

Summary Report

Law Enforcement Advisory Panel Meeting February 5, 2025

The South Atlantic Law Enforcement Advisory Panel (LE AP) convened via webinar on February 5, 2025.

AP members introduced themselves and their affiliations/experience. Three AP members did not attend (*). MEC Kevin Perkins, US Coast Guard, sat in for Lt. Andrew Loeffler.

Scott Pearce, Chair (FWC)	Chris Hodge (GADNR)
Michael Paul Thomas, Vice-Chair (SCDNR)	Jamal Ingram (NOAA OLE GC)*
Robert Beaton (former FWC)	Andrew Loeffler (USCG)
Joshua Burton (recreational)*	Patrick O'Shaughnessy (NOAA OLE)
Tracy Dunn (former NOAA OLE)	Kevin Roberson (recreational)
Michael Freeman (commercial/dealer)*	Garland Yopp (NCDMF)
Alana Harrison (commercial/dealer)	

Council members in attendance: Tom Roller (NC), Amy Dukes (SC), Carolyn Belcher (GA)

Comments from the public were requested at the beginning of the meeting but none were offered.

1. Eligibility criteria for state advisory panel members

The Council appoints individuals to serve on advisory panels according to its Advisory Panel Policy. The latter was most recently reviewed in December 2024. According to current policy, NOAA Office of Law Enforcement (OLE) conducts background checks on applicants to determine whether the applicant has had a federal fisheries violation in the prior three years. Such information is currently not requested from state agencies.

The Council requested feedback from the LE AP on the process that each state uses to conduct background checks on applicants that are appointed to serve on state advisory bodies.

The LE AP had the following comments:

- The Gulf of Mexico Fishery Management Council (GMFMC) sends a request (via letter) to the Florida Fish and Wildlife Commission (FWC) to conduct background check on applicants to advisory bodies. FWC Law Enforcement investigates and provides recommendations to the GMFMC on whether the applicant meets the requirements to be considered for an advisory body.

- The other state law enforcement agencies in the South Atlantic have internal processes to check for fisheries violations in state waters. Enforcement officers access a state database to determine if an applicant has incurred fisheries violations (usually in the prior three years).
- The NOAA OLE refers to a federal database for fisheries violations. Federal officers do not currently consult with state agencies to determine whether an individual has had fisheries violations in state waters, thus there is a gap in the information the Council receives.

Recommendation: The Council may want to consider requesting background checks from state agencies and specify the criteria to include. If the Council wishes to look further into someone’s history, the application process could include disqualifying questions or criteria. A statement could follow with additional steps that would be required if the initial criteria were met.

An individual can request their own criminal history from state and federal agencies. The Council could require that the applicant turn in a copy of their own criminal history to be considered for an advisory body. This would put the responsibility on the applicant. This would be the most efficient option and the least costly. However, the LE AP recommends that the Council obtain legal advice if the desire is to request an applicant’s criminal history.

2. Law Enforcement of the Year Award (LEOY)

Since 2010, the Council has offered the award 14 times to officers or teams who stood out in their effort to enforce fisheries laws in the South Atlantic region. Members of the LE AP representing 6 agencies (States, NOAA OLE and USCG) submit nominees and conduct voting via email to coordinating staff. Up to three nominees are thus selected for the Council to consider annually at its June meeting. The award is presented at the September Council meeting in Charleston. In December 2024, the Council discussed the LEOY selection process and provided the following suggestions for the LE AP to consider:

- Consider changing the name of the award to the “Law Enforcement Award of Excellence” and do not require that it be awarded annually?
- Explore creating a rubric to select among nominees?

The LE AP had the following comments:

- There have been challenges in generating nominees over the years; however, **the annual award should remain.**
- **Recommend that agencies put more effort into obtaining nominees.**
- State agencies have internal processes to recognize officers.
- Staff should send email notification to the LE AP to solicit nominations earlier in the year. **The LE AP suggested that solicitations be sent out in January and due back to staff to coordinate the voting process the end of March. This would allow agencies more time to identify nominees.**
- Agencies could explore incorporating selection of nominees for the LEOY award into their personnel mid-year reviews.

3. Modifications to improve for-hire reporting

The Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program has been operating in the South Atlantic since 2021, but data being collected through the program cannot yet be used in management decisions because of 1) low compliance with reporting requirements, and 2) lack of validation. The GMFMC is also considering modifications to reporting requirements since SEFHIER ceased operating in that region in February 2023 after a court ruling.

