



# SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Melvin Bell, Chair | Stephen J. Poland, Vice Chair  
John Carmichael, Executive Director

## AGENDA

### Law Enforcement Advisory Panel

February 1, 2021

Via Webinar

Other than the starting and ending times of the meeting, times indicated on the agenda are approximate, and the order of business may be adjusted as necessary to accommodate the completion of agenda items. Interested parties should be aware that discussions may start earlier or later than indicated.

Public comment will be solicited at the beginning and at the end of the meeting. Those wishing to comment should indicate such in the manner requested by the Vice Chair, who will then recognize individuals to provide comment.

#### **Monday, February 1, 2020 – 9:00 A.M. to 4:00 P.M.**

Approval of Agenda – Capt. Scott Pearce

Approval of May 2019 LE AP meeting minutes – Capt. Scott Pearce

1. Update on amendments under development or under review (*Attachment 1*) – Myra Brouwer
2. Implementation of For-Hire Electronic Reporting Requirements (*Attachment 2*)
  - a. Update – Karla Gore, NMFS Southeast Regional Office
  - b. Enforcement issues encountered – LE agency representatives
  - c. Discussion and recommendations – Capt. Scott Pearce
3. Proposed Regulatory Changes in Dolphin Wahoo Amendment 10 (*Attachment 3*)
  - a. Overview – John Hadley
  - b. Discussion and recommendations – Capt. Scott Pearce
4. Proposed Improvements to the Wreckfish Individual Transferable Quota (ITQ) Program (*Attachment 4*)
  - a. Overview – Christina Wiegand
  - b. Discussion and recommendations – Capt. Scott Pearce
5. Proposed Changes to the Structure of the Law Enforcement AP
  - a. Overview – Kim Iverson
  - b. Discussion and recommendations – Capt. Scott Pearce

6. Law Enforcement Officer of the Year Award (*Attachment 5*)
  - a. Overview – Myra Brouwer
  - b. Discussion and Recommendations – Capt. Scott Pearce
7. Elections – Capt. Scott Pearce
8. Other Business – Capt. Scott Pearce

Adjourn – Capt. Scott Pearce

**Advisory Panel Members:**

Capt. Scott Pearce, FL FWC, Vice Chair  
Capt. Chris Hodge, GADNR  
Capt. Garland Yopp, NCDMF  
Col. Bruce Buckson, Retired  
Michael Freeman, commercial  
Lt. James Bruce, USCG

Col. Chisolm Frampton, SCDNR  
Lt. Pat O’Shaughnessy, NOAA OLE  
Kevin Roberson, recreational  
Nickey Maxey, recreational  
Duane Smith, NOAA GC Enforcement

**Attachments**

- Attachment 1:** Update on FMP Amendments  
**Attachment 2:** Presentation on For-Hire Electronic Reporting (NMFS)  
**Attachment 3:** Dolphin Wahoo Amendment 10 Discussion Document  
**Attachment 4:** Wreckfish ITQ Modernization Summary Document  
**Attachment 5:** Law Enforcement of the Year Award Nomination Form

**Staff:** Myra Brouwer ([Myra.Brouwer@safmc.net](mailto:Myra.Brouwer@safmc.net))  
**Staff Support AM:** Christina Wiegand ([Christina.Wiegand@safmc.net](mailto:Christina.Wiegand@safmc.net))  
**Tech Support AM:** Mike Schmidtke (Mike [Schmidtke@safmc.net](mailto:Schmidtke@safmc.net))

**Staff Support PM:** John Hadley ([John.Hadley@safmc.net](mailto:John.Hadley@safmc.net))  
**Tech Support PM:** Mike Errigo ([Mike.Errigo@safmc.net](mailto:Mike.Errigo@safmc.net))

# OVERVIEW

## Law Enforcement Advisory Panel

The AP will approve minutes from the May 2019 meeting and the agenda for the current meeting.

**1. Update on FMP Amendments (*Attachment 1*)**

**Description:** Council staff will update the AP on the status of amendments under development and recently submitted for formal review.

