

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT ADVISORY PANEL

Webinar

February 5, 2025

Transcript

Law Enforcement Advisory Panel

Neil (Scott) Pearce, Chair

Michael Paul Thomas, Vice Chair

Robert Beaton

Tracy Dunn

Alana Harrison

Chris Hodge

Andrew Loeffler

Patrick O'Shaughnessy

Kevin Roberson

Garland Yopp

Council Members

Dr. Carolyn Belcher

Tom Roller

Amy Dukes

Council Staff

Myra Brouwer

Allie Iberle

Christina Wiegand

Dr. Mike Schmidtke

Kim Iverson

Dr. Chip Collier

Observers and Participants

Other observers and participants attached.

The Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened at via webinar on February 5, 2025, and was called to order by Chairman Captain Scott Pearce.

CAPTAIN PEARCE: Welcome to our Law Enforcement Advisory Panel meeting for the South Atlantic Fishery Management Council. I'm going to go do a real -- We'll do some quick introductions for the LEAP panel members, and then we'll kind of get into our first topic of the day, but just a little background on me, just for those of you -- I mean, I know everybody pretty much knows me, but my name is Scott Pierce.

I'm a captain with the Florida Fish and Wildlife Conservation Commission, and my title is the Marine Law Administrator, and I am the current chair for the LEAP, and we'll go ahead and go to Michael Paul.

MAJOR THOMAS: Yes, sir. I'm Michael Thomas with South Carolina Department of Natural Resources. I'm a major, and I am the vice chair of the LEAP.

CAPTAIN PEARCE: All right. Tracy, why don't you go?

MR. DUNN: All right. I'm the former assistant director of the NOAA's Office of Law Enforcement for the Southeast, currently serving as logistics, planning, and transportation for my wife. I'm retired.

CAPTAIN PEARCE: All right. Good deal, and we'll go with Hodge.

CAPTAIN HODGE: Good afternoon, everyone. Captain Hodge, Coastal District for Georgia DNR Law Enforcement Division, Supervisor of the coastal game wardens here in Georgia.

CAPTAIN PEARCE: All right, and then Garland.

CAPTAIN YOPP: Captain Garland Yopp with North Carolina Marine Patrol, and I also have with me Sergeant Jason Parker sitting in on this.

CAPTAIN PEARCE: All right, and then I think we have Mr. Perkins. Are you on there?

MR. PERKINS: Yes, sir, I'm here.

CAPTAIN PEARCE: Okay, and can you give us a little background on yourself?

MR. PERKINS: Yes, I'm MEC Kevin Perkins. I'm the school chief over at SRFTC, and so, essentially, we train all the Coast Guard BOs that come in through the Southeast region on fisheries law, and so I've just come to sit in and hear what's going on in this AOR.

CAPTAIN PEARCE: All right, and who am I missing?

MS. BROUWER: Rob Beaton and Kevin.

CAPTAIN PEARCE: All right. Our newest member, Rob Beaton, and can you give us a little background yourself there, brother?

MR. BEATON: Hi, everyone. Rob Beaton, and I recently retired, about six months ago, from FWC. I sat in Scott's seat, for many years, and I did a lot of work traveling with Bruce Buxton, and with Tracy, and everybody else on the team, and so it's a full circle, except I'm retired now.

CAPTAIN PEARCE: I want to just say welcome aboard, Rob. I know we lost Bruce Buxton. He just recently stepped down, but bringing Rob in is going to be -- You couldn't find a better person to step in into those shoes, and I know personally that Rob has got a tremendous amount of experience and was pretty much my mentor, throughout most of my career, and so welcome aboard. Then, Ms. Harrison, are you there?

MS. HARRISON: Yes. Hi. Alana Harrison, commercial representative from North Carolina.

CAPTAIN PEARCE: Thank you. Now, Patrick, are you on?

LT. O'SHAUGHNESSY: Yes. Lieutenant Patrick O'Shaughnessy, Supervisory Enforcement Officer for NOAA, and I've got the enforcement officers from North Carolina-Virginia down to Miami and the Virgin Islands and Puerto Rico.

