

# Atlantic States Marine Fisheries Commission

## Law Enforcement Committee

*October 30, 2013  
8:30am - 5:00pm  
St. Simon's Island, Georgia*

### Draft Agenda

The times listed are approximate; 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 and the LEC Coordinator can be in attendance.**

1. Welcome/Social (open to ASMFC commissioners and staff) 8:30 a.m.
2. Roll Call of the LEC representatives 9:00 a.m.
3. Approval of Agenda and May 2013 Minutes 9:10 a.m.
4. Public Comment 9:20 a.m.
5. Review and Appt. of LEC species board representatives 9:35 a.m.
6. Update on Asian horseshoe crab importation (Marin Hawk) 9:40 a.m.
7. Identification Issues for dusky sharks (Marin Hawk) 9:55 a.m.
8. Break 10:15 a.m.
9. Review and Discussion of Research Set-Aside enforcement issues 10:30 a.m.
10. Review and Discussion of Enforcement Equipment/Safety issues 11:00 a.m.
11. Review and discussion of ongoing enforcement activities---**NOTE:  
This portion of the meeting will be closed to the public** 11:30 a.m.
13. Recess for Lunch 12:00 p.m.

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| 14. Reconvene LEC meeting  | 1:30 p.m. |
| 15. Discussion of JEA program and reimbursement process<br>(Possible conference call with NOAA JEA coordinator)                  | 1:35 p.m. |
| 16. Review and Discussion of American lobster enforcement issues<br>Gear removal during closed periods<br>Transferable trap tags | 2:20 p.m. |
| 17. Review and follow-up on American Eel Addenda   | 3:00 p.m. |
| 18. Break  | 3:15 p.m. |
| 19. Review and Discussion of other ASMFC species plans/issues  | 3:30 p.m. |
| 21. State Agency Reports   | 3:45 p.m. |
| 22. Federal Agency Reports<br>National Marine Fisheries Service<br>U.S. Fish and Wildlife Service<br>United States Coast Guard   | 4:15 p.m. |
| 23. Election of Vice-Chair <b>Action</b>   | 4:40 p.m. |
| 24. Other business/Adjourn   | 4:45 p.m. |

The meeting will be held at the King and Prince Beach and Golf Resort, 201 Arnold Rd.,  
St. Simon's Island, Georgia 800-342-0212

*Healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration  
well in progress, by the year 2015*

**Atlantic States Marine Fisheries Commission  
Law Enforcement Committee**

**Draft Minutes**

**(Not official until approved)**

May 20-21, 2013

Alexandria, VA

Participants:

CHAIRMAN: Kyle Overturf (CN DEEP, State Environmental Conservation Police)

VICE CHAIR: Lloyd Ingerson (MD DNR, Natural Resource Police)

Steve Anthony (NC DMF, Marine Patrol Section)

Kurt Blanchard (RI DEM, Division of Law Enforcement)

Elizabeth Buendia (USCG)

Mark Carson (GA DNR, Law Enforcement Section)

Michael Eastman (NH Fish & Game Department)

Joe Fessenden (ME DMR, Maine Marine Patrol)

Dominick Fresco (NJ Division of Fish and Wildlife, Bureau of Law Enforcement)

Jamie Green (VA MRC, Division of Law Enforcement)

Logan Gregory (NOAA Fisheries OLE)

Bob Hogan (NOAA Fisheries OGC)

Timothy Huss (NY State DEC, Division of Law Enforcement)

Neil Mendelsohn (USFWS OLE)

John Rutherford (DE DNREC, Division of Fish and Wildlife Enforcement Section)

Rama Shuster (FL FWC, Division of Law Enforcement)

John Tulik (MA Environmental Police)

Staff: Mark Robson, Committee Coordinator

Kate Taylor

Guests: Bruce Buckson (Director, NOAA Fisheries Office of Law Enforcement)

Renee Cloudier (ME DMR, Maine Marine Patrol)

Ken Endress (USFWS OLE)

Jim Landon (NOAA Fisheries OGC)

Patrick Moran (MA Environmental Police)

Paul Mordan (Apple Inc.)

**1. Welcome/Call to Order**

Kyle Overturf (Chairman) called the meeting to order.

**2. Approval of Agenda and October 2012 minutes**

The Agenda was approved without change and the LEC minutes from the fall 2012 meeting were approved without change.