The Council requested that the LE AP discuss potential actions to improve for-hire reporting and provide input from a law enforcement perspective.

General Comments:

- Consistency in reporting requirements between the South Atlantic and the Gulf is important and encouraged.
- NOAA OLE has not received additional resources to help with monitoring reporting since the SEFHIER program's inception, thus it has been challenging for LE officers to enforce the current requirements.
- The open access nature of the three fisheries presents a challenge to enforcement.
- The NOAA OLE representative acknowledged the SEFHIER program does a lot of outreach to stakeholders.
- It was acknowledged that there is currently no way to validate whether reports are being submitted or the accuracy of those reports. Fishermen sometimes submit Did Not Fish (DNF) reports when they don't want to submit a report (or don't have time, etc.).
- Currently, vessels that are federally permitted are still required to report through SEFHIER even if they fish inshore. NOAA OLE would prefer that trip declarations and reporting all fish (what species need to be reported may be a question for data analysts rather than LE) be still required for all vessels.

Frequency of reporting and trip declaration:

- State agency representatives on the LE AP agreed that for state agencies to assist with enforcing reporting requirements there would need to be a requirement for trip declaration and hail out/hail in. A more frequent reporting frequency would also be helpful (shorter than a week). Additionally, the Joint Enforcement Agreements (JEA) currently in place with SC, GA and FL could be modified to include activities to better enforce reporting requirements.
- Compliance relative to reporting requirements has not been incorporated into JEAs since law enforcement resources are very limited and it would shift focus from other activities that states are tasked with.
- NC does not have a JEA so there would need to be a rule or a proclamation to incorporate enforcement of reporting requirements. NC is looking at mandatory reporting requirements in state waters for the commercial and recreational sectors; however, reporting for the for-hire component is not being considered.

- FWC officers would receive trip declarations when SEFHIER was operational in the Gulf. Enforcement officers used trip declarations mainly to verify the vessel had the proper permits.
- **Consider requiring reporting within 6 hours of the end of the trip. Twenty-four hours may be a little too long.**
- **Hail out/hail in is critical. Reporting the day of the trip is fine, but prior to the trip would be better for enforcement.**
- The trip notification process in the Gulf was efficient when it was operational. Officers would get email notifications on their phone, so in the normal course of business officers could intercept vessels. It would be good if in the South Atlantic officers could also receive notification the same way.
- In the South Atlantic, the summary settlement for not having a South Atlantic for-hire permit is currently \$500 (as it is an open access permit). OLE has recently requested that General Counsel consider increasing the summary settlement fee to further deter those operating in federal waters without the required permits.
- **Require trip notification only for for-hire fishing and not for other activities.**

Approved landing locations (LL):

- NOAA OLE has experience with approved landing locations for commercial fisheries.
- **Approved LL need to be accessible via a road and located on the water with a dock. Accessibility of sites to law enforcement officers is important.**
- **Approved LL needs to be the point where guests are dropped off.**
- A private residence LL would be required to have a clear pathway to access the dock with no locked gates or obstructions and officers would not have to walk through a private residence to access the boat for inspection.
- Approved LL can create safety issue for officers if at private property and may make families uncomfortable.
- Captains need to know that an approved LL can be revoked if it creates issues for law enforcement officers.
- It is important to note that an approved LL does not mean a mandatory inspection upon landing.

Did Not Fish reports:

- If there are trip declaration requirements, then DNF reports would not be necessary. If trip declaration is not required, then DNF reports are still useful.

Decals:

- Vessel decals may not be as useful in open access fisheries as in limited entry fisheries (such as in the Gulf).
- Decal stickers are often hard to see. If decals are to be used in the South Atlantic, they should be easily visible. Decal stickers may not be the best way to identify vessels.

- Decals do not determine whether a vessel is boarded or not. Law enforcement officers would continue to conduct boardings regardless of whether a vessel is displaying a decal. A decal could serve to verify that a vessel is permitted.
- A flag would be more visible and may be a simple thing to adopt and would be beneficial in areas with many for hire vessels that also hold king mackerel commercial permits (such as in NC).
- Decals in the Gulf are used to identify permitted vessels. Decals could also be beneficial to industry to identify/advertise their business but would require additional outreach.

Other business:

- An AP members asked whether a trip declaration requirement would help prevent instances in which a dual permitted vessel (commercial and for-hire) lands and sells their commercial limit in addition to collecting a for-hire trip fee. Also, how would a trip declaration requirement affect the current restriction on the number of crew members on board a vessel on a commercial trip?