CAPTAIN PEARCE: Good deal. How about you, Jamal? Are you there?

MS. BROUWER: I'm not seeing Jamal online, but we do have Kevin Roberson.

MR. ROBERSON: Hi, guys. Kevin Roberson. I only said no fifteen times this time, and they didn't listen. I'm the recreational angler delegate to the committee.

CAPTAIN PEARCE: All right. Good deal. Is there anybody I missed? I apologize if I did. I'm trying to sort through this.

MS. BROUWER: No, and I think you're good. I will mention too that we have three council members in attendance. We have Carolyn Belcher, who's chair of the Law Enforcement AP, and she's from Georgia. We have Tom Roller from North Carolina. He's vice chair of the -- I'm sorry. Did I say AP? I meant to say committee, Law Enforcement Committee, and we also have Amy Dukes, who's our South Carolina representative, and so they'll be listening in, and I guess everybody knows who I am. I'm Myra, and I help the council with all kinds of different things, and I've been staffing the Law Enforcement AP since like 2010, I think. Go ahead, Scott.

CAPTAIN PEARCE: Thanks, Myra. Just, again, thanks to everybody for tuning-in, and we'll kind of get things going. At this point, is there any recommended changes to the agenda, or can we go ahead and move forward and approve the agenda? Anybody have anything they want to add, or change?

MS. BROUWER: I'm not seeing any hands, Scott.

CAPTAIN PEARCE: With no hands raised, I'll go ahead and say we approve the agenda as written, and we can now move into any public comment that we have. Is there anybody in the public that would like to comment at this time?

MS. BROUWER: I'm not seeing any hands going up either.

CAPTAIN PEARCE: All right, and so we don't have anybody that's ready to do -- That needs to do any public comment. We'll go ahead and jump into our first topic of the day. Myra, do we have a little presentation on this one?

MS. BROUWER: We don't. We don't have a lot of presentations this afternoon, but I did include, in your overview, which I'm displaying on the screen right now, a little bit of background on this agenda item. The council is interested in getting a little bit more information about how state agencies conduct background checks for those folks that are appointed to serve in state advisory panels, and so they discussed some of this in December.

I included, in your briefing materials, the latest version of our advisory panel policy. The council has made a few changes to that, and one of the things that you'll find in the policy is that, currently, the NOAA Office of Law Enforcement is the one that conducts background checks on applicants, to see if that person has had any fisheries violation in the prior three years, and so we've been tasked, as staff, to gather a little bit more information, and Kim Iverson has been in touch with the council representatives to get, you know, just a little bit more information of how that's conducted at that level, and the council also wanted for you guys to weigh-in on that, and so I'll pass it to you, Scott.

CAPTAIN PEARCE: Okay. So I know that, in the conversations I've had with Jessica McCawley, with our agency, the question, for us, was how does the state currently do background checks, and what are -- You know, what are our limitations on doing background checks, and, essentially, and I'll speak for Florida, and then you all can chime-in and let me know if this is consistent with the other states, moving forward, but, essentially, for a background check for something -- You know, for law enforcement, it's got to be for law enforcement purposes only, and so something like this, where we're talking about, you know, for panel members, or something along those lines, it would be outside of that scope.

So we, as an agency, can report-out on any fisheries violations, and so like -- I can give you an example. For the Gulf of Mexico, or Gulf of America, I should say, they present us with a letter that gives us guidelines on what they want us to look at, and, essentially, it's a three-year background on fisheries violations that are federal fisheries, whether it be a state-written citation or a federal-written citation, and then what we provide to them is -- We don't provide the actual, you know, violation and outcome.

What we do is we have is we just -- They basically give us a spreadsheet with the names, and it'll say do they have a history, and we can say yes or no, and then it'll say basically what is the disposition, and is it a disqualifying disposition. If it's disqualifying, we just say yes, and so we -
- Of course, it has to be adjudication of guilty, or something along those lines, for to disqualify somebody, and so all we really report to them is whether a person meets their qualifications or doesn't, and it's only based on the fishery stuff that we deal with with FWC, and then, of course,

anything outside of us, the other states we're looking at, and then also NOAA Office of Law Enforcement is checking on their end.

