

Atlantic States Marine Fisheries Commission

Law Enforcement Committee

May 20 and 21, 2013
1:00pm – 5:00p.m.; 8:30a.m. - 12:00p.m.
Alexandria, Virginia

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.

Monday, May 20, 2013

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| 1. Welcome/Call to Order | 1:00 p.m. |
| 2. Approval of Agenda and October 2012 Minutes | 1:10 p.m. |
| 3. Roll Call of the States | 1:15 p.m. |
| 4. Public Comment | 1:20 p.m. |
| 5. ASMFC staffing update and review of LEC representation | 1:30 p.m. |
| 6. Review and discussion of ongoing enforcement activities
NOTE: This portion of the meeting will be closed to the public | 1:45 p.m. |
| 7. Review of Draft Addendum III for American Eel and public comments.
Consideration of additional LEC comments to the American Eel
Management Board | 2:15 p.m. |
| 8. Review of ISFMP species and possible comments to boards | 2:45 p.m. |
| 9. Break | 3:00 p.m. |
| 10. Review and discussion of Equipment and Technology for Enforcement.
Spreadsheet review and vendor presentation | 3:15 p.m. |
| 11. Review ASMFC 2013 Action Plan and enforcement-related tasks | 4:30 p.m. |
| Recess for the day | 5:00 p.m. |

Tuesday, May 21, 2013

Reconvene	8:30 a.m.
12. Discussion of Cooperative Enforcement Agreements and at-sea enforcement of fisheries	8:40 a.m.
13. Joint Enforcement Agreement update and discussion	9:15 a.m.
14. Discussion of enforcement articles, features or presentations for ASMFC meetings and publications	9:45 a.m.
15. Break	10:00 a.m.
16. State issues (each state presents)	10:15 a.m.
17. Federal Reports	11:15 a.m.
<ul style="list-style-type: none">• National Marine Fisheries Service• U.S. Fish and Wildlife Service• United States Coast Guard	
18. Other business/Adjourn	11:45 a.m.

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

Draft Minutes

(Not official until approved)

October 21 and 22, 2012

Philadelphia, PA

Participants:

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

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

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)

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)

Jamie Green (VA MRC, Division of Law Enforcement)

Jamie Lewis (VA MRC, Division of Law Enforcement)

Logan Gregory (NOAA Fisheries OLE)

Bob Hogan (NOAA Fisheries OGC)

Neil Mendelsohn (USFWS OLE)

Staff: Mark Robson, Committee Coordinator

Toni Kerns

Mike Waine

Kate Taylor

Invited Guests: Bob Beal, ASMFC Executive Director

William Woody, Chief of Law Enforcement USFWS

Jeff Douglas and Julio Silva, Pole Star Applications Limited

1. Welcome/Call to Order

Kyle Overturf (Chairman) called the meeting to order.

2. Roll Call of the States and Federal Agencies

Mark Robson read a roll call of the states. Representatives from Florida, New York, The District of Columbia and The United States Coast Guard were not present.

3. Committee Consent

The agenda was approved.

The minutes of the May 2012 meeting of the LEC were approved.

4. Public Comment

A member of the public commented on glass eel issues and suggested a hotline be established. Chairman Overturf thanked him for his comments and reported that emergency contact and hotline numbers are available on the ASMFC website for the member states. This information is located on the Law Enforcement page of the website.

5. ASMFC staffing update and review of LEC committee assignments

ASMFC Acting Executive Director Bob Beal updated the LEC on staffing changes within ASMFC staff working on ISFMP species. He updated members on status of search for a permanent director.