**Requested AP Action:** Discuss and provide input as appropriate.

**2. Implementation of For-Hire Electronic Reporting Requirements (*Attachment 2*)**

**Description:** Effective January 4, 2021, the owner or operator of a charter vessel with a Federal charter vessel/headboat permit is required to submit an electronic report for each fishing trip. In the South Atlantic, reports are submitted weekly, no later than the Tuesday of the following week. NMFS Southeast Regional Office staff will provide an overview of the new requirements and brief the LE AP on issues that have been encountered since implementation. Agency representative on the AP will have an opportunity to provide feedback and recommendations.

Additionally, NOAA Fisheries is working on a web-based application that will allow compliance checks in real time. The application is based on that developed for the Headboat Survey in the South Atlantic. In addition to serving as the tool to check and validate reported data, the application will be used to track late or missing reports and prompt follow-up by a Compliance Team (comprised of three staff) who will reach out to fishermen.

**Requested AP Action:** Provide feedback and recommendations as appropriate.

**3. Proposed Regulatory Changes in Dolphin Wahoo Amendment 10 (*Attachment 3*)**

**Description:** Dolphin Wahoo Amendment 10 includes several actions with enforcement implications. Council staff will provide an overview of relevant actions and request the AP's input to inform further development of the amendment, which the Council is scheduled to approve in June 2021. Specifically, Council staff will cover in detail actions that revise recreational accountability measures for dolphin (Action 6), provide an exemption for the possession of dolphin and wahoo when trap, pot, or buoy gears are onboard that are prohibited for use in the fishery (Action 9), remove the operator card requirement (Action 10), reduce the recreational vessel limit for dolphin (Action 11), and allow filleting of dolphin at sea onboard for-hire vessels in the waters north of the Virginia/North Carolina border (Action 13).

**Requested AP Action:** Provide feedback and recommendations for the Council's consideration at the March 2021 meeting.

**4. Proposed Improvements to the Wreckfish ITQ Program (*Attachment 4*)**

**Description:** In September 2020, the Council convened a meeting of Wreckfish ITQ Shareholders and Wholesale Dealers to provide recommendations on potential actions to modernize the current ITQ program. In December 2020, the Council provided guidance to

staff to ready the developing amendment for public scoping, to be held during the March 2021 Council meeting. The Council directed staff to obtain input on offloading requirements from the Law Enforcement AP, perhaps with additional input from a shareholder representative, and develop an action and alternatives to modify the current offloading time and site protocols. Council staff will provide an overview of the amendment to facilitate the LE AP's discussion.

**Requested AP Action:** Provide recommendations as appropriate.

#### **5. Proposed Changes to the Structure of the Law Enforcement AP**

**Description:** During the December 2020 meeting, the Council discussed possibly adding an *ad-hoc* liaison seat to the LE AP to allow a member from another AP to participate in meeting of the LE AP as needed. The intent would be to provide an added perspective to discussions where the LE AP may benefit from it. For example, if the LE AP were to (hypothetically) be asked to discuss changes to VMS requirements for the rock shrimp fishery, those discussion would benefit from input from a representative of that fishery who sits on the Deepwater Shrimp AP. The liaison seat would be used on an as-needed basis. Additionally, the Council requested that staff obtain recommendations from the LE AP on candidates to fill the currently vacant commercial seat.

**Requested AP Action:** Provide input on proposed changes.

#### **6. Law Enforcement Officer of the Year (LEOY) Award (*Attachment 5*)**

**Description:** The LEOY annual award program was implement in 2010. Since then, the Council has recognized numerous individuals for outstanding achievements in enforcing fisheries laws and requirements in the South Atlantic region. The Council requests feedback from the AP on whether the program is an effective way to acknowledge the efforts of LE personnel in the region. Are there other programs that the Council should explore for possible modifications to implement or better ways to recognize individuals or teams in the LE community? If the program were to be continued, is the frequency of the award (annually) appropriate?

**Requested AP Action:** Provide input as appropriate.

#### **7. Elections**

Capt. Scott Pearce was elected Vice Chair during the May 2019 meeting. Capt. Bob Lynn, former AP Chair, received new duties in 2019 and is no longer serving on the AP; hence, the LE AP should elect a new Chair and Vice-Chair.

#### **8. Other Business**