Atlantic States Marine Fisheries Commission

Law Enforcement Committee

May 5, 2015 (1:00 - 5:00 p.m.)
May 6, 2015 (8:30 a.m. - Noon)
Alexandria, 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.

Tuesday, May 5

1. Call to Order/Roll Call of the LEC Representatives 1:00 p.m.
2. Approval of Agenda and October 2014 Minutes 1:10 p.m.
3. Public Comment 1:15 p.m.
4. Review of Draft Jonah Crab Management Options 1:20 p.m.
5. Outside Advisory Committee Activities (AFWA/NACLEC/Councils) 1:50 p.m.
6. Review and Update of Species Board Representatives and Alternates 2:00 p.m.
7. Discussion of Other ISFMP Species (tentative) 2:10 p.m.
8. Discussion of Possible Joint Meeting with GSMFC LEC (tentative) 2:30 p.m.
9. Break 2:45 p.m.
10. Review and Discussion of Ongoing Enforcement Activities (This portion of the meeting will be closed to the public) 3:10 p.m.
11. Joint Enforcement Agreement Update/Federal Agency Reports 3:50 p.m.
12. Review Recent Safe Harbor Issues 4:30 p.m.
13. Recess 5:00 p.m.
Wednesday, May 6

14. Social (Open to Commissioners and Staff) 8:30 a.m.
15. Reconvene 9:00 a.m.
16. Update on State Implementation Plans for Striped Bass (tentative) 9:05 a.m.
17. State Agency Reports 9:20 a.m.
18. 2015 Action Plan Issues 9:50 a.m.
19. Discussion of Closed Area Configurations and Enforcement 10:10 a.m.
19. Break 10:30 a.m.
20. Review of Management Options for Atlantic Herring (Amendment 3) 10:50 a.m.
21. Other Business 11:00 a.m.
22. Adjourn Noon

The meeting will be held at The Westin, 400 Courthouse Square, Alexandria, Virginia 886-837-4210

Vision: Sustainably Managing Atlantic Coastal Fisheries
Atlantic States Marine Fisheries Commission
Law Enforcement Committee
Draft Minutes
(Not official until approved)
October 28, 2014
Mystic, Connecticut

Participants:
CHAIRMAN: Lloyd Ingerson (MD DNR, Natural Resource Police)
VICE CHAIR: Michael Eastman (NH Fish & Game Department)
Steve Anthony (NC DMF, Marine Patrol Section)
Kurt Blanchard (RI DEM, Division of Law Enforcement)
Elizabeth Buendia (USCG, Living Marine Resources)
Jon Cornish (ME DMR, Maine Marine Patrol)
Joe Fessenden (ME DMR, Maine Marine Patrol)
Chisolm Frampton (SC DNR, Division of Law Enforcement)
Dominick Fresco (NJ DFW, Bureau of Law Enforcement)
Larry Furlong (PA Fish & Boat Commission, Bureau of Law Enforcement)
Jamie Green (VA MRC, Division of Law Enforcement)
Logan Gregory (NOAA Fisheries, Office of Law Enforcement)
Bob Hogan (NOAA Fisheries, Office of General Counsel)
Tim Huss (NY DEC, Division of Law Enforcement)
Rob Kersey (MD DNR, Natural Resource Police)
Doug Lewis (GA DNR, Law Enforcement Section)
Doug Messeck (DE DNREC, Enforcement Section)
Pat Moran (MA Environmental Police)
Kyle Overturf (CN DEEP, State Environmental Conservation Police)
Honora Gordon (USFWS, Office of Law Enforcement)
Rama Shuster (FL FWCC, Division of Law Enforcement)
Jason Snellbaker (NJ Division of Fish and Wildlife, Bureau of Law Enforcement)

Staff:  Mark Robson, Committee Coordinator
       Toni Kerns
       Kate Taylor
       Mike Waine