6. Review of management options in Atlantic menhaden draft addendum and consideration of LEC comments for input

Mike Waine of ASMFC staff briefed the LEC on Draft Amendment 2 of the Atlantic Menhaden Fishery Management Plan, focusing on the range of management actions being considered. This amendment is currently out for public comment, and Mr. Waine solicited LEC comments and suggestions for the Atlantic Menhaden Board to consider. The LEC reviewed and commented on options for quota monitoring and in particular the need to improve reporting in the bait fishery. LEC members reviewed bycatch allowances and recommended against them, or that any allowable bycatch be established based on pounds rather than percentages. Other comments focused on the need for mandatory reporting provisions and penalties focused on license suspension and revocation. Members commented on the option to allow for a small fishery set-aside and recommended that a clear definition of what such a fishery constitutes be established before providing such an allowance. After reviewing the draft options, the LEC agreed to develop written recommendations to be submitted to the menhaden management board.

7. LEC meets with USFWS Chief of Law Enforcement

The LEC welcomed Chief William Woody to the meeting. Chief Woody is in charge of all law enforcement for the United States Fish and Wildlife Service. He expressed strong interest in the activities of the LEC and the ASMFC and participated in the LEC meeting during its entirety.

8. Review of federal enforcement issues and status of MOAs with states and USFWS—NOTE: This portion of the meeting was closed to the public.

LEC members discussed coordination of enforcement efforts among state and federal agencies for species of mutual concern and interest.

9. Break

10. Review and Discussion of NOAA Office of Law Enforcement priorities for 2013

Logan Gregory briefed LEC members on the status of NOAA OLE draft priorities document for 2013. The document is slated to go out for public comment, and LEC members collectively or individually are encouraged to review the priorities and provide comments. One area to be added will be for improved relationships with fishermen. The priorities will continue to address two broad themes. These are sustainable fisheries and protected resources.

11. Update on JEA process, metrics and possible impact of federal budget sequestration

Logan Gregory reported to LEC on status of JEA process improvement. There is to be a meeting in November 2012 with the working group to review processes. No one is certain what the effects of possible budget sequestration will be if implemented. USFWS reported that they are being told to prepare for budget cutbacks but there are no specifics. Possible staffing cuts would be limited by focusing on vacant positions. LEC members from the states reported some of the problems they have encountered with changes in JEA funding matrices. These problem areas are now being addressed.

12. Update on federal case loads and future coordination of state/federal prosecution efforts

Bob Hogan of NOAA General Counsel's Office reported on efforts underway to address case backlogs. Approximately 36 written warnings have been issued for the backlog cases. There are no appeals of these warnings so they will all be considered prior citations under the existing penalty structure. They are back at full staffing in the central office and other vacant positions are being filled. Other actions to handle existing caseloads through the Central Violations Bureau will also help alleviate the workload.

13. Discussion of LE equipment and techniques

Steve Anthony (NC) initiated a discussion of the kinds of computer and communications equipment that were being put into the field by other enforcement agencies. There was an exchange of information on computer tablets, smartphones, laptops and other equipment. Members discussed new 800mhz radio systems and the interagency communications capabilities of these new systems. Additional information was exchanged regarding bullet-proof vests and the possibility of grant dollars available to upgrade equipment and systems. Members exchanged information on use of locator beacons (epirbs) and AIS systems. Several states are installing locators in vehicles, vessels and handheld radios. Members related problems encountered with overhead gun rack systems in vehicles.

14. LEC membership, participation and travel reimbursement

LEC coordinator Mark Robson briefed members on some of the requirements for meeting attendance reimbursement. There was discussion of including a representative from the United States Department of Justice on the LEC. It was agreed to consult with the DOJ to see if there is interest in permanent participation on the LEC.

15. Review of draft LEC priorities list and 2013 Action Plan Goal 3

Mark Robson reviewed the draft action plan items relating to law enforcement and invited further comments or suggestions for the ASMFC. Members commented on the need to emphasize adequate funding or staffing when establishing new programs or management for fisheries. Suggestions were forwarded to Bob Beal for inclusion in the draft document.

16. Review of species issues, focusing on new or potential enforcement concerns

Lobster.--The LEC reviewed American lobster v-notching regulations, subsequent to discussions by the American lobster management board. Members discussed the varying v-notch requirements among the New England states, and whether those inconsistencies could be resolved. It was agreed to hold a telephone conference call at a later date to review the various regulations and develop a consensus recommendation to the management board.

