meeting Summary**

October 17-18, 2017

Committee Members: Michael Eastman, Chair (NH); Steve Anthony, Vice Chair (NC); Patrick Moran, MA; Greg Garner SC; Kyle Overturf, CT; Doug Messeck, DE; Bob Lynn, GA; Rene Cloutier, ME; Tom Gadomski, NY; Jason Snellbaker, NJ; Larry Furlong, PA; Kurt Blanchard, RI; Rob Kersey, MD; Jamie Green, VA; Wynn Carney, NOAA OLE; Bob Hogan, NOAA GC; Katie Moore, USCG; Jay Pilgrim, USFWS

ASMFC Staff: Mark Robson; Toni Kerns; Megan Ware; Mike Schmidtke

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

The Law Enforcement Committee (LEC) met during the 2017 annual meeting of the Atlantic States Marine Fisheries Commission (ASMFC) in Norfolk, VA. The LEC welcomed alternate representatives Wynn Carney from NOAA OLE, and Jay Pilgrim from USFWS.

New Chair and Vice Chair

The LEC has selected a new chair and vice chair for the upcoming two-year term. The new chair is **Steve Anthony (NC)** and our vice chair is **Doug Messeck (DE)**. The LEC thanked Mike Eastman for his service as the outgoing Chairman.

Species Issues

American lobster.— 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 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.

Atlantic menhaden.—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.

Cobia.—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.

Black Sea Bass.--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.

Tautog.—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.

Other Issues

The LEC reviewed proposed **2018 Action Plan** items and confirmed that its work will address the tasks outlined in Goal 3 of the plan once it is approved by the ASMFC.

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. Mark will coordinate this process with ASMFC staff for implementation.

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.

Three members of the LEC, Bob Lynn of Georgia, Jason Snellbaker of New Jersey, and Mike Eastman of New Hampshire are recent graduates of the highly-regarded **National Leadership Training Program** sponsored by the National Association of Conservation Law Enforcement Chiefs and the United States Fish and Wildlife Service. Training takes place at the National Conservation Training Center in Shepherdstown, WV. Five LEC representatives have completed the program and three additional members of the LEC are on the program's Steering Committee. This high level of participation exemplifies the professionalism of the ASMFC's Law Enforcement Committee.