**3. Roll Call of the Members**

Mark Robson called the roll of LEC members. Pennsylvania was not represented. Chairman Overturf introduced new members and guests:

Mark Carson, representing GA in Doug Lewis' absence

Mike Eastman, the new LEC representative for NH

Timothy Huss, the new LEC representative for NY

Patrick Moran, pending replacement for John Tulik, MA

Rama Shuster, the new LEC representative for FL

#### **4. Public Comment**

Mitchell Feigenbaum commented on his perspectives of the glass eel fishery and related businesses. He stated the fishery has existed for several decades and currently is comprised of 600-700 fishermen and ancillary businesses. He stated his view that the option to close all glass eel harvest would be a shame, due to fishermen's involvement. Industry and government in Maine are well aware that changes are needed. He is proud to be loosely associated with the issue in Maine. Maine cannot solve problem alone. Hopes LEC will be mindful of fact that Maine can only do so much. USFWS has jurisdiction over exports. 100% of eels are sold live. No shipment can leave the U.S. without an associated export license and declaration based on 48-hours' notice. Shippers must also provide the recipient name and weight for each shipment. Maine is taking steps toward real time reporting in order to have shore- to-shipment traceability. Maine cannot follow the product once it gets in hands of a dealer and to shipping. LEC should stress that the USFWS should be a partner in enforcement efforts. Other states should also let their legislatures know that many in public or in agencies are concerned. Penalties are very modest and then violators go on their way. Mr. Feigenbaum asked LEC members to make clear it is a valuable species, and no state should ignore poaching, and should impose major penalties.

#### **5. ASMFC staffing update and review of LEC representation**

Mark Robson reviewed some of the ASMFC staffing changes associated with species management boards.

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

LEC members reviewed ongoing enforcement activities and coordination related to several ASMFC-managed species.

#### **7. Review of Draft Addendum III for American Eel and public comments. Consideration of additional LEC comments to the American Eel Management Board**

Kate Taylor of ASMFC staff reviewed the management options for American Eel in the current draft addendum. LEC members commented on each of the draft options for the management of glass, yellow and silver eels. Members voted on recommendations concerning each option. Mark Robson will prepare a draft comment summary and present it to the LEC later in the meeting for review and approval. Upon approval, the comment summary will be presented to the American Eel Management Board during the ongoing ASMFC meeting. *NOTE: A commenting document was approved by the LEC on May 21, 2013 and submitted to the American Eel Management Board the same day.*

#### **8. Review of ISFMP species and possible comments to boards**

No additional species were discussed other than those covered under Item 7 of the agenda.

#### **9. Break**

#### **10. Review and discussion of Equipment and Technology for Enforcement.**

Steve Anthony introduced Paul Mordan of Apple, Inc. Government Applications Division. Mr. Mordan gave a detailed presentation of Apple communications technology that has been adapted for use by officers in the field. The primary platform for this technology is the field use of iphones and ipads. The presentation focused on security and the ability to use the system for navigation, video calling, mailbox service and other features. LEC members commented on existing use of Apple technology for officers (limited) and thanked Mr. Mordan for the information.

Steve Anthony briefed LEC members on his effort to compile and summarize existing equipment/safety/technology tools in use by the participating states and agencies. Mark Robson will work with LEC members to develop this information as a reference document.

#### **11. Review ASMFC 2013 Action Plan and enforcement-related tasks**

Mark Robson provided LEC members with a copy of enforcement strategies laid out as part of Goal 3 of the ASMFC Action Plan for 2013. Due to time limitations of the meeting, there was no discussion of the tasks.

#### **12. Discussion of Cooperative Enforcement Agreements and at-sea enforcement of fisheries**

Elizabeth Buendia informed the LEC that USCG officials are aware of the current situation affecting approval for at-sea boarding. Efforts are underway to modify enforcement agreements to facilitate approvals for at-sea boarding among states, USCG and NOAA Fisheries Service.

#### **13. Joint Enforcement Agreement update and discussion**

Logan Gregory and Bruce Buckson briefed LEC members on the status of the new JEA templates at the Department of Commerce. Members from states were advised that JEAs are being worked on and that states might have enough information to start developing operational plans for their JEAs. LEC representatives from the states asked about invoicing procedural changes and improvements in the reimbursement process that will aid the program.

#### **14. Discussion of enforcement articles, features or presentations for ASMFC meetings and publications**

Mark Robson reminded members that there are multiple opportunities to publish information or materials of interest on enforcement, in ASMFC publications and on the website. Mr. Robson will continue to work with LEC members in preparing materials for publication as opportunities arise.

#### **15. Break**

#### **16. State Issues**

**North Carolina:** A Game Fish Bill is in the works and is being supported by recreational anglers. The designation would include red drum, speckled trout and striped bass. There is still an allowable gill net fishery in Pamlico Sound, but that may change or be reduced to address incidental take of sea turtles. There may be some budget reduction in the current legislative session.