Beyond fisheries, we -- You know, we don't do anything else, and, really, we aren't able, or capable, of providing a more in-depth criminal history. If you wanted to go beyond just fisheries, and look at FCIC, NCIC, things like that, that's out -- That's beyond our scope for law enforcement purposes, and we can't do that, and so, again, if they want to incorporate us in the process now, we can do for them what we do for the Gulf, which is to do just the three-year background on fisheries violations that involve Florida, and then we can let them know whether a person is qualified or disqualified, based on that history. Beyond that, it's out of our scope. I'll let every -- I'll let anybody else who wants to chime-in and give us what their capabilities are in that regard.

MS. BROUWER: Thank you, Scott. It looks like Garland has his hand up. Go ahead, Garland.

CAPTAIN YOPP: Garland Yopp, North Carolina, and so, Scott, we're similar to you, three years. We just do fisheries as well. You know, when we're looking at -- Whether it's suspensions of licenses for people we're dealing with, we're looking at the last three years of their fisheries history. We do have -- We look a little further on a habitual in our eligibility pool. We have a way of in the last ten years, and so that's a little different, but, basically, as an overview, it's three years we look at, and that's fisheries only.

CAPTAIN PEARCE: Thanks, Garland. I appreciate that. Anybody else?

CAPTAIN HODGE: Scott, this is Chris, from Georgia. Our process is very similar to what you mentioned, and what Garland mentioned as well. We do the same thing with state advisory panels. When the folks upstairs come down and ask us if this person's qualified, we can check our database, to see if they have fisheries violations in Georgia, but, as far as going through NCIC, GCIC, like you mentioned, that goes beyond the scope of a law enforcement investigation, and we couldn't use those without some type of consent to run a pre-employment background check, is what we call it in Georgia, and so, other than that, our process is very similar to yours.

CAPTAIN PEARCE: Thanks, Chris.

MAJOR THOMAS: Scott, this is Michael Paul, from South Carolina. We're the same as well. I mean, we can run it, but I guess my question would be for Pat. If OLE is doing these backgrounds, are they reaching out to the states, and we're providing it for them, or are they able to get it, but we're the same as, you know, Georgia, North Carolina, and Florida.

LT. O'SHAUGHNESSY: This is Pat O'Shaughnessy. On the federal side, we do the same. We check the federal database for fisheries violations going back three years. We do not do any type of criminal background check, and, to my knowledge, we don't check with the states. We just provide the federal side. I don't know how the states get their information to the council as well, but we don't collect or collate that information. We solely check for federal violations.

CAPTAIN PEARCE: This is Scott. I want to just say that I think that, right now, OLE is the primary for the South Atlantic Fisheries Management Council, for backgrounds on panel members, and they are -- There is a gap there, because, for the most part, if we write a citation that's a federal

citation, written under CFR, then OLE is obviously going to have that information, but there are a lot of situations where we might write a state citation for a federal case, and they're missing those.

I think incorporating us in the fisheries check is probably, you know, the right thing to do, moving forward, along with OLE, so they don't miss those, but that's kind of -- I think that's the gap they have right now.

MAJOR THOMAS: Well, and that's what I was getting at, is, you know, if Pat called and said, hey, can you run these three for state fishery violations, you know, we would certainly provide it to OLE, you know, no problem, if you want to try to close that gap or whatever.

MS. BROUWER: As you can see, I'm trying to capture what you guys are saying, and, just so everybody knows, these are not going to be the official notes. I will -- This is all being recorded, and, when I put together the summary report, I'll refer to that transcript, but, Michael Paul, did you suggest that the request can also go then, to the states from the council, to kind of bridge that gap, as you were saying?

MAJOR THOMAS: We could. We could do similar to what, you know, Georgia, Florida, and North Carolina do as well, you know, no criminal history-type stuff, but, the fishery violations, we would be able to provide that.

