LAW ENFORCEMENT COMMITTEE

Doubletree Grand Key Resort Key West, FL

June 9, 2015

SUMMARY MINUTES

Law Enforcement Committee

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Dr. Wilson Laney

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Col. Chisolm Frampton Karen Antrim Raine
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Dr. Marcel Reichart Dr. Roy Crabtree

Additional Observers Attached

The Law Enforcement Committee of the South Atlantic Fishery Management Council convened in the Tortuga Ballroom, Doubletree Grand Key Resort, June 9, 2015, and was called to order at 10:40 o'clock a.m. by Chairman Mel Bell.

MR. BELL: We can go ahead and open and then we have one item there, which is basically Colonel Frampton will take us through the Law Enforcement AP Meeting. We will now go ahead and continue with the open session portion of the Law Enforcement Committee Meeting. Colonel Chisolm Frampton will basically discuss the advisory panel report from the advisory panel meeting.

COLONEL FRAMPTON: Thank you for letting me attend, and I will try to be as brief as possible and go over the Law Enforcement Advisory Panel Meeting. I will say that we had a very productive meeting. It is always well attended and the discussions are sometimes lively. We got an update on developing FMP amendments, which was a pretty broad update. The committee had no comment on that.

We moved into the Joint Enforcement Agreements. Mr. Mahood was there and we talked about the importance of the JEAs, where we were with JEAs. We briefly went through each state and discussed problems we had in JEAs, what was going right and where we were in that. Mr. Mahood informed us that the Council Coordinating Committee would talk about JEAs.

I think the Law Enforcement Advisory Committee would love to be present at that conversation just to represent where the states are and how things are going. Special Agent Woodruff was there. He went through that Florida has just had an audit. As you know, North Carolina does not have a JEA, and they are currently still working to get a JEA. I don't know where they stand in that process at the moment, but I do not think they currently have a JEA.

South Carolina, you know, we look at it and funding is always important. Funding is going to drive the train when we start to talk about doing enforcement on MPAs and how much JEA we do and equipment. It is always important, but we've seen funding increase over the last couple of years. NOAA has worked hard at coming up with a matrix that you can better understand how funding is allocated, so we're pretty pleased with that.

Georgia has lost some coastal officers so therefore are having a little bit harder time meeting their JEA but getting their JEA hours in with less enforcement personnel. Florida went through and discussed – you know, they use a hundred percent of their JEA funding to supplement their offshore vessel patrols, so we talked about that.

I think as we wrapped up discussing JEAs and money and enforcement, it was a pretty positive conversation. I don't think anybody had any heartburn currently with the JEA. We're all pretty anxious to see North Carolina get one. I know you are, too, but we're anxious to see North Carolina get one. I think that would greatly help South Carolina when we talk about Little River and those types of areas.

We're waiting to see, but I think the overall picture of the JEA from the South Atlantic states was good. Most states were pleased. Of course, when we talk about funding levels, we always wanting

funding levels to be more, but I think people were genuinely please with where they are. It seems like NOAA is pleased with how the states are doing their enforcement effort.

I think that is a good thing and we'll see how we fare in this next go-round of JEAs and it being competitive and what we can do to do it better. That was one topic we had. The only thing I would like to reiterate is when the council does meet with the Coordinating Committee and we talk about JEAs, I think to have a member or members of the Law Enforcement Advisory Committee there would be extremely beneficial when we talk about it.

MR. HAYMANS: I just want to draw attention to the second paragraph where Tracey Woodruff is talking about the performance of JEAs, and I think there is a typo there, "Performance of JEAs with North Carolina, South Carolina, Florida" when North Carolina doesn't have one. I hope he means Georgia.

MR. MAHOOD: Relative to the JEAs, there has been some concern expressed about continued funding; so I've asked that to be on the agenda for the CCC Meeting in two weeks to specifically tell us the outlook for JEA funding. At one time it was a line item in the congressional budget under NOAA/NMFS.

It kind of got put into a general category a couple of years ago when they kept putting off having a budget basically. You really can't define it now and so we're trying to get a little more definition of what the outlook is for those.

MR. BELL: I can tell you in South Carolina, having had a JEA for quite a while, I don't know how we would operate without it. It is very useful in terms of being able to increase capabilities and assets. I understand the difficulties and North Carolina has some internal challenges there and we really hope for the best. It is a very productive. The colonel can tell you we've made good use of it for years and years now.

COLONEL FRAMPTON: I would absolutely agree with that. I think as we move forward and we look at MPAs offshore and spawning areas and those types of things that do an enforcement out there, it is going to be even more critical to making those missions happen of fisheries' enforcement.

One thing that we did discuss, at the bottom of the first sheet, is that the states are handling more of their cases, and that's a good thing. I think that's good for – we'd probably get the nod from Karen that it is a good thing that the states are handling more of their cases than sending them up to NOAA General Counsel. I think that's good for the fishermen. They get handled relatively expediently. We're pleased with that and we hope that is going to continue.

