



# Atlantic States Marine Fisheries Commission

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## Law Enforcement Committee Meeting Summary

May 9, 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; Jeff Ray, NOAA OLE; Wayne Hettenbach, USDOJ; Katie Moore, USCG; Honora Gordon, USFWS

**ASMFC Staff:** Mark Robson; Ashton Harp; Toni Kerns

**Other Participants:** Pat Keliher ME; Dennis Abbott, NH

The Law Enforcement Committee (LEC) met during the 2017 spring meeting of the Atlantic States Marine Fisheries Commission (ASMFC) in Alexandria, VA. The LEC welcomed alternate representatives Jeff Ray from NOAA OLE, Tom Gadomski from NY and Greg Garner from SC.

### Species Issues

**Tautog.**—Ashton Harp briefed the LEC on proposed management boundaries for Long Island Sound. Options 5 and 6 for defining a boundary line in eastern Long Island Sound both present enforcement challenges if the differences in regulations among the 3 associated management units are significant. Recreational and commercial fishermen regularly move back and forth from the inner sound, the ocean side of Long Island and Rhode Island waters. The LEC cautioned that selecting either line will require substantial enforcement resources to ensure compliance with the various management regulations that will be in close proximity. It was pointed out that using the ColRegs line in Option 6, with more visible land-points, might be preferable, although Option 5 was also acceptable. Enforceability of widely differing regulations in close proximity will be influenced by tagging requirements of commercially harvested fish. The LEC reiterated its support for tagging as close to the point of harvest as possible. Tagging at the point of sale would be ineffective. The LEC also recommended use of “strict possession” language and that there should be no possession or take when an area is closed. Members pointed out that defining “home port” as part of possession language in regulations would not be applicable to recreational anglers.

**American Lobster.**— Rene Cloutier briefed the LEC on recent discussions of the American lobster Management Board. Members discussed the enforcement issues associated with allowing shipment and resale of various legal-sized lobsters. It was recognized that states with a larger minimum size could have more enforcement problems. Connecticut has specific chain-of-custody regulations which have been successful in managing “undersized” imports. Their

regulations do not prohibit Interstate Commerce but do not allow retail sale, only re-shipping. Development of strict chain-of-custody standards and a marking system for lobsters identifying source of harvest would be essential. Rene Cloutier reported on the success of recent changes in Maine to allow for tracking of vessels and implementation of license-suspension penalties as an effective deterrent. The State of Maine has also re-criminalized trap molestation to address ongoing problems in state waters.

### **Other Issues**

The LEC reviewed proposed 2017 Action Plan items and confirmed that its work will address the tasks outlined in Goal 3 of the plan.

The LEC discussed issues associated with safe harbor requests and a possible non-binding guidance document for states' use. As with past discussions the LEC was not of one mind on how to address safe harbor requests and the associated tendency in the summer flounder fishery to use safe harbor requests to deal with multi-state catches. Three states have and use written guidelines for handling safe harbor requests. Some LEC members were not in favor of developing specific written criteria, preferring discretionary flexibility when dealing with safety-at-sea issues. All agreed that safe harbor issues require careful handling and erring on the side of the vessel and captain. The related issue of dealing with on-board catches from other states requires significant additional enforcement work, such as confirming the safe-harbor vessel has appropriate licenses, permits and gear for the catch on-board, and that the need for safe harbor is legitimate and not simply an avenue to off-load catch for business or convenience motives. Offloading should not be allowed unless it is determined that the vessel must remain in port for repairs or other legitimate safe-harbor reasons for a length of time that would render the catch unmarketable.

Jeff Ray (NOAA OLE) updated the LEC on current priority-setting exercises. NOAA OLE is developing a 5-year planning document for the period 2018-22, which will include regional priorities, and he was interested in getting input from the LEC members. Unlike the previous iteration, the new plan will identify a suite of priorities without reference to high/medium/low categories. The LEC was pleased to hear that American lobster has been included as a regional priority. They also suggested a number of other enforcement needs that could be added to the draft list. While there was not a NOAA OLE representative present from the Southeast Region, it was agreed that a similar review and discussion with LEC input was needed for states in that region. Mark Robson will follow up on that with NOAA OLE representatives. LEC members from states expressed concerns about how NOAA OLE priorities are established without adequate input from individual states. This concern is heightened by the linkage of priorities to reimbursement funding through Joint Enforcement Agreements with the NOAA and individual states.

Commissioner Dennis Abbott updated the LEC on the effort to honor Chris Schoppmeyer for his years of dedication to the Town of Newmarket, NH, and for his distinguished career in conservation enforcement.

The LEC shared information on Hurricane and Disaster Response training and equipment.

Five members of the LEC are now graduates or current participants in 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.

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.