CAPTAIN PEARCE: Myra, this is Scott Pearce from Florida, and so I have a suggestion to make it easier on you. I think, if we can develop one simple statement from the OLE panel to provide them, so they would have just basically a recommendation from us, and I'm going to try to do the best I can to describe this, and please everybody chime-in and help clean this up, and make it sound good, but my thoughts are that, moving forward, you know, that they -- That we recommend they incorporate the states in the fisheries check, going back, and that they provide us with a letter that gives us clear direction on the, you know, the duration we're checking, going back three years, and that it's directed towards either federal fisheries only, or what -- You know, how far do they want to go in the fisheries, for that background, and that's very similar to what we do with the Gulf.

Then, beyond that, and we can clean this up, and make it sound better, but, beyond that, if they're considering an option to look at further into somebody's criminal history, my recommendation, and you all can let me know if you agree with this, but, basically, in their application process, they should add disqualifying questions, such as, you know, the criminal history, and have you ever been convicted of a felony, things like that, have you ever had a been convicted of sexual misconduct, something along those lines, and those would be disqualifying questions, as well as part of the application process --

If they want to get further into that criminal history, an individual, and this is not part of the statement, and this is just me talking, but an individual can request their own criminal history, from their own state or from the FBI, and you can go online with the FBI and request a rap sheet, and so I recommend that, along with -- If they really want to go there, along with those disqualifying questions, that they make it mandatory that the individual must turn in a copy of their state criminal history, the state they live in, as well as a copy of the FBI rap sheet, federal background, and they can -- These individuals can request those themselves, and they can get them, and they have to pay a fee, but they can get those, and that would put the responsibility on the applicant to do so.

That's if they want to go there, and I'm not saying they should, but, if they really wanted to go further than fisheries, then that's pretty much their best option, and probably the most efficient option, that doesn't cost them money.

MS. BROUWER: Okay. Thank you for that. I think, if you can see on the screen what I've typed, and I hope I captured what you're suggesting, and I guess -- Okay, and I see -- I see Tom has his hand up.

CAPTAIN PEARCE: Go ahead. Go ahead, Tom.

MR. ROLLER: Thank you, sir. Just for those of you who don't know me, my name is Tom Roller, and I'm a council member from North Carolina. You know, this is an interesting conversation, and I really appreciate the background here. I do like the idea of having those disqualifying questions.

I guess my question here is, you know, this -- You know, it's very clear that, obviously, this conversation with the council was looking at it two ways, like making sure that we incorporated any potential fisheries, state fisheries, violations in a background check, and the other question was like making sure that, if we have somebody with a really glaring criminal conviction, that isn't related to fisheries, what are the options there to look at that, and I guess the gentleman from Georgia mentioned that the -- That there would have to be some sort of -- I'm trying to get the phrasing, but it was that, for a pre-employment check, there would have to be some sort of like -- I guess you would have to okay that.

Is that a possibility for this? Like, instead of having the applicant submit his own criminal history, is there any way to like have them check that I agree to a potential pre-employment background check, or something like that?

CAPTAIN PEARCE: This is Scott with Florida. I can say for our situation, that would not be a possibility, for us, because it's not an employment with FWC, and so like if people -- I'll go one step further and say, if somebody -- Within the Division of Law Enforcement, we have a certain level of background we can do ourselves for those employees within the Division of Law Enforcement, but, outside of law enforcement, in the non-sworn part, those backgrounds would be submitted directly to FDLE to go into that further area, and so we're even limited somewhat on those, on the employment backgrounds.

The way you -- In law enforcement, we have access to all those other criminal histories, based on our job, but those aren't -- We don't own that data, and that stuff, and so we have access for law enforcement, but we don't have the right to access it and share it, outside of a law enforcement capacity, or a law enforcement investigation, and so we could not do that for an outside entity, such as the council.

CAPTAIN YOPP: This is Garland from North Carolina, and, Scott, I'll echo the same thing you just said, and that's the way we are here. We have employment checks that we're allowed to do. Other than that, an individual has to take it upon themselves to get a release and to get their own record, and that would be the way we would have to do it here in North Carolina as well. We don't just hand out that information to anybody besides law enforcement, or to share internally with our own agency, depending on what it is.

