

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

May 1, 2012  
8 a.m. – 5 p.m.  
Alexandria, Virginia

**Participants:**

Kyle Overturf (CN DEEP, State Environmental Conservation Police)  
Lloyd Ingerson (MD DNR, Natural Resource Police)  
Rob Beaton (FL FWC, Division of Law Enforcement)  
Doug Lewis (GA DNR, Law Enforcement Section)  
Joe Fessenden (ME DMR, Maine Marine Patrol)  
John Tulik (MA Environmental Police)  
Jeff Marston (NH Fish & Game Department)  
Dominick Fresco (NJ Division of Fish and Wildlife, Bureau of Law Enforcement)  
John Rutherford (DE DNREC, Division of Fish and Wildlife Enforcement Section)  
Dorothy Thumm (NY State DEC, Division of Law Enforcement)  
Steve Anthony (NC DMF, Marine Patrol Section)  
Jeffrey Bridi (PA Fish & Boat Commission, Bureau of Law Enforcement)  
Kurt Blanchard (RI DEM, Division of Law Enforcement)  
Chisolm Frampton (SC DNR)  
Richard Lauderman (VA MRC, Division of Law Enforcement)  
Tracy Dunn (NOAA Fisheries)  
Elizabeth Buendia (USCG)

Staff: Mark Robson, Committee Coordinator  
Toni Kerns  
Chris Vonderweidt

Invited Guest: Paul Diodati, ASMFC Chairman

**1. Welcome/Call to Order**

Kyle Overturf (Chairman) called the meeting to order.

**2. Roll Call of the States**

Mark Robson read a roll call of the states. A representative for the District of Columbia was not present.

**3. Committee Consent**

The agenda as revised (to reflect scheduling changes) was approved.  
The minutes of the November 2011 meeting of the LEC were approved.

**4. Public Comment**

There was no public comment.

**5. Data Relating to Seized Illegal Harvest**

Toni Kerns of ASMFC staff introduced the issue, seeking information about how seized fish are documented and tallied by the individual states. She was looking for general information regarding how

illegal catch can be accounted for in stock assessments. Representatives of the states reported how their respective processes operate. Systems ranged from no recording of illegal catch to various systems of recording and allowing the sale of seized fish. There was discussion of how illegally harvested fish are considered in management. Additional information may be requested of the LEC at a later date.

#### **6. Mechanism to provide input to NOAA Fisheries OLE**

The LEC discussed coordination of issues with NOAA Fisheries Office of Law Enforcement and ways to enhance LEC input on OLE priorities, staffing and funding. There was agreement to continue actively using twice-annual LEC meetings to discuss and resolve any state/federal coordination issues. The LEC will actively engage in the NOAA OLE priority-setting process for 2013. There was general agreement on the importance of local and regional coordination down to and including the level of officers working in the field. There was additional discussion of coordination meetings between NOAA and the states to address Joint Enforcement Agreement priorities. Meetings are set for CN, NY, and RI, but it has been a while since these meetings have been held and LEC members expressed desire to see the meetings continue.

Kyle Overturf reported that there are issues with JEA coordination because regional meetings are not happening on a regular basis anymore. It was agreed that there has been opportunity to provide input to NOAA on priorities, but that local and regional needs could be enhanced. There was discussion of an LEC advisory group to NOAA, but there is already a national group with a similar purpose. Tracy Dunn expressed the desire of NOAA OLE to seek new ideas and all agreed that enhancing the regional meetings was desirable.

John Tulik stated there is a good working relationship with NOAA and raised the issue of staffing. There is still a staffing allocation plan for NOAA that needs to be approved. Tracy Dunn expressed a desire to get local input on staffing and make that a focus in the coming year. Kurt Blanchard described the individual interactions that are important to NOAA OLE and local officers working together. It works very well in some states that could serve as models for communication where there are problems. There was further discussion of NOAA uniformed officers and how they could interact with state officers. Discussion then turned to the matter of staffing in the Office of the General Counsel and the current problem with settlement of cases. LEC members described problems with compliance and enforcement due to backlogs at the federal level. Tracy Dunn responded to questions by pointing out efforts to coordinate serious cases with the Office of the General Counsel and there was discussion of engaging the USCG attorneys in additional cases. Lloyd Ingerson brought up the involvement of the U.S. Department of Justice in the striped bass investigation and suggested that might be an avenue to address some of the NOAA cases. Final discussion dealt with the need for continued involvement in JEA document preparation and coordination of those documents with state agency representatives. It was suggested that a SE representative on the matrix committee was needed. There was no further discussion of a LEC sub-committee to address federal coordination with NOAA OLE.

#### **7. Recess for Lunch**

#### **8. Species Issues**

##### **Atlantic Striped Bass**

Mark Robson and Lloyd Ingerson summarized the actions of the striped bass management board and the status of draft Addendum III. The LEC expressed its continued support for the management options being considered in the addendum.

## **Tautog**

Chris Vonderweidt updated the LEC on the status of tautog management. He briefed the LEC on the change in harvest reduction targets and development of new draft management actions for the LEC to review and address if needed. There may be some development of federal regulations and LEC input may be valuable. Kyle Overturf reviewed some of the past ideas to address the live market, citing examples of regulatory approaches that were deemed unenforceable.