Guests: Brian Fiedler (USCG), Ellen Motoi (USCG), Ryan Dixon (USCG), Rene Cloutier (ME), Jay Carroll (ME), Eric Provencher (CT), Jim Cain (CT), Ryan Healey (CT), Pat Keliher (ME), Ritchie White (NH), Dan McKiernan (MA), David Borden (RI), Peter Burns (NOAA), Leta Etheridge (NOAA)

1. Social
Members of the LEC invited guests and staff to visit during an open social before the meeting.

2. Roll Call of the Members
Mark Robson called the role of LEC members. Chairman Ingerson welcomed guests and visitors to the LEC meeting, including two cadets from the USCG Academy who stayed and observed the proceedings for most of the day.

3. Approval of Agenda and May 2013 minutes
4. Public Comment
No members of the public spoke. Justin LeBlanc of the NC Fisheries Association spoke during the discussion of LEC Guidelines for Enforceability. He liked the general precept of “Simplicity” in the document with the caveat that simplifying closed area shapes is ok, but if simplifying reduces harvest opportunity, that becomes an issue.

5. Review and update LEC Guidelines for Enforceability
Mark Robson reviewed the draft guidelines and the various changes, additions and proposed text in the revised version. Members reviewed all of the proposed edits displayed on a screen, and commented or provided direction for further improvements. Members agreed that a re-ranking of the management strategies was needed and that a simpler approach to the rankings was preferable. Mr. Robson advised he would develop a new ranking survey for members subsequent to the meeting. Elizabeth Buendia suggested adding a general precept for “Safety”. There was additional discussion around the topics of catch/release fishing, enforcing “targeting”, transit, and the allowance of aggregate trip limits. LEC members discussed problems associated with access to landings information for enforcement purposes and the need in some states to change laws to allow such access. Further discussion of the definitions of “landing” ensued. Members reviewed issues associated with VMS requirements and the need for 5-minute polling availability. Rama Shuster discussed the need for technological tools for effective offshore patrol work, including VMS and satellite data access. Members discussed the use of a common Joint Enforcement Agreement (JECA) reporting tool such as might be useable on a computer tablet for web-based reporting. Mr. Robson advised LEC that he would take all of the suggestions for the document and prepare a final draft for members to review before the end of the year. The goal is to submit a revised document for ASMFC consideration by 2015. The ranking survey will be conducted using email voting.

6. Break

7. LEC Coordination/Collaboration with Outside Advisory Committees (AFWA, NACLEC, Other)
Kyle Overturf briefed LEC on recent participation of several LEC members at the AFWA meeting in St. Louis, MO. Several members attended and reported on a new leadership training program that held its first class at the National Conservation Training Center in Shepherdstown, WV. This training was designed specifically for conservation enforcement officers who are on a leadership track. There were 35 students from 26 states in the 3-week class. One LEC member was in the inaugural class, and two LEC members served as coaches. AFWA and USFWS have provided considerable support for this program, and it received high praise from the LEC participants.

8. Discussion of Shark Fin Possession Regulations and Statutes
   State Actions Prohibiting Possession
   Exemptions to Prohibitions
A number of state legislatures passed laws or statutes that could prohibit all possession of fins. The LEC discussed whether these laws have required enforcement changes, and if legislative exemptions or exceptions to possession laws were complicating enforcement. There were no reports of significant problems with incompatible regulations.

9. Report on ASMFC Species Board Actions
   Atlantic Herring: Mike Eastman reported on proposed “empty-hold” provisions in an upcoming draft addendum. A proposal to require LE presence on docks to confirm empty holds is a concern and Mr. Eastman will provide input to the Atlantic Herring board.
   Winter Flounder: Kurt Blanchard reported that the recent status update for winter flounder found them to be in poor shape. No management actions have been developed at this time.
American Eel: Joe Fessenden reported on a review of escape panel mesh requirements, and the adoption of new quotas.

10. Disposition of Seized Atlantic Striped Bass
USCG members polled the LEC regarding disposition of illegally-caught striped bass from federal waters. There were a number of different approaches to handling of such fish, and members discussed the process of forfeiture, voluntary abandonment, and transfer of fish to state jurisdictions by the USCG.