CAPTAIN PEARCE: Tom, does that answer your question? Again, just kind of giving you the idea that we're even limited with our own resources for our own agency.

MR. ROLLER: Oh, absolutely, and I really appreciate you answering that. I think that's -- You know, this is what the council was getting at. We wanted to see what the possibilities are for continuing it, because we also want to make sure that, you know, as far as AP members, you know, we get a fisheries background check, but we also, you know, are cognizant of the fact that maybe you could have an applicant who has a pretty nasty criminal record, and would not necessarily be someone that would be -- I hate to use the term "safe to be around", but, you know, would be something that we should consider. I'm trying to guard my words here carefully.

CAPTAIN PEARCE: Yes, sir. Understood, and Scott with Florida, again, and I would say, even in those situations, you would have to have their permission to even go there, and, you know, I would recommend that, if you guys are considering something like that within the council, that I would get legal advice on that, on the best way to move forward, but even in --

Again, you would have to, if somebody was going to -- If you were going to look further into somebody's criminal history, you would have to get their authorization and approval to do that. That's why it's almost easier just to put the pressure -- To put the responsibility on them to provide that criminal history, and, if it conflicts with the -- If it conflicts with the disqualifying questions, the way they answered, then, automatically, you don't have to worry about them moving forward, and you can just take them off the list.

MR. ROLLER: So, I guess the main point, obviously, and this would take like a legal clarification, but there is definitely, obviously, a difference between like when someone is applying for a job, based off of this isn't really employment, and it's volunteers.

CAPTAIN PEARCE: I think -- Again, I think most -- You would probably rule out most people, when they see disqualifying questions and realize that they have to answer those honestly, and they have to provide support to back them up, and so that alone is probably going to remove a lot of people from even going for further moving forward, if -- You know, you wouldn't worry about it too much.

MS. BROUWER: It looks like Rob Beaten has had his hand up.

CAPTAIN PEARCE: Go ahead, Rob.

MR. BEATON: Thanks, and, Scott, you were going where I was going to go. I would recommend that, if the council wants to take a deeper dive into, you know, potential applicants' background, that you first do it like a just a general application, with the disqualifying questions, and then a little statement on there saying that, you know, the next phase of this would require you to, you know -- Then give them the background services that we will accept, because you would want to have them standardized, and give them the option of two or three, you know, private contractors that do that, or they can go directly to the FBI, but I would start it with the first general application, and then a little statement there that says, you know, if, you know, you're going to be considered for further advancement in this process, then you will be required to X, Y, and Z, if that's where the council wants to go.

MS. BROUWER: Okay. I hope I've captured the suggestion, if anybody wants to wordsmith, or if I've captured the general feel of the AP, and then I'll bounce it back to you, Scott.

CAPTAIN PEARCE: Okay. Tom, if you'll take a look at that, what Myra has written down, and just make sure that is clear to you, moving forward, and I'll be at the meeting in March as well, to help explain it, but I want to make sure whatever we put in here is clear.

MR. ROLLER: I think it's very clear, and I think you've given the council some really good ideas on how to address this issue.

CAPTAIN PEARCE: All right. Good deal. Myra, I'm good with it. Does anybody -- Everybody else, if you'll take a look and just, you know, give us a raised hand, or a thumbs-up, if you're good with it.

MS. BROUWER: Looking good, and so, if it's okay with you, Mr. Chair, we'll move on to the next topic.

CAPTAIN PEARCE: I'm good. Let's move on.

MS. BROUWER: So I'll just quickly introduce the next topic. The council, as most of you know, has been awarding a Law Enforcement of the Year recognition since 2010, and this has been done annually. The Law Enforcement AP takes, you know, nominations, and they go through the advisory panel.

The advisory panel selects nominees, that then are passed on to the council, and the council, during closed session at their June meeting, discusses the nominations and selects the recipient of that year's award, which can be an individual, or it can also be a team, and so this has been -- There's been fourteen awards thus far.

