



Captain Scott Pearce,  
AP Chair

THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

# **Law Enforcement Advisory Panel**

## **October 2023 Meeting Summary**



# Law Enforcement Advisory Panel (LE AP)



The LE AP met in Charleston, SC, on January 29-30, 2024

## Members:

Capt. Scott Pearce, FL FWC, Chair

Capt. Michael Paul Thomas, SCDNR, Vice Chair

Capt. Chris Hodge, GADNR

Capt. Garland Yopp, NCDMF

Lt. Pat O'Shaughnessy, NOAA OLE\* (represented by Lt. Michael Lind)

Jamal Ingram, NOAA GC Enforcement

Lt. Andrew Loeffler, USCG

Bruce Buckson, retired

Tracy Dunn, retired

Kevin Roberson, recreational

Joshua Burton, recreational\*

Michael Freeman, commercial

Alana Harrison, commercial

\*Denotes members not in attendance

# Topics discussed

- Snapper Grouper Amendments - *presented during Snapper Grouper Committee*
  - Wreckfish (Am48)
  - Private Recreational Permit and Education Requirement (Am 46)
  - On-demand Gear for Black Sea Bass Pots (Reg Am 36)
  - Red Snapper and Rec Discards (Reg 35)
- Tournament Sales of King & Spanish Mackerel - *presented during Mackerel Cobia Committee*
- **Compliance Updates** (SEFHIER compliance under that agenda item)
- **Agency Updates**
- **Other Business**



# Compliance Updates

## Descending Device (DD) Requirement:

- Number of vessels with DDs on board has increased
- Need more education and outreach on “readily available”
  - Recommended clarifying on Council’s BFP webpage
- Need more education on how to use DDs and why
- Most DDs on recreational vessels are store-bought
- Most DDs on commercial vessels are DIY



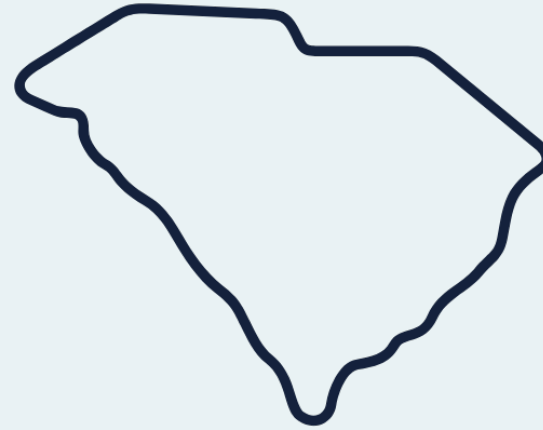


# Compliance Updates

## MPAs and Spawning SMZs:

- Closed areas that are far offshore continue to be difficult to enforce.
- Fast response boats are best suited for enforcing MPAs but they are concentrated in South Florida and tasked with border patrol and illegal immigration
- The USCG relies on state partners to enforce fishery regulations, including closed areas.
- North Carolina, which does not have a JEA, is not sending patrols to the EEZ.
- Closed areas not being marked make them more difficult to enforce.

# Agency Updates



## South Carolina JEA:

- The Saltwater Enforcement Team doubled federal referrals from the previous year
- There were cases 14 related to red snapper, 3 descending device violations, 1 MPA violation, 6 dealer violations, 1 charter captain with expired permit and possession of red snapper.



# Agency Updates

## Georgia JEA:

- Referred 26 cases to NOAA (mostly red snapper), 8 descending device violations, 2 TED violations, several undersized black sea bass.
- Six new positions created and approx. 20 officers dedicated to coastal enforcement.

# Agency Updates

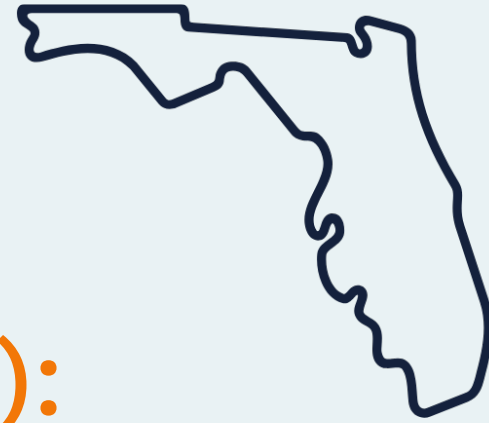


## North Carolina:

- No JEA
- Cases on descending device violations.
- Looking at obtaining additional watercraft and adding 2 investigators.



# Agency Updates



## Florida JEA (including Gulf):

- 6,000 hrs of JEA activities, including 1,300 hrs dedicated to FKNMS
- 267 citations
- 290 summary settlements.



# Agency Updates

## NOAA OLE:

- Assisting states on Illegal, Unreported, and Unregulated (IUU) activities
- Focused on NARW patrols and speed rule patrols in SC and NC.
- Will continue to focus on MPA enforcement and increase monitoring of non-permitted charter vessels this summer.

# Agency Updates

## US Coast Guard:

- The agency's focus is on combating drugs and illegal immigration, IUU activities, and search and rescue.
- There has been a decline in recruitment and retention across the agency.
- Focus will shift away from fisheries so the USCG relies on partner agencies communicating priorities.