11. Review and Discussion of states’ use of VMS Data
Access to Data
Coordination among Agencies
Training Opportunities
Members discussed the current status of VMS data use by enforcement agencies. There is ongoing access to federal VMS data and interagency coordination is working as needed. Some states have reported that they are no longer receiving email notices related to VMS targets. Logan Gregory responded that NOAA would look into this and correct the notice procedures as appropriate.

12/13. Lunch and Reconvene

14. Review and Discussion of Ongoing Enforcement Activities (Closed Session)
Members discussed ongoing enforcement operations and coordination.

15. Update on Cancer/Jonah Crab Fishery and Management Options
Members received an update from staff on potential development of regulations for this fishery, and agreed to weigh in on enforcement considerations in cooperation with plan development staff.

16. Report on ASMFC Species Board Actions
Spiny Dogfish: Members discussed possible changes to trip limit regulations and allowance for weekly aggregate limits. Kurt Blanchard reported on RI provisions to ensure compliance, including logbook provisions and background checks of fishermen who participate in the program. Members discussed some of the enforcement problems with aggregate limits, including the inability to conduct any meaningful dockside enforcement. Electronic reporting can offset some of the concerns, especially if the fishery is not too large. State enforcement agencies that don’t have access to landings data are very limited in their ability to monitor trip limit compliance.

17. Discussion of American Lobster Trap-Tag Transferability
Enforcement staff from ME gave a presentation to the LEC regarding a potential change they would like to consider that would allow transfer of lobster trap tags in a controlled manner. Members pointed out reservations with the concept and previous positions in opposition to such program. LEC members discussed possible enforcement issues that might ensue but agreed to review specific language and develop a committee position at a later time, if necessary.

18. Break

19. New or Emerging Enforcement Issues for ASMFC Species
David Borden addressed the LEC regarding enforcement of American lobster trap tag provision offshore (i.e. federal waters). He was looking for information or feedback regarding state and federal enforcement offshore, and whether there are limitations on hauling and checking traps in federal waters, especially for USCG vessels which lack the ready capability to haul and check traps. All agreed that continuing reductions in the number of allowable traps may increase illegal activity and more monitoring would be desirable. Joe Fessenden described the limitations ME has with vessels of adequate size to patrol and
inspect in federal waters. More money is needed if states are to gear-up with adequate vessels and equipment. It was also pointed out that enforcement in American lobster Area 3 would be enhanced if VMS was required for those vessels.

20. Review and Discuss ASMFC 2015 Action Plan Tasks for LEC
Toni Kerns updated the LEC on the 2015 Action Plan. She reported the possible addition of a task relevant to the LEC. We may be asked to provide enforcement advice and expertise in the review of existing research set-aside programs. The Mid Atlantic Fishery Management Council is likely to be re-evaluating the program. The ASMFC LEC may be asked to assist and provide input.

21/22. Federal and State Agency Reports
Chairman Lloyd Ingerson asked that since time was limited, LEC members restrict any news to emerging or resource management issues. The following information was provided by members:
Joe Fessenden noted that they are seeing changes in species composition and numbers in their waters. He speculated on the impact of climate change and warming waters. This may be affecting changes to northern shrimp fisheries in their jurisdiction. Members should be aware of such pattern shifts in their areas.
Bob Hogan brought up the use of GPS verification forms in the southeastern region and whether it could be done in the northeast.

23. Special Recognitions
The LEC honored long-time member Joe Fessenden, who will be retiring. Many fine words were spoken about Joe, and he spoke to the group about fondness for the LEC and the great opportunities presented here for communication and engagement. Regarding communication, LEC members of the Southern persuasion recalled their initial confusion over Joe’s choice of words…until the depth of his Maine accent was fully understood and appreciated. Everyone now understands that a shack is a shark, and vice versa.

21. Other Business or Future Agenda Items
None

22. Adjournment