The council wants a little bit of discussion from the Law Enforcement AP as to how to potentially, you know, modify this process, to breathe more life into it, so to speak, and the reason is because, the last couple of years, we've only had two nominees, and so the council, rather than picking between two individuals, has opted to award both nominees of the award, and so this has happened twice, and so now -- The council talked about this in December, and you can see the bullets on the screen.

They thought that maybe they could change the process to be more of an award of excellence, and so it wouldn't be an annual thing. Instead, it would be made in years when someone has displayed above and beyond performance in enforcing fisheries regulations. They also thought that maybe the AP could consider creating a rubric to select among applicants, or among nominees, I should say, and so that's the kind of feedback the council is looking for with this topic. Back to you.

CAPTAIN PEARCE: Okay, and so how does everybody feel about that, based on the current status now, and moving away from an annual award, with nominations, to basically -- I guess we would have this rubric that would be -- You know, we would just kind of monitor activity within our agency, throughout a year, and, if we saw a case that met the standard for that rubric, then we could then put together a nomination and submit it. Is that kind of the idea?

MS. BROUWER: Scott, I think the council was maybe thinking that the rubric would be developed just for the law enforcement, to select among nominations for that, and so I don't know the process that each of the LE agencies of the states goes through. I suspect you all have your own processes that you go through. I think they were more thinking along the lines of, you know, have some kind of a, you know, more detailed way to consider nominations, but the council members who are on the line can correct me if that's not the case.

CAPTAIN PEARCE: Did I see Kim's name pop up?

MS. BROUWER: I'm not seeing any hands. I see Tracy's mic is on.

MR. DUNN: I'm poised. I'm on, and so I might as well just speak. I definitely -- I don't know if you were considering getting rid of the annual award, which I would not want to see. I think the option, or the having an officer who does a great case in a year, would definitely fall into that, but I've always liked the annual award, because there are so many people. I think our problem is just not enough nominations.

CAPTAIN PEARCE: This is Scott, with Florida, and, Tracy, I agree with you. I think -- You know, I've had my challenges, in the past, you know, getting -- Generating nominations for our own state. Sometimes we do, and sometimes we don't get any. I think that's what has happened over the last couple of years, and so maybe -- You know, one of the ideas is -- I kind of -- I agree with Tracy.

I like the idea of having the annual award. It gives us another opportunity to get to, you know, give somebody a good pat on the back, when it's deserved. I think I would recommend maybe we go back and work a little harder to generate those nominees, and maybe put a little more pressure on our own individual agencies, to make sure we're definitely putting something forward, so we can give somebody that chance.

CAPTAIN HODGE: Scott, this is Chris from Georgia. You took the words out of my mouth, after I raised my hand, but we do the same thing here in Georgia. I'm fortunate enough to have a smaller coastline, and I only have two supervisors that report those nominees to me, to pass along to you guys, but I believe we should stick with the annual award.

I know, for speaking on behalf of our folks, they enjoy the opportunity to get recognized for the work they do. You know, simply put, we've got to do what Scott just mentioned, I think, and that's work a little harder to get nominations from every state each year, so that we can continue as an annual award, is just my suggestion. Thank you, Scott.

CAPTAIN PEARCE: Thank you, Chris.

MAJOR THOMAS: Scott, Michael Paul in South Carolina.

CAPTAIN PEARCE: Yes, sir.

MAJOR THOMAS: I'm pretty much with Chris on this, because, even if they're not, you know, selected as the South Atlantic Officer of the Year, they're still recognized within our ranks, and so

we're going to have one either year anyway, and so, you know, it's really not much of a lift for us to, you know, pass it on to the South Atlantic for consideration, you know, with one of our officers because, like I said, we're going to do it internally either way, and so that's how we do it.

CAPTAIN YOPP: I kind of echo -- This is Garland, North Carolina, and I kind of echo what you just said. We do an internal process for the marine patrol every year, but I'll agree with the others. It has been a challenge to gather nominations up, and have a good body of work to put forward for that, and so I don't mind trying to do a better job at that, but it is a challenge.