We went on to talk about Amendment 35. We talked about golden tilefish and clarifying some regulations; but the LEAP really had no heartburn with anything we saw in that. We didn't spend a whole lot of time doing that. We moved on Snapper Grouper Amendment 36. We had a lot of discussion about this. We talked about can law enforcement get data as to how much fishing is going on in these areas. When you talk about SMZs and offshore patrols, it is not like we have boats out there 24 hours a day.

Any kind of help we can get to determine the number of folks out there, how often they're out there, trends, it gives us a better idea of when we need to be out there doing enforcement and looking for compliance. As we've said in the past, the distance from shore for SMZs and MPAs makes enforcement difficult.

Yes, we can do enforcement out there, no doubt about it, but we've got to pick the days. We've got pick the time of the year so it is sporadic when we can be out there. Some of our biggest assets are aircraft and to fly them out there; but in order to go out there and make a case you've got to go out there and see it.

When you really put it under that microscope, it makes it considerably different and considerably harder to go out there. The more we can focus our patrols and make good use of our time and our dollars to be out there at the right time is important. One thing is we've talked about several times about mapping information and the shape and the size of closed areas.

This conversation seems to always come up when we talk about MPAs and SMZs. There is an enforceability guidelines document that has been out there for some time. The LEAP consistently goes back to that; that straight lines, square boxes, those types of setups are easier for us. We believe it is easier for the fishermen when you're talking about less waypoints, straight lines and square boxes. We continue to go back to that.

We talked about the idea of marking protected areas with buoys. I know that is done some down here. I really don't think when you get 50 miles off the coast of South Carolina it is going to be feasible to mark an MPA with buoys and maintain that area and how that is going to work. That goes back to making it where fishermen can understand it; that they can understand where they are. They can look at their GPS and figure out where they are in that.

We talked about the transit provisions like we have in other areas, but that goes back to what I said if you've got a Type 2 MPA and they can troll in it but they can't bottom fish in it, you've got to know when to be there. Satellite imagery would be wonderful and all that, but that doesn't tell you what they're doing.

That just helps us to know what is going on out there and when they're out there so that we can utilize our time and assets to be there. One thing we did ask that we work towards is that all of these closed areas and SMZs, if we could get them put on NOAA charts and in these electronic chips that you get from electronics' manufacturers; that would go a long ways to help to inform the public and that would help us, too.

MR. BROWN: I know that has been brought up in the past and where is that right now? I hadn't heard any feedback on that.

MR. BELL: We looked into that. I have got to get back with staff on that because South Carolina had an immediate interest in that related to all of our SMZs or reefs on the charts. Then we had the deep-water one. We had an interest in making sure NOAA could move the boundaries and all. We've got the contact for who to talk to. It is a matter of how to get that done and physically give

them the information we want to give them. We know who, within NOAA, how to make that happen. I think that is certainly doable in terms of getting them on the charts.

COLONEL FRAMPTON: I think if we could get that done, that would be a huge step because at least then you bring awareness and maybe you spark the question for that person going out there to look at their chart and goes what is this; and then he realizes I need to figure out where I am or what I can do in this area.

Outreach is probably the best thing we can do. We want compliance. We're not going out there wanting to catch people violating; we want compliance. Anything we can do to improve and enhance and put that public outreach out there and compliance, I think helps. It helps the public and it helps us as well; so hopefully we can continue to move forward with doing that. We've got the new reef off South Carolina that we need to work on the boundary lines of. All those things we'll have to take into account as we move forward, but it is a huge step in the right direction if we can make that happen.

MR. BELL: And then, of course, there is the official NOAA-based charts and then there are various products that private companies generate from that; but that is one we can certainly encourage folks. If you're selling a product that you're hoping people will go use to fish, you don't want your customers to get in trouble because there wasn't something on there. I think the private products will follow along once it is on the NOAA-based charts.

COLONEL FRAMPTON: I agree with you, Mel. I think that's huge when you really think about when somebody buys a chart and they look at it and then the electronic charts fall in line with it. It is where we need to be. We talked about that and then we went into the black sea bass pot closure; a lot of the same discussions.

In law enforcement discussions it seems to roll around to a lot of the same issues, the same ways of doing things. We went back to less waypoints, straight lines. They had some comments for us on the all-trap stuff that we really aren't the ones to comment on all-traps. That really should be left to the all-trap folks to comment on how they do those types of things.

We went back to the enforceability guideline document that is out there and straight lines, less waypoints. The simpler we can keep it the better it is for us and the better it is for the public. Remote sensing tools to monitor MPA compliance; like I said satellite imagery is valuable. It is valuable for intelligence and telling us where and when we need to be; but as far as us making cases off of it, I don't know how we would do that at this point.

I don't know how much access we currently have to satellite imagery and how reliable it would be for us to hone our patrols around it; but our biggest thing is knowing where and when to be. The more data and the more intelligence we can get as to what is going on out there, the more we can focus our folks on being there.

