



THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Law Enforcement Advisory Panel

October 2023 Meeting Summary

Captain Scott Pearce,
AP Chair



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





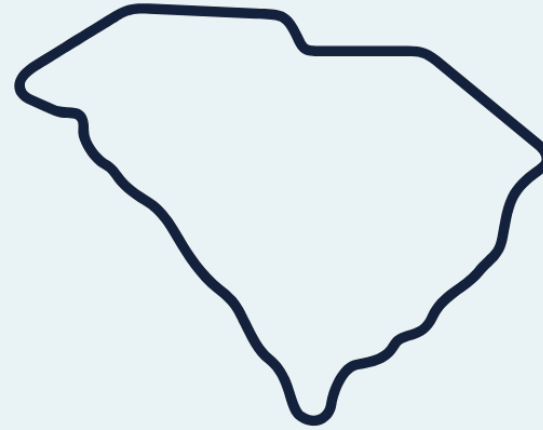
Compliance Updates

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.
- CRS are not managed and there is no size limit.
- Imported fish appear to be a mix of the two species.

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.

A close-up photograph of three fish heads, likely salmon, arranged on a wooden rack. The fish are positioned vertically, with their heads pointing upwards. The fish on the left is partially obscured by a white, semi-transparent overlay. The fish in the center and right are clearly visible, showing their large, dark eyes and silvery scales. The background consists of a wooden railing and a blurred outdoor setting.

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 boat club 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?