Horseshoe crab.--John Rutherford reported on concerns developing over the importation of Asian horseshoe crabs.

Striped bass.—LEC members discussed the various provisions of the recent amendment to curtail illegal commercial harvest of fish. Members expressed continued concern that the timing of tagging was still not addressed adequately. Members agreed that requiring tags to remain with fish all the way to the consumer (or remain with fillets) was not feasible or enforceable.

17. Review of LE issues, Draft Addendum III for American eel

Kate Taylor of ASMFC staff briefed members on the key provision and management options for American eel in the addendum being prepared to go out for public comment. Members focused on concerns over illegal harvest and export of glass eels (elvers). Additional discussion ensued regarding size limits for yellow eels and the difficulty of field enforcement. It was agreed to prepare a written consensus recommendation from the LEC to the American eel management board.

18. Break

19. State Issues (each state presents), focusing on success stories

State agency representatives reported on new vessel acquisitions and vacancy status. Many states report a gradual improvement in their vacancy rates, and completion of service academies for new officers. Most states still have vacant positions or have not regained lost positions, but the situation is somewhat improved over the last year or two. Vessel and equipment purchases are possible because of grants and JEA funding.

20. Federal Reports

NOAA reported that they are developing more of their enforcement positions as officers instead of agents. Outreach efforts are underway to improve reporting by dealers, both for timeliness and for accuracy. NOAA OGE reported on ongoing efforts to fill vacant positions. USFWS is filling vacant positions and reported a new class of inspector graduates who will be stationed around the country.

21. Other business/Adjourn

Chairman Kyle Overturf reported that three LEC members, Jeff Bridi, Jeff Marston and Dorothy Thumm are retiring from state service and will be leaving the LEC. They have contributed much of their time and expertise to the LEC and will be greatly missed.

Joe Fessenden introduced Mr. Jeff Douglas and Mr. Julio Silva from Pole Star Applications Limited, who presented information regarding their company's products. Pole Star Applications provides vessel monitoring systems for fishing vessels, including on-board camera systems and tracking devices.

The meeting was adjourned at 12pm.



Atlantic States Marine Fisheries Commission

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MEMORANDUM

February 1, 2013

To: American Eel Management Board
From: Law Enforcement Committee
Subject: Draft Addendum III Enforcement Considerations

At the October 2012 meeting of the Atlantic States Marine Fisheries Commission, the Law Enforcement Committee (LEC) reviewed and discussed possible management strategies for reducing harvest of American eel as outlined in Draft Addendum III. We offer the following comments on management strategies for various life stages and welcome the opportunity for additional input to this addendum.

Glass Eel Harvest

The LEC supports including all of the options in the document for public comment. The LEC has discussed some of the harvest and enforcement issues related to glass eels during its last two meetings. A significant amount of illegal harvest of glass eels continues outside the two states where harvest is currently allowed, and illegally harvested eels are being possessed and shipped via those two states. State and federal enforcement agencies are tasked to thwart the illegal harvest and export with reduced staff and resources. Given the monetary value of glass eels and the ability to move illegally harvested eels via legal shipments, enforcement agencies do not have, and are unlikely to obtain the resources necessary to effectively monitor and control a limited glass eel harvest. LEC members are sensitive to the economic value associated with the current glass eel fishery in Maine and South Carolina where harvest is allowed. However we are convinced that the circumstances of this fishery do not permit adequate enforcement control.

Yellow/Silver Eel Harvest

The LEC cautions that minimum or maximum size requirements for live-harvested yellow eels are cumbersome for fishermen and enforcement officers to apply in the field. However despite the difficulty, these regulations are enforceable and minimum-size regulations are already well established for this fishery. The substitution of girth measurement as a replacement or proxy for length is not recommended. The use of gear specifications relating to eel pot mesh size to control harvest of undersized animals is acceptable, but should be applied in concert with minimum size requirements. This would allow officers in the field to monitor and ensure compliance with minimum size standards through all phases of the fishery.

The LEC appreciates the opportunity to provide advice regarding future management options for the American eel fishery.