

Atlantic States Marine Fisheries Commission

Law Enforcement Committee

*October 28, 2014 (8:30a.m-5:00pm)
Mystic, Connecticut*

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, authorized law enforcement personnel and the LEC Coordinator can be in attendance.

1. Social (Open to Commissioners and Staff) 8:30 a.m.
2. Call to Order/Roll Call of the LEC Representatives 9:00 a.m.
3. Approval of Agenda and May 2014 Minutes 9:05 a.m.
4. Public Comment 9:10 a.m.
5. Review and update LEC Guidelines for Enforceability 9:15 a.m.
6. Break 10:00 a.m.
7. LEC coordination/collaboration with outside advisory committees
Update on AFWA/NACLEC
Other LE advisory committee activities 10:15 a.m.
8. Discussion of shark fin possession regulations and statutes
State actions prohibiting possession
Exemptions to prohibitions 10:25 a.m.
9. Report on ASMFC species board actions
Atlantic herring
Winter flounder
American eel 10:40 a.m.
10. Disposition of seized Atlantic Striped Bass 11:00 a.m.
11. Review and Discussion of states' use of VMS data
Access to data

Coordination among agencies Training opportunities	11:20 a.m.
12. Lunch	11:50 a.m.
13. Reconvene	1:00 p.m.
14. Review and discussion of ongoing enforcement activities--- NOTE: This portion of the meeting will be closed to the public	1:05 p.m.
15. Update on Cancer/Jonah crab fishery and management options	2:15 p.m.
16. Report on ASMFC species board actions American lobster Summer flounder, Scup and Black Sea Bass	2:30 p.m.
17. Discussion of American lobster trap-tag transferability	2:45 p.m.
18. Break	3:00 p.m.
19. New or emerging enforcement issues for ASMFC species	3:15 p.m.
20. Review and Discuss ASMFC 2015 Action Plan Tasks for LEC	3:25 p.m.
21. Federal Agency Reports	3:40 p.m.
22. State Agency Reports	4:00 p.m.
23. Special Recognitions	4:20 p.m.
24. Other Business or future agenda items	4:50 p.m.
25. Adjourn	5:00 p.m.

The meeting will be held at the Mystic Hilton, 20 Coogan Boulevard
Mystic, Connecticut 06355

*Healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration
well in progress, by the year 2015*

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

Draft Minutes

(Not official until approved)

May 13-14, 2014

Alexandria, Virginia

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)
Joe Fessenden (ME DMR, Maine Marine Patrol)
Chisolm Frampton (SC DNR, Division 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)
Wayne Hettenbach (USDOJ, Environmental Crimes Section)
Antonio Kilpatrick (FL FWC, Division of Law Enforcement)
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)
John Rutherford (DE DNREC, Division of Fish and Wildlife Enforcement Section)
Honora Gordon (USFWS, Office of Law Enforcement)
Jason Snellbaker (NJ Division of Fish and Wildlife, Bureau of Law Enforcement)

Staff: Mark Robson, Committee Coordinator
Kate Taylor
Tina Berger
Ann McElhatton

Guests: Bruce Buckson (NOAA OLE)
Rob Kersey (MD DNR, Natural Resource Police)

1. Roll Call of the Members

Mark Robson called the roll of LEC members. Chairman Ingerson welcomed new members of the LEC:
Capt. Doug Messeck, Delaware
Lt. Col. Larry Furlong, Pennsylvania
Special Agent Honora Gordon, United States Fish and Wildlife Service
Wayne Hettenbach, United States Department of Justice (USDOJ is a new member agency on the LEC).
Capt. Robert Kersey attended the meeting as a guest representative from Maryland

2. Approval of Agenda and May 2013 minutes

3. Public Comment

No members of the public spoke.

4. Review of LEC Guidelines for Enforceability

Mark Robson introduced the issue by describing the guidelines document, how it is used to inform management decisions, and the need to conduct a review and update of the guidelines as specified in the 2014 Action Plan for the ASMFC. Joe Fessenden briefed the committee on the development of the original guidelines, stating that a management matrix was developed by an LEC subcommittee and federal partners. There was brief discussion that some of the management measures could be updated, for example the developing use of electronic reporting and its impact on enforceability. Other LEC members suggested references to other similar documents, including those by the New England Fishery Management Council, Mid-Atlantic Fishery Management Council and the United States Coast Guard. The LEC decided to allow Mark Robson to incorporate some suggested edits and return to the fall 2014 meeting with a draft document for more detailed review.

5. AFWA and Conservation Chief's Association Update

Kyle Overturf briefed the committee on the upcoming Association of Fish and Wildlife Agencies meeting in September, 2014. The Northeast Conservation Chief's Association will be sending a representative. Other members of the LEC participate on the enforcement committee for AFWA and the Conservation Chief's meetings. Joe Fessenden discussed the value associated with meetings of the Northeast Conservation Chief's Association, particularly for interstate cooperation and training.

6. Follow-up discussion of American Eel Addendum IV

Joe Fessenden gave a presentation to the LEC on the new swipe-card system being employed in Maine to address glass eel harvest. Kate Taylor briefed the LEC on management options in Draft Addendum IV for Public Comment and the current law enforcement comments in the document. The LEC will review the management options in the draft and consider whether any changes or updates to previous LEC comments are warranted.

7. Discussion of Other ISFMP Species (as needed)

Sharks: Pat Moran briefed the committee on potential for possession and landing limit increases in some states. There has also been more discussion of finning, with some bills being considered in legislatures to prohibit or more closely regulate finning of sharks.

Atlantic Herring: There was discussion of potential reporting and handling problems of haddock bycatch in herring landings. Several members discussed concerns about handling and tracking of haddock, which may be getting mixed into bait barrels with herring. There may not be adequate weighing and reporting of haddock bycatch and LEC members discussed following up on this issue.