# Other Business

## Caribbean Red Snapper (CRS):

- Increase in claims that American red snapper are in fact CRS.
- The two species are genetically distinct but difficult to identify and enforcement officers are increasingly observing instances of undersized ARS being passed off as CRS.
- CRS are not managed and there is no size limit.
- Imported fish appear to be a mix of the two species.
- There may need to be discussion regarding possible changes in management to facilitate enforcement of red snapper regulations.

**QUESTIONS?**







# SEFHIER Compliance

- North Carolina for-hire fishermen have expressed the desire to have a limited entry system.
- Compliance relies heavily on how NOAA OLE wants the states to assist.
- There has been an increase in penalties for non-compliance in the past couple of months. NOAA OLE is shifting from compliance assistance to doing more summary settlements.
- The penalty for not reporting is \$500, which is the same as the penalty for not having the for-hire permit.

**QUESTIONS?**







# Tournament Sales

- In North Carolina, tournament activity has remained consistent whereas in Georgia and Florida, the number of tournaments has increased in recent years.
- Tournaments that extend beyond a few days are more challenging for law enforcement to monitor.
- In some states (e.g., Georgia), law enforcement officers attend the tournament's captain's meeting to note relevant regulations.
- Vessel traffic associated with tournaments can affect fishing activity in some areas, with user conflicts seen between recreational fishermen, commercial fishermen, and tournament participants.

# Tournament sales

- Dealers in some areas do not purchase fish from tournaments to avoid diminishing the market price and due to food safety concerns.
- Market price for king mackerel can drop overnight due to tournament sales (from \$6/pound to \$1/pound) and may take weeks to rebound.
- Liability for ensuring that HACCP regulations are followed often lies with the dealer receiving the fish.

# Tournament Sales

- Hard to ascertain if the money from tournament sales goes to charity. The trail ends with dealer reports.
- More responsibility on the tournament organizers and stronger penalties to discourage bad behavior.
- Consider whether tournament caught fish can be donated directly to food banks to remove the fish from commerce.
- Monitoring tournament sales would take up a significant amount of enforcement time. Consider ending the sale of tournament-caught fish to avoid shifting enforcement resources from other priority areas.



**QUESTIONS?**



# Wreckfish (SG Am 48)

## Pre-landing notification (hail-in requirement):

- Would help as vessels aren't being intercepted at the dock because officers don't know when the vessels might be landing and offloading catch
- Having an estimate of the amount of fish being brought to shore would help determine how long officers need to inspecting the vessel or monitor offload
- A three-hour pre-landing notification would provide adequate time for LE to respond and the LE AP does not recommend shortening that time period.
- There is no requirement that the wreckfish fishery be monitored by law enforcement, LE AP suggests the Council think of creative ways to monitor this fishery.

# Wreckfish (SG Am 48)

## Pre-approved landing locations:

- Language of the alternative should be “publicly accessible via public roads AND navigable waters.”
- There may be issues with private residences being approved as landing locations, LE APs preference would be disallowing private residences as pre-approved landing locations.

## Offloading hours:

Between 6 am and 6 pm would increase opportunity for law enforcement presence during offloading.



**QUESTIONS?**



# On-Demand Gear (SG Reg 36)

- On-demand technology could change the expectation for enforcement: officers would not be able to inspect deployed gear.
- On-demand gear could be equipped with GPS device or pinger. Consider call-in as in new North Carolina observer program.
- On-demand gear has potential for pots to be deployed in closed areas without being detected.
- Buoy storage within a pot while in transit does not present enforcement issues.



**QUESTIONS?**





# Private Recreational Permit and Education Requirement (SG Am 46)

- A vessel-based permit would be easier to enforce; however, there could be enforcement issues with vessel rental and delivery operations or if the vessel owner is not onboard.
- The permit should cover all snapper grouper species to make it more enforceable and improve compliance.
- The education requirement should apply when the permit is issued rather than a delayed implementation.



# **Private Recreational Permit and Education Requirement (SG Am 46)**

- Education could focus on the most common violations and gear requirements and would be most effective if agencies coordinate with each other.
- Concern about an education requirement being too easy to complete. Consider digital signature or recognition that verifies the permit holder has received the information on regulations.
- Ideally each angler would need to take the education module, but if vessel-based, it is still enforceable



# **Private Recreational Permit and Education Requirement (SG Am 46)**

- Possible issues with vessels landing in different states so it would be better to have one permit for the EEZ.
- While a single permit is preferred, law enforcement officers are already looking for state and federal permits, where applicable.



# QUESTIONS?





# **Red Snapper & Recreational Discards (SG Reg 35)**

- Rotating bottom closures would pose a significant challenge from an enforcement perspective. “Rotating” would need to be clarified.
- Enforcement capacity would need to increase considerably.
- 50 miles is farthest from shore that enforcement can handle. In some areas, only out to 25 miles.



# **Red Snapper & Recreational Discards (SG Reg 35)**

- A closed area would need to be in place for at least one year before the public can be expected to know about it and abide by the regulations.
- Closed areas need to be large enough for law enforcement to be able to prove intent during a violation.
- Patrolling of closed areas is accomplished through JEAs.



**QUESTIONS?**