

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

September 15, 2009

SUMMARY MINUTES

Law Enforcement Committee Members:

George Geiger, Chair
Duane Harris
Lt. Brian Sullivan, USCG

Robert Boyles
Ben Hartig

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Dr. Wilson Laney
Dr. Roy Crabtree
Rita Merritt
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Tom Swatzel
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Kim Iverson
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Gregg Waugh
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Myra Brouwer
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Observers/Participants:

Joe Klostermann
Nik Mehta
Otha Easley
Bob Gill, GMFMC
Karen Raine
Other Observers listed at end of document.

Monica Smit-Brunello
Nick Farmer
Hal Robbins
Phil Steele
Dr. Jack McGovern

The Law Enforcement Committee of the South Atlantic Fishery Management Council convened in the Charleston Marriott Hotel, Charleston SC on Tuesday afternoon, September 15, 2009, and was called to order at 1:30 p.m. by Chairman George Geiger.

George Geiger: The first order of business is the approval of the agenda. Any additions, corrections to the agenda? Any objections to the agenda? Seeing none, agenda's approved.

There are actually panel minutes – or AP minutes, law enforcement committee and AP minutes from the last meeting. Are there any additions or corrections to those minutes? Any objection to the approval of those minutes? Seeing none, those minutes are approved.

That brings us down to the first order of business was to review the motions and recommendations from the August law enforcement AP meeting held here in Charleston. Give Bob a minute and we'll pull those up on the screen.

While we're getting those to come up, I will say that I attended the law enforcement AP meeting that was held here in August, and it was well attended by all the states, including our federal partners.

Bob Mahood: Karen would you like to maybe come up if any questions. That okay Mr. Chairman?

George Geiger: Sure.

I got a bit of technical difficulty – maybe – here we go. Here we go. Gregg, could you make that a little big bigger? Okay Bob, you wanna –?

Bob Mahood: Okay. There was a series of motions. We had a good AP meeting and talked about a number of things. The AP went through a fairly rigorous agenda. And the first motion deals with alternative three, which are our lines and weight points along the edges of various delineations. The first one – let's see. The choice of AP was for alternative three with straightened lines along the eastern and western edges, and close the gap between *Oculina* HABC and closure now.

Without the map up there it's kind of hard to understand, but it dealt with some of the closed areas that the council's looking at. And when we present this to snapper grouper group, the maps will up there, Mr. Chairman, and it will a little bit easier to tell what they're talking about. I'm not – I guess maybe the question is what

do we want the law enforcement advisory panel – the law enforcement committee to do with these relative to what the snapper grouper committee’s gonna do, and is there – other than informing the committee of what the AP did, it’s more appropriate, that I think the snapper group committee deals with it.

George Geiger:

Yes, I agree with that. Basically, this is an informational briefing with what motions occurred and their positions were to help inform councilmembers who happen to all be present what the law enforcement AP believed in terms of the particular actions that were being considered on Amendment 17A.

Bob Mahood:

And, basically, I think what the law enforcement advisory panel was pretty consistent in their recommendations that they made over the years that the lines be as straight as possible, and if there’s any turns or twist to it, that they be as few as possible. And that’s basically what the first motion does for Alternative 3. And the second motion is adopt Alternative 7C as the preferred transit alternative, and it adds language to the amendment concerning – also concerning transit with snapper grouper – a boat returning from snapper grouper fishing from the Bahamian waters.

I since went back, Mr. Chairman, and looked at it, and in the regulations there’s fairly specific regulations of what you have to have when you leave Bahamian waters and come to the US. And I think you have – there’s two permits I believe you have to have from the Bahamas that – we dealt with this, lord, how long ago was that? It was a long time ago.

George Geiger:

A while.

Bob Mahood:

It went back probably when Ben was a councilmember before. And I don’t know that there’s going – we’ll have the attorneys look at that. I don’t know that there’s going need to be any other regulations that would affect returning to US. I guess if you’re transiting through one of the areas that you’re not allowed to transit with snapper grouper species and you have the appropriate Bahamian permits that you would still be legal. We’ll have to look at that as it moves ahead.

And this is pretty obscure, too. Align the closure in 17B to match the eastern line and 17A according to the previous motion. To do that you’d have to reference – you’d have to go ahead and reference 17B, Attachment 21 of the snapper grouper committee minutes, and the snapper grouper committee will deal with that.

And four is to redefine the trans provisions in current deep-water MPAs to match the transit regulations in Amendment 17A and 17B. They recommend no transit through these closed areas except with rec fish on board. And that's something that the council will have to look at.

Motion 5 is to specify allowable golden tile fishing area. And this varies a little bit. It's similar to the specifying a golden crab fishing area like we have at the first ecosystem-based amendment. And there's some discussion about allowing the – actually, delineating the allowable golden tile fishing area.