MR. BELL: We had some discussion about I think over the years we as Americans have been sort of saturated by what our Department of Defense is capable of doing in technologies out there in

terms of war-fighting and things; but realize a lot of that is not directly applicable to a law enforcement mission and it is extremely expensive.

We had some discussion about the use of satellites; and it may be more of a kind of a strategic intel-gathering in terms of patterns, but what law enforcement needs is basically things at a tactical level where they can get an asset on the scene; because for enforcement to happen, officers have to make contact with someone. Part of what the colonel is talking about is we've just got to be able to better direct the limited assets we have out there and get them on the scene at the right time and the right place. That is a challenge and it will keep being a challenge and particularly as we're working 50, 60, 70 miles offshore with some of this stuff.

COLONEL FRAMPTON: Absolutely it is a challenge. It is weather-driven; it is financial-driven; it is manpower-driven. It is the number of MPAs we have out there. We're doing our best to use our JEA dollars wisely in those states that have them. I think NOAA has concurred that we're doing that the right way.

We will continue to do that and hopefully we'll continue to see an increase in funding levels to the southeastern states. We'll get North Carolina on board. Anyway, we did have a good meeting; and I'll reiterate that when we have discussions about JEA, I think we'd like to be at the table to talk about that. There is a lot of good things going on and obviously there is a lot going on out there.

MR. BELL: Right; and we really appreciate the job you guys do. Something for us as a council to keep in mind to keep in mind, we can sure generate regulations eventually; but as we do that, that's why we always need to look at it through the lens of enforceability. We can think up some really great laws, rules and things; but there has to be a sense of practical enforceability to it for it to function properly. We appreciate the fact that you guys do the best you can with what you've got and put up with some of the things we come up with sometimes.

COLONEL: Well, we're always interested to hear from you if they're are good ideas. We may not think they're good ideas; but if you've got ideas, we're interested in hearing it. We go back to what we can win in court. We've got to go in front of a judge and try and case and we need to be right. I go back to public outreach, what we can do to inform the public. How we can better inform the public of rules and where they could be is a big part of our JEA, because ultimately we want compliance. We want a healthy fishery that they're enjoying. I think that's where we end up. Thank you.

MR. BELL: And all kidding aside, I think there is enforceability in terms of being able to catch individuals doing whatever it is that they're not supposed to be doing; but a good point that you brought up is enforceability carried through to actually a prosecutable offense. It has to be able to hold up in court; and sometimes the simpler things are for the officer to make the case, the better chance it has got of holding up on the other end. That's the part we don't tend to think about too much, but it has to carry all the way through to successful prosecution. That's a good thing to keep in mind. Any questions for Colonel Frampton? Jack.

Law Enforcement Cmte Key West, FL June 9, 2015

DR. McGOVERN: I was wondering going back to Amendment 36, you said you folks had comments on the shape and the size of those SMZs. There is a whole range of alternatives for the different sizes; and I was wondering if there was any discussion about if any alternatives were more enforceable than any others were or it is just bigger is better?

COLONEL FRAMPTON: There is always a lot of discussion. I don't know that bigger is better. I don't want to sound like a broken record. When you pick the alternative, it is important to us to be able to enforce the alternative. It is not easy to enforce curved lines. It is much easier to enforce a straight line, square or rectangle box when you're looking at electronic equipment and charts.

Like Mel said, we've got to take it from where we are through prosecution to a judge, and we've got to be able to articulate exactly where they were or where we were and all that. Is bigger better; I don't know. To me bigger takes more enforcement; but we go back to the enforceability guidelines and straight lines, boxes, those types of things and making those cases where you can take them through to prosecution is much easier.

MR. BELL: Any other questions for Colonel Frampton? That was the last agenda item. Any other business to come before the Law Enforcement Committee. Seeing no other business; then, Mr. Chairman, we will adjourn the Law Enforcement Committee.

(Whereupon, the meeting was adjourned at 11:00 o'clock a.m., June 9, 2015.)

Certified By:	Date:	
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South Atlantic Fishery Management Council – June 2015 Council Meeting

Key West, FL

Date: Tuesday, June 9, 2015 Committee: Law Enforcement

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Name:	Mailing Address/E-mail: (Check box if information is on file)	How do you participate in South Atlantic fisheries? (Check all that apply)			
	On File	Commercial	NGO ∕⊠		
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Tim O'Ham	On File	Commercial	NGO □		
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Ingsu		Recreational 🔲	Govt. □		
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Registration Report
GoToWebinar

Jun 17, 2015 9:40 AM EDT

General Information

Webinar Name

Scheduled Start Date SAFMC Council Meeting - Day 2 of 5 (Tuesday)

Jun 9, 2015

Scheduled Start Time

8:00 AM EDT

Scheduled Duration (minutes)

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Peter

Tony

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156-169-035

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Opened Invitation

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