



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmf.org

---

## Law Enforcement Committee Meeting Summary

October 28, 2014

**Committee Members:** Lloyd Ingerson, Chair; Michael Eastman, Vice Chair; Kyle Overturf, CT; Doug Messeck, DE; Rama Shuster, FL; Doug Lewis, GA; Joe Fessenden, ME; Pat Moran, MA; Tim Huss, NY; Dominick Fresco, NJ; Steve Anthony, NC; Larry Furlong, PA; Kurt Blanchard, RI; Chisolm Frampton, SC; Jamie Green, VA; Logan Gregory, NOAA; Bob Hogan, NOAA GC; Elizabeth Buendia, USCG; Honora Gordon, USFWS.

**ASMFC Staff:** Mark Robson; Toni Kerns; Kate Taylor; Mike Waine

**Other Participants:** Brian Fiedler, USCG; Ellen Motoi, USCG; Ryan Dixon, USCG; Jon Cornish, ME; Rene Cloutier, ME; Jay Carroll, ME; Eric Provencher, CT; Rob Kersey, MD; Jim Cain, CT; Ryan Healey, CT; Pat Keliher, ME; Ritchie White, NH; Dan McKiernan, MA; David Borden, RI; Peter Burns, NOAA; Leta Etheridge, NOAA

The Law Enforcement Committee (LEC) had a busy and productive meeting on the second day of the 2014 annual meeting of the Atlantic States Marine Fisheries Commission. Throughout the day the LEC welcomed a number of additional enforcement participants from various jurisdictions. We also welcomed two cadets from the USCG Academy who observed the proceedings most of the day.

### Species Issues

#### Sharks

Members discussed current state statutes or laws prohibiting possession of shark fins and discussed whether these new provisions or any statutory exemptions were affecting enforcement. There were no reports of significant problems with incompatible regulations.

**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.

**Cancer Crab/Jonah Crab.**—The LEC received an update from staff on potential development of regulations for this fishery, and will weigh in on enforcement considerations in cooperation with plan development staff.

**American Lobster.**—Enforcement staff from Maine 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. LEC members discussed possible enforcement issues that might ensue but will review specific language and develop a committee position at a later time, if necessary.

**Spiny Dogfish.**—Members discussed enforcement challenges and needs when considering an aggregate trip limit. The discussion centered on possible increases in the Rhode Island aggregate trip limit. The LEC did not develop a formal position, but agreed that having an

advanced reporting system and access to real-time landings information would be critical to enforcement. Three states' enforcement offices do not have access to landings data outside of a subpoena process, a significant problem.

### **Action Plan Issues**

The LEC reviewed the 2009 *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures*. We are preparing an updated and revised version of these guidelines as part of our 2014 Action Plan commitment. The new guidelines will also incorporate components of a similar set of guidelines published by NOAA/USCG. The LEC provided comments to Mark Robson, who will complete the final draft and submit the revised guidelines to the ASMFC for consideration. LEC members would like to have an opportunity to present the new guidelines to the policy board, discuss the general enforcement precepts in the document, and share examples of regulations that may enhance or hinder enforceability.

The LEC is tasked in the 2014 Action Plan with active participation in law enforcement committees associated with the Association of Fish and Wildlife Agencies (AFWA), including the National Association of Conservation Law Enforcement Chiefs (NACLEC). Several members of the LEC are active in these organizations and recently attended the AFWA meeting in St. Louis, MO. Our participating members reported on a new leadership training program that held its first class at the National Conservation Training Center in Shepherdstown, WV recently. This training is designed specifically for conservation enforcement officers who are on a leadership track. One LEC member was in the inaugural class, and two of our members served as coaches. AFWA has provided considerable financial support for this program. All reports indicate that this is an excellent training program.

We 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 and this will be corrected as appropriate.

Toni Kerns briefed the LEC on the 2015 Action Plan and we discussed the addition of an action item to assist the Mid Atlantic Fishery Management Council in review of their Research Set-Aside program. Selected members of the LEC will be available to provide input and expertise.

### **Other Issues**

David Borden presented an issue to the LEC concerning enforcement problems and concerns in the American lobster offshore (federal) waters fishery. Members discussed the limited capability of enforcement vessels to work these offshore areas, particularly with gear suitable for hauling and checking traps. Equipment and resources are limiting and would take a significant commitment to funding for larger vessels, and/or offshore gear-hauling equipment. In follow-up to our previous review of VMS systems, it was pointed out that enforcement in the American lobster Area 3 fishery would be enhanced if VMS was required.

### **Special Recognition**

The LEC honored outgoing member Joe Fessenden for his long service to the ASMFC. Col. Fessenden will be greatly missed.