Atlantic Striped Bass: The LEC discussed potential openings of the EEZ to catch/release fishing, although there appeared to be little support for this among the states. LEC has commented on this issue.

8. Wildlife Violator's Compact

LEC members reviewed their states' participation in wildlife violator compacts and the applicability of those interstate agreements for marine enforcement issues. There was agreement that such compacts enhance enforcement of regulations across state boundaries and will review ways to make use of existing compacts, or to encourage entering into such compacts where needed.

9. Break

10. Review and Discussion of Ongoing Enforcement Activities (Closed Session)

Members discussed ongoing enforcement operations and coordination.

11. Discussion of Protected/Endangered Species Issues

Members discussed handling of tribal rights and issues regarding sustenance and subsistence definitions when it comes to harvest of restricted species. West coast states are more familiar with these issues and we may want to review how they are dealing with tribal harvests.

Logan Gregory reported on recent targeted enforcement successes for large whale take reduction.

12. Presentation on Maine's new Dealer/Harvester Swipe Card System

This issue was covered under Item 6 on the agenda.

13. Recess

14. Reconvene

15. Social Media Uses and Challenges for Resource Enforcement

Members reviewed social media sites online and discussed the pros and cons of various sites such as Facebook and Twitter for enforcement purposes. Tina Berger and Ann McElhatton from ASMFC staff participated in the discussion and shared information on conservation use of social media sites. There was general agreement that such tools can be helpful in enforcement but require careful monitoring to minimize misinformation or abuse. The group discussion was aided by real-time review of several media sites.

16. Follow-up Discussion of Atlantic Striped Bass Management Issues

Kurt Blanchard reported on latest actions of the ASMFC Atlantic Striped Bass Management Board and development of Addendum IV.

17. Discussion of JEA and Other Funding Issues

Kurt Blanchard and Logan Gregory reported on the most recent national coordination meeting. There was discussion of performance measures and how to use those in the JEA program. JEA participants are looking for the optimum level of detail to standardize the reporting. NOAA would like to see the states help tell the story of what the JEA is and does, and provide some narrative or text to describe the JEA numbers. A new records management system within NOAA OLE is being developed and will integrate JEA reporting.

LEC members discussed a variety of issues surrounding record-keeping, compliance monitoring, disposition of old equipment purchased under the JEA and agent vs. uniformed officer staffing within NOAA.

18. Break

19. Federal Agency Reports

USCG: Their latest report indicated 1200 vessel boardings. Most of these were for American lobster, followed by Atlantic striped bass. A number of officers are attending JEA training, and staff has been working on improving communications with the states.

USFWS: Current budget remains level. Recent tight budgets have not allowed for hiring of new classes, but attrition has fortunately been low.

NOAA: Enforcement actions have been up this year over previous. There have been significant Lacey Act cases handled recently for narwhal tusks and movement of a large number of American lobsters. The observer program is working smoothly with no reported observer harassment cases. Twenty two cases went to the Office of General Counsel, with 6 of these summary settlements.

USDOJ: Reported on the pending Supreme Court case regarding the status of fish dumped overboard.

20. State Agency Reports

CT: The state is switching over to the new 800mgz system at a cost of \$1.2million.

DE: Their office is undergoing successional transition and they were down six command-level staff at one point. They are filling captains positions and hope to be back up to full staffing shortly.

FL: Reports good funding levels overall, and JEA funding is not a big part of the overall budget.

GA: Reported back on the wildlife compact issue that their wildlife violator compact can apply to marine cases (the person but not the vessel). They recently went through reorganization and in July 2013 they became a separate division. They were the only agency in the state to get pay increases in the last 3 years, and are approaching parity with salary levels of the highway patrol.

ME: The state reported record lobster landings of 120 million pounds. Their legislature recently approved a wildlife compact which can hopefully be used for marine violations. A state law was changed so that seized products may be sold and the proceeds will go to a state enforcement fund. They have recently opened up the ME tip-line to include marine violations. The enforcement fund may be used for rewards from cases deriving from the tip-line.

MD: They report continued success with use of their radar system. They just started a new academy of 21 recruits in April 2014. A five year plan was approved, allowing the hiring of 75 officers above replacement positions over the next 5 years. The plan also allows the hiring of 33 contractual officers for state parks to free up full time officers.

MA: They had 11 new hires last year and report acquisition of a 50ft patrol vessel. Their current Colonel is retiring at the end of the month.

NH: Marine enforcement is now fully staffed along the coast.

NJ: Every officer will be getting computer-aided dispatch in their vehicles, along with mobile radios in vehicles. They have hired one new officer.

NC: They have recently had leadership change at the major and colonel position.

PA: Currently there is an academy class for 20 positions. They now have 15 vacancies. If they graduate sufficient staff, they will fill vacancies and consider creating a full-time investigator position.

RI: They have had support in the legislature and were authorized to join the wildlife violator compact. Additionally, they were authorized for two new hires, the first in 5 years.

VA: Officers are gearing up for their main boating season. They have been hiring new officers.

21. Other Business

Joe Fessenden reported on potential problems in the offshore lobster fishery and the difficulty in enforcing offshore activity. Legal fishermen are competing with some who are using untagged traps. Vessels are not required to have vessel monitoring systems (VMS), so it is difficult to locate boats and activity areas. There are also different enforcement vessel requirements for working offshore lobster trap fisheries. Kate Taylor reported that recent problems with a trap tag vendor may have exacerbated the problem, and this will hopefully be rectified with a new tag contractor. The LEC decided not to make a specific request for VMS on offshore lobster vessels at this time, but will continue to monitor this issue.

22. Adjournment