**Rhode Island:** Two new recruits have been hired and are the first hires in 8 years. Enforcement is still down about 6 positions from the long-term average. Some new fingerprinting and communications technology has been implemented. The enforcement budget is unchanged from previous year.

**Massachusetts:** They are still dealing with staffing shortages but are expecting 4 new officers in June, 2013. An old offshore patrol boat is being replaced with a new 45-ft vessel.

**Delaware:** There is a vacant captain and lieutenant position that has been vacant for 2 years. There have been two more retirements. They did receive two new positions. The Legislature was considering a bill to increase fines and change the structure to reduce the number of charges that would be considered misdemeanors.

**New Hampshire:** There has been good legislative support this year for enforcement programs.

**Florida:** The Division of Law Enforcement has undergone some administrative changes, including a new Colonel and Lt. Colonel. A number of majors are changing. The Legislature approved the merger of state park patrol officers with FWC officers. The division now has over 1000 officers, including park enforcement and greenways. Florida is considering a Game Fish classification that would make certain species catch/release harvest only (tarpon/permit). The Division's offshore patrol program now has 12 vessels up to 85-ft long. They are currently drafting operational policies for the vessel program. Officers were awarded a 3-5% raise by the Legislature.

**New York:** New York's marine enforcement unit formed a few years ago, and is now under one group of about 10 officers. They are expecting 32 recruits overall in the current academy. There are 9 officer vacancies and 2 investigator vacancies for Long Island. Enforcement officers recently received a bump in salary. There is still an active horseshoe crab fishery in NY, with prices recently at \$2-\$3 each. This is generating interest and an increase in violations, although that has slowed down some this year. There is an active tautog market for live fish. Recreational fishermen are selling to the Asian markets in NYC, and also taking fish to Rhode Island.

**Virginia:** There have been some changes in personnel and 4 new hires. The enforcement dive team is up and running. Dive operations are working areas of concern for protected species in gear. A number of good cases were made on striped bass charter violations but penalties were fairly light.

**Georgia:** Red drum has been declared a game fish. This is the second year of a pay parity measure with state highway patrol and has resulted in 3-15% raises. This has been a big boost to employee morale. Reorganization has occurred and as of July 1 there will be just one Law Enforcement Division within the Department of Environmental Resources. Three new recruits are expected to fill coastal positions.

**New Jersey:** Just about all enforcement resources have gone into the Hurricane Sandy response and recovery. The last shellfish area opened in April, 2012 and they have been patrolling closed areas since Sandy. There is still a very large amount of storm debris in the water and they expect problems this summer with boating traffic increase and debris collision. They received their first Homeland Security grant for \$300,000 and are using it for patrol efforts around the Delaware Bay. There is currently full staffing for the marine unit at 11 officers, the best they have ever had.

**Maine:** The Deputy Chief is retiring this year. They are working on a succession plan for older officers. Joe Fessenden stated he was scheduled to retire in the next two years after 40 years of service. There is a new trap tag company supplying ME (Cambridge Seals). There are some changes being considered for efficiencies but no major consolidation is expected. They are still reviewing a VMS pilot project that uses satellite instead of cell coverage for monitoring.

**Connecticut:** They acquired 4 new zodiacs this year. They are 21-ft vessels powered with 115 Yamahas, although a little more power would have been helpful. They are currently working on an Interstate Wildlife Violators Compact through the legislature. They are hoping to go live on a new CAD system, using a Connecticut company that is widely used for communications systems. They will also have web access and a 60-inch monitor that will show the location of all officers.

## **17. Federal Reports**

**NOAA:** They are losing 2 agents to retirement. A new uniformed officer is coming on line at Newport News. They are looking to hire a supervisory enforcement officer. Two new counsel hires are onboard in the Northeast region. All case backlogs in the northeast region have now been charged out. The Office of General Council is getting back on track to pre-2008 caseload resolution with new staffing and effort. The recent budget sequester had an impact on travel and training for the Office of Law Enforcement. There is a hiring freeze in effect. OLE staffing is now 102 agents and 38 officers nationwide, so they will still need to collaborate with states to meet enforcement needs. NOAA OLE is working on 3 new issues: developing consistency in programs across the country; working on international fisheries and enforcement; and better measures of compliance.

**USCG:** Provided LEC members with their status report. There have been 1600+ boarding for the reporting period. A dockside safety exam requirement has been pushed back to 2015.

## **18. Adjournment**