



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Charlie Phillips, Chair | Captain Mark Brown, Vice Chair
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Dr. John F. Quinn, Chair
New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Mike Luisi, Chair
Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201
Dover, DE 19901

Leann Bosarge, Chair
Gulf of Mexico Fishery Management Council
2203 North Lois Avenue, Suite 1100
Tampa, Florida 33607

Dear John, Mike, and Leann:

The South Atlantic Fishery Management Council (South Atlantic Council) and its relevant advisory bodies have been discussing the current operator permit requirement in the Southeast Region during several meetings in recent years.

Operator permits are currently required for all fisheries in the Greater Atlantic Region (see 50 CFR 658.5) and two fisheries within the Southeast (Dolphin Wahoo for-hire (November 2004) and commercial Rock Shrimp (May 2003)). Operator permits are generic; one permit is good for all fisheries within the region that requires them. An operator is defined as the master or other individual aboard and in charge of the vessel (50 CFR 600.10). Operator permits are valid for up to three years and can be obtained through NMFS Southeast Regional Office for a cost of \$50 or through the Greater Atlantic Region Fisheries Office for free.

The South Atlantic Council's intent in requiring an operator permit in the for-hire component of the Atlantic Dolphin Wahoo fishery was to "improve enforcement", "aid in data collection", and "decrease cost to vessel owners from fisheries violations". In addition, the action analysis in the Dolphin Wahoo Fishery Management Plan (SAFMC 2003) states that an operator permit "will make vessel captains more accountable for damaging habitat or violating regulations intended to protect the long-term viability of the stock".

The requirement to obtain an operator permit to fish commercially for rock shrimp in the South Atlantic Region was requested by industry (mostly vessel owners) because in the rock

shrimp fishery many owners are not the vessels' operators. Owners wanted a way for the vessel operator rather than the owner to be held liable for violations. It is not clear, however, whether the operator permit requirement has had the intended effect in the South Atlantic Region and South Atlantic Council members have been questioning its utility for some time. The South Atlantic Region currently has 1,552 active operator permits whereas over 7,000 operator permits have been issued in the Greater Atlantic Region since 2012.

The South Atlantic Council's Law Enforcement Advisory Panel (LE AP) and Law Enforcement Committee (LEC) discussed operator permits and their utility in South Atlantic-managed fisheries during their joint meeting in August 2016. There was general agreement that operator permits are useful to law enforcement and the LE AP agreed to provide further guidance to the South Atlantic Council on how to improve their utility, perhaps by extending the requirement to other managed fisheries. In addition, the LE AP maintained that if the utility of operator permits was to be improved, there would need to be a comprehensive evaluation of the permit's requirements in other regions and whether and how the permit is being used as a data collection and/or enforcement tool. To this end, the South Atlantic Council approved a motion at their June 2017 meeting to gauge interest from the neighboring three Councils in expanding the requirement for operator permits to provide continuity and improve utility. Hence, the purpose of this letter.

Please consider including discussion of this topic in your respective Council's future meeting agendas so we may have a clearer path forward on the issue. You may contact Myra Brouwer, South Atlantic Council staff, if you have any questions.

Still digging,



Charlie Phillips
Chair

cc: South Atlantic Council Members and Staff
Executive Directors
Law Enforcement Advisory Panel
Jack McGovern and Rick DeVictor
Monica Smit-Brunello
Cisco Werner, Theo Brainerd, Peter Thompson, Larry Massey, and Erik Williams
LeAnn Hogan