In regard to – in the next motion, Motion 6, in regard to Amendment 17A, do not allow spear fishing for snapper grouper complex species in the closed areas. That was the recommendation of the Law Enforcement Advisor Panel primarily because of the difficulty of enforcing the closed areas. If you go into there and you've got a spear gun and you catch them something else, all you gotta do is shoot a hole in 'em when you get them up to the boat. So that was a recommendation.

George Geiger:

Yeah. That primarily dealt with consistency. The first motions dealt with, basically straightening the line, connecting closed areas to other closed areas proposed – in closed areas, to closed areas in Amendment 17A, which are proposed, so there is no gap between them and for consistency purposes. Both of them – Karen, correct me if I'm wrong. Yes, ma'am.

Karen Raine:

Yes, and I'd say, also, to have all the closures listed on a map so we can see what areas are being affected total, with all the different cultures.

George Geiger:

Yeah. And another recommendation and a request was made the AP – and it's not a funny one either. But they requested a map that would show which areas would remain open to fishing. Basically, with the potentials that we have in regard to 17A and the closures and the _____ marine protected areas that are currently closed and the HAPCs that we have closed, there are a lot of closures out there. Perhaps it was the request was made to see what areas would remain open.

Bob Mahood:

Yeah. And based on the request from the AP, will have that for snapper grouper committee. You'll be able to look at the overlays. And I think we even have a map that shows what is open that – so that information would be available.

The last actual motion was taken the NMFS for proposal with the reduced number of weigh points, 19 or fewer, forward to other advisory panels to consider when the council NIMPs reconsiders reducing the number of weigh points in the proposed HAPCA areas in CEBA1. And I think the – CEBA1, right? Did I say that right? CEBA1 and I think the intent was in CEBA2 to readjust these weigh points, was my understanding from that motion.

And then the final item, I think – and this will need to be discussed – is they also strongly discussed and recommended that the council develop a Law Enforcement of the Year award or awards program.

George Geiger:

To that point Bob, I never purport to ever speak for any councilmember on the council, on anything. It's just a very dangerous position to put yourself into. But I do take the liberty in regard to addressing the law enforcement AP and expressing to those law enforcement officers our desires to take back to their working field officers our hearty thanks and support for everything that they do in the field, recognizing that we lay at their feet the responsibility for enforcing the rules that we put in place.

And I think that I can speak for every councilmember when I say that we really do appreciate that. Which stimulated the little of conversation and kind of prodded me into think perhaps we should show have a Law Enforcement Officer of the Year award. We kind of took it from there. They endorsed it. They bandied about the potential for having potentially a quarterly Officer of the Year, recognizing an officer from each state annually, and also just having one premier award for the Officer of the Year, who would be nominated and then that nomination would be forwarded to this law enforcement committee and full council for their approval.

And I think when we left – and here, correct me, Otha, Karen, Bob, but I think we left it that their recommendation was strongly aimed at a single law – David, you were at the meeting, also, I believe. I believe it was felt that it would most appropriate to have a single Law Enforcement of the Year nomination. And they left to us for our – to our discretion and discussion, and whether or not we even wanted to have one. So with that, Bob, we'll open for discussion.

Bob Mahood:

Yeah. And I think it's the right to do. I think it's a – we need to recognize the folks that really, when the rubber hits road, if those guys aren't out there doing the job, everything done that's done around this kind of for naught. I know that the Atlantic States Fisheries Commission has a very good program. I know that it's a very honored award as part of – I guess the fall meeting is when

we have that.

And I'd ask Vince to maybe give us a little bit of background about they do it, and that can kinda give some sort of a format at least the ASMFC uses before we start discussing it, if that's okay, Mr. Chairman.

George Geiger: Yeah. Thank you. Vince, are you prepared to do that?

Vince O'Shea: I am.

George Geiger: You're always prepared.

Vince O'Shea: I had some training in that. *(Laugh)* Thanks, Mr. Chairman. Just a couple of quick points. In the ASMFC, we have each year the chairman appoints an awards committee for the year, and anybody within the ASMFC family can make nominations for a variety of categories including the Law Enforcement Award. And then that is dealt with by the awards committee.

The criteria is pretty open-ended. One of things you might think about that the ASMFC has used is our Law Enforcement Award has been used to a unit as well as particular individuals. So you might have, for example, an undercover unit or a particular law enforcement group of three or four officers that worked on a particularly demanding case. And I would encourage you to think about having the option to recognize folks like that. Some of those really big cases have been quite impressive, and it's nice to be able to recognize the whole team as opposed to just one person.

I think the notion of having nominations evaluated by your law enforcement committee, I think that makes a lot of sense to me. And then it could be up to you to decide –you all to decide whether or not the full council would approve it. I don't know if you had any other questions, Mr. Chairman. That's kind of a rough overview.