## **American Eel**

Representatives of the United States Fish and Wildlife Service law enforcement staff updated the LEC on the status of the glass eel fishery. Because of very high market values, significant illegal harvest and sale has become an issue of concern. Coordinated enforcement efforts were discussed.

The LEC representatives to the species boards were updated as follows:

|                               |                  |
|-------------------------------|------------------|
| American eel/American lobster | Joe Fessenden    |
| Atlantic herring              | Jeff Marston     |
| Coastal sharks                | Chisolm Frampton |
| Horseshoe crab                | John Rutherford  |
| Menhaden                      | Lloyd Ingerson   |
| Shad/river herring            | Jeff Bridi       |
| Spiny dogfish                 | John Tulik       |
| Striped bass                  | Kurt Blanchard   |
| Sturgeon                      | Dorothy Thumm    |
| Weakfish                      | Steve Anthony    |
| Winter flounder               | Kurt Blanchard   |

## **9. Discussion of LEC web page**

Kyle Overturf discussed his desire to see the LEC web page of the ASMFC website improved and updated. Mark Robson reported on work to date. LEC members will begin submitting feature stories or news items and photos that could be incorporated into the page on a regular basis. Mr. Robson will continue working with ASMFC staff to keep LEC information up to date. Mr. Overturf also discussed the use of social media such as Facebook as an alternative means of making information available via the internet.

## **10. State Issues**

Representatives from the states provided updates on equipment purchases, possible agency restructuring actions, reductions in staffing, budgets, training academies, the lack of qualified applicants for jobs, and training opportunities for officers. Some specific items of interest included:

- Virginia: recent interest in allowing spear fishing for striped bass; Use of a Port Security Grant to obtain needed equipment.
- Maryland: Reported a big year for oyster harvest; New license suspension mechanism has resulted in 20 individuals with suspensions through spring 2014 for oyster and striped bass violations.
- Delaware: Discovering some similar cases with striped bass harvest that Maryland found.
- New Jersey: Sought information from other LEC members regarding regulatory control of party boat illegal harvest and accountability of captains.
- New York: Reported growing interest in aquaculture of native species such as fluke and striped bass and possible live sale of these aquaculture species.
- Pennsylvania: The Chief of Law Enforcement, Tom Kamerzel, has retired effective April 2, 2012; they are experiencing an increase in internal invasive species issues and there seem to be markets for importation and exotics in their state.

- Rhode Island: Reported positive feedback on a NASBLA sponsored boat-operators course that staff attended.
- Massachusetts: Seeking legislative approval for 25 officer positions to restore lost staffing.
- New Hampshire: Recent effort in the state to remove inspection powers of their officers, which is being discussed in the legislature.
- Maine: Reported on a valuable meeting held at the National Conservation Leadership Institute and discussions of creating an executive-level training course for chiefs; State agency is working on succession training and sees this as a major issue for the future.

## **11. Discussion of ASMFC priorities and opportunities for enhancing LEC coordination with ASMFC Chair**

ASMFC chairman Paul Diodati visited the LEC and shared his thoughts about the role of the LEC and enforcement in general in the fishery management process.

## **12. Break**

## **13. Discussion of LEC Priorities and Action Planning**

Mark Robson provided some background information to the LEC regarding the committee's charge and responsibilities. The LEC will begin the process of evaluating issues important to the committee. LEC members reviewed some examples of draft priorities and tasks for short and long-term planning. Mark Robson will return with a list of potential priority issues at a later meeting.

## **14. Federal Reports**

### **United States Coast Guard**

Elizabeth Buendia presented a written report summarizing vessel boardings and cases. Notably they report a 96% compliance rate. The cutter fleet is being reduced but for the Atlantic coast area smaller vessel platforms are being geared up for coastal fisheries work. Committee members asked about the activities of the Cape Cod Training Center and whether states could get updates on possible courses there. That information will be provided to committee members along with information about similar training opportunities at the Charleston training center.

### **NOAA**

Tracy Dunn reported that the Asset Forfeiture Fund is no longer available and their base budget has also been reduced. There is no longer an inspection training program available. There were follow-up questions regarding communications between NOAA uniformed officers and state officers. The LEC encouraged development of good communication channels with NOAA uniformed officers, including possible access to state radio systems.

### **United States Fish and Wildlife Service**

Law enforcement staffing is currently close to 100 percent. They have just hired 5 new agents (1 in ME, 2 in NY, 1 in MD and 1 in NJ). They reported concerns about loss of enforcement authority via the Lacey Act. Loss of this authority would significantly reduce their law enforcement capabilities.

## **15. Other Business/Adjourn**

The issue of interstate commerce and tracking of harvest was raised by a member of the ASMFC. There was discussion of dealer standards for reporting and how to track fish that are trucked across state lines. This issue extends also to exportation of seafood products. The ASMFC has not focused much on this issue or dealer standards. This may be an item for future discussion.

Rob Beaton asked what the process was for getting LEC input on species management board issues. There was some concern expressed that the process of getting LEC input is not consistent. Mark Robson will work on communication with ASMFC staff to ensure early involvement of the LEC.

Joe Fessenden raised a concern that the increasing complexity of ASMFC regulations is hurting enforceability of regulations, and ultimately leading to higher non-compliance. It is important to have LEC input and continued efforts to ensure that regulations being approved are enforceable.

The meeting was adjourned at 5:00 p.m.