George Geiger: Yeah. Thank you, Vince. Oh, David, I'm sorry.

David Cupka: That's alright. I was just going to say over the years, too, that process kind of changed. Originally, the nominees were sent to all the commissioners, and the commissioners voted on who received the award. And then later on, we kind of shortened it to where there was an awards committee who actually selected the winner. But obviously it needs to be vetted through the law enforcement AP before it gets to the committee.

But I think the intent was to have committee review that and make the selection, and maybe make the recommendation to the full council. And they did feel it'd be more appropriate or be better to be a single award rather than a quarterly award, even though there were four states plus federal entities involved. It just carries more weight I think.

George Geiger: Yeah. There was a lot discussion about ensuring that the award be prestigious, truly a prestigious award. Rita?

Rita Merritt: Thank you, Mr. Chairman. I'm not a member of this committee, but I wanted to clarify. Are we talking about federal law enforcement officers, OLE, plus Coast Guard, plus state who enforce federal fisheries' regulations so that it would all of those entities included?

George Geiger: Well that certainly up to us as a committee and a council, Rita. But the way it was discussed at the meeting, it included all the entities. David.

David Cupka: And then the award, I guess, be made kind of at a fall meeting, September meetings –

George Geiger: Yeah. And, of course, then we'd have to discuss what the award is. Is it a plaque? Do we invite the individual family with his family? Do we bring them here or to a meeting? Those type of things, those types of details. And I don't know how much you want to get into that now. Dave – Robert?

Robert Boyles: Thank you, Mr. Chairman. I was curious. Is it envisioned that this would be primarily for field officers? I'm wondering specifically about prosecutors as well other cogs in the law enforcement wheel.

George Geiger: Yeah. When we talked about it, I think I specially included the prosecutorial because I had difficulty with word at the meeting, I think. Also, being part – I mean they're a vital cog in the law enforcement wheel. And I think everybody in that community should be – and I think we discussed that – also, should be included in that potential for the award.

And I would certainly trust that the people who are making the nomination coming from the states would be the appropriate people to look at the nominee from state, each activity, Coast Guard, OLE, the prosecutor's office, whatever, and then coming to us with a final recommendation. Duane?

Duane Harris: Mr. Chairman, are you ready for a motion?

George Geiger: Yes.

Duane Harris: **I would move the South Atlantic Fishery Management Council establish a Law Enforcement Officer of the Year award, the criteria to be developed within the next several months. And people to be included would be federal law enforcement, state law enforcement officers, United States Coast Guard, prosecutors, all those people who deal with US Marine fisheries violations.**

George Geiger: Okay. We have a motion on the floor by Mr. Harris. Do we a second?

Mark Robson: I'll second it.

George Geiger: Mr. Robson seconds for purpose of discussion.

Mark Robson: And is law enforcement officer the right term to use that's inclusive enough of all the cogs in the wheel?

George Geiger: David.

David Cupka: Point of order, Mr. Chairman. He's not on the law enforcement committee, so –

Mark Robson: I'm not a member of this committee. I withdraw the second. But I'd still like to ask that question.

George Geiger: Recognizing you're not on the committee, it was a good question. I think it does.

Robert Boyles: Roberts seconds.

George Geiger: Roberts seconds the motion. So we have a motion on the floor, we have a second. Is there any further discussion and I assume, Bob, that you'll take from the motion that staff will work with possibly the ASMFC and any other organizations that have a like award to make ours significantly better.

Bob Mahood: Right. That's what I really waiting for to get the details. There's some states that have them. I don't now for sure whether other councils have them, but I'll look at all possibilities and then will report back to the council.

George Geiger: And seriously I think our award is an important body. It's a federal body and needs to be appropriately – for the occasion.

Bob Mahood: We'll do it.

George Geiger: Wilson.

Dr. Wilson Laney: Yes. Thank you, Mr. Chairman. I'm not on your committee, either. The North Carolina Wildlife Federation I know does a similar award to law enforcement officers, too. So I can work with staff to provide the information on how they do theirs.

George Geiger: **Okay any further discussion on the motion? They're saying none, is there any opposition to motion? Seeing none, that motion carries. Thank you very much.**

And that brings us down to other business.

George Geiger: Any other business? Seeing none, Mr. Chairman, we're gonna adjourn on the law enforcement committee, and hopefully we'll get an early lunch.

Duane Harris: We are. We'll sand in recess until 1:30. At that time will convene the snapper grouper committee – wait a second. Don't leave yet, George.

Bob Mahood: Astute vice chairman pointed out there was another agenda item that we skipped by.

George Geiger: We did? What is it?

Bob Mahood: As you recall, the – and I think there was some conjecture this was something the council needed to get their nose into or not, but basically, there was a request on behalf at least the state folks involved in the join agreement – they're in the processes I understand from developing a format – well what would you cal it? A format that goes across the board for reporting violations. And they had asked – what I got out of it, they asked is, "What would the council like to see relative to how violations are reported?"

Now I'm not sure what that meant on what level, whether it meant how would the council like it presented to them, or how would the council like to see the states under the JEAs do it. If it's the former, I think the council could have some input and tell 'em how

we would like it's most useful to us. As far as getting involved in the JEA process, I don't really think that's something that the council would want to get involved in. So it was kinda mixed messages on that one. Karen, I know you had feelings on it. You have anything that you wanna add to that?

Otha Easley:

I think you hit the nail on the head. I agree with your statement that what the council might want law enforcement or how the council might want law enforcement to report to it or this committee definitely take some input on that.

When it comes to reporting the details of the JEA that the JEA, as far as what the state's report to us on in that venue, it's more than just reporting violations. There's accounting issues and manpower reporting that they do as well. And there's various priorities and sources of direction that they're giving to the states to operated under the JEA.

So you're, right, Bob. I don't know that it would do us a whole lot of good for the council or the committee to say, "Let's do this for the JEA." I'm sure we'll take the input, listen to it, but I don't know how much – as I say, I don't know how much traction we'll be able to get into it. But as far as what we report to you all, traction's there. Whatever you want us to report to you, we'll do that.

Duane Harris:

So what we already receive now is the quarterly law enforcement report which includes Oculina as a portion of it, plus the other federal cases that were made during that quarter, correct?

Otha Easley:

Correct. The quarterly – I submit two reports, alright? The Oculina report and our whole division-wise quarterly report, and the Division 1 quarterly report also includes state activities, I believe Coast Guard activity in there as well.

Duane Harris:

So the question is of the committee then is do we want – does anybody want any additional information or changes to that report as is currently configured? Bob.

Bob Mahood:

Yeah. I think the report's pretty inclusive. It gives the person's name, the name of the boat. The NOVA, which – if it's been adjudicated, how much they ended up paying and this type of thing. So it's much more than we used to get in the past. And I think it's very informative. It shows us what's going on. So as far as the staff, it certainly gives us an idea.

The one thing that we used to get, and I'm not sure where we got out of, Greg, was the compliance reports on minimum sizes and bag limits and that type of thing. I'm not sure if that came out of the center or out of the enforcement.

Gregg Waugh: That was the center _____.

Bob Mahood: The center _____? But that was also very good because it showed us – and I'm not sure how they – did they get that out of their sampling program? Basically, what they did is look at the sampling program, and then they would let us know what level if

Gregg Waugh: It's collected in MRFSS.

Bob Mahood: Right. And they'd let us know about the level of compliance. And I think that was always very interesting for the councilmembers to look at, also.

Duane Harris: Robert.

Robert Boyles: I have another question for – about – some information about MPA violation I'd like to – I think it'd be helpful to have information on. I understood that there was a –

Duane Harris: You mean have a separate breakout in the law enforcement report for MPA violations?

Robert Boyles: No. I'm sorry. I'd just like to hear the details of that particular case at some point.

Duane Harris: Well, they could certainly – you'll cover that possibly during their activity report. And you're talking about the two vessels that were up in North Carolina on the snowy wreck. Alright so is there any desire to change what we're currently receiving? Is everybody satisfied with it? Yes, Karen.

Karen Raine: I just wanted to make a comment relative to Bob's comment. Cases that are still under investigation aren't really gonna be discussed until things happen, okay? Thank you.

Duane Harris: I guess probably the majority, at least coming from me, I'm not so much concerned about changing the report as making sure we have as much activity as possible on the water check to make sure the rules are being followed by the people who are out there. Okay. I see no recommendations to change the report so I guess it's fine as it is.

And with that, is there any other business? Bob? Keep me straight.

Bob Mahood: What's that?

Duane Harris: Is there any other business. Keep it straight.

Bob Mahood: I don't think so, Mr. Cupka? No.

Duane Harris: Anything? Okay. We are adjourned for the second time. Thank you, George. And as I said previously, we will be in recess –

(Whereupon, the meeting adjourned at 3:00 p.m., September 15, 2009)

Certified By: _____ Date: _____

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Verbalink, Inc
September, 2009

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

**Charleston Marriott Hotel
Charleston, SC**

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TABLE OF MOTIONS

Page 8: Motion to establish a Law Enforcement Officer of the Year award, the criteria to be developed within the next several months. And people to be included would be federal law enforcement, state law enforcement officers, United States Coast Guard, prosecutors, all those people who deal with US Marine fisheries violations. The motion carried on page 9.

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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

Law Enforcement Committee Meeting
Charleston, SC
Tuesday, September 15th, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

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