CAPTAIN PEARCE: It is a challenge. Thanks, Garland. Anybody else? I can't see the hands that are raised, Myra. I know you're looking at that, and so just speak up if you've been waiting.

MS. BROUWER: Yes, and it's all good, and so we're trying to, you know, display those on the screen, but, currently, there's no hands raised.

CAPTAIN PEARCE: Okay. All right, and so I would say, Myra, a question. I'm trying to remember, because you all have to bear with me. I get confused with the process in the Gulf and the Atlantic, because I'm dealing with both sides, but, typically, when do you all put out the official request for nominees?

MS. BROUWER: So I typically, you know, send an email out sometime in April, or maybe March, like right after the March meeting, and I'll send an email out to you guys and request, you know, nominations. I'll send the nomination form, which is what was included in your briefing packet, and, you know, another thing you guys may want to do is take another look at that and see if we need to change the language, or the format, or make it more snazzy. I don't know. It's been in place, like I said, for a long time, and so perhaps that needs a little bit of a revision as well.

Then you guys send the nominations to me, via email, and then I collect them, you know, format them, if they need to be, and send them back out to everybody, and then, you know, I keep a tally of the votes, and then, subsequently, you know, whichever top three are selected by the Law Enforcement AP are the ones that get included in the briefing book for the council to review during closed session in June.

CAPTAIN PEARCE: So, Myra, with that initial email in, you know, April, what's the typical turnaround on getting them back to you? I'm trying to think of the timeframe.

MS. BROUWER: I'm trying to give you guys about a month, and, you know, I mean, I definitely could do it sooner.

CAPTAIN PEARCE: Is there any reason why we couldn't send that initial email out in either January or February and, you know, maybe with an April turnaround time?

MS. BROUWER: Yes, that would be fine.

CAPTAIN PEARCE: That would give us a little more time to set up some timelines, to say, hey, here's your -- You know, for me, internally, when I send it out to my agency, I'm going to say here's my deadline, and then, if they don't meet that early deadline, I'll send out another reminder, saying I can extend it, you know, and it gives me a little bit more to work with, to try to prompt

some feedback, and so, you know, for me, that would help me, if I had a little bit earlier submission, or earlier announcement for it, and then a little bit more time to get the turnaround and get it back to you.

MS. BROUWER: Sounds good.

CAPTAIN PEARCE: But I would like to hear what anybody else has to say about that.

CAPTAIN HODGE: Scott, Chris from Georgia, and I agree with you. It gives you a little more time to kind of push your folks to get a nomination in, and so I don't disagree with a little more time will help us, for sure, to get hopefully more nominees.

CAPTAIN PEARCE: All right.

MS. IVERSON: Myra, Tracy has his hand up.

CAPTAIN PEARCE: Go ahead, Tracy.

MR. DUNN: Thanks. Yes, and you pretty much said what I was going to try to say. We struggled, all the time, with trying to keep the awards in mind as we went through our year, and it always seemed like it was a rush at the end, and so anything we can do -- I mean, we did a midyear review, and that was a good time to start looking at potential candidates for those awards, and we've just got to keep it in mind. It's much easier said than done, with the press of business, but, somehow, if we can -- If each agency can incorporate that into a midyear review, or some document, and a reminder from the council, without a doubt, would probably help start to recognize individuals that could be nominated.

MS. BROUWER: Okay, and that all sounds good to me. Scott, go ahead.

CAPTAIN PEARCE: No, and I was just reading through it all.

MS. BROUWER: Scott, did you say as early as January? I mean, it can be at any point.

CAPTAIN PEARCE: I was throwing out there either the January, being the first of the year, or there's -- Just that January or February timeframe, but, if it went out in February, and then say our due date was April, you know, the end of April, would that give us enough? Would that give you the time you need, once they're turned in, to do what we need to do next?

MS. BROUWER: I think we can work with that. I mean, I do need to build time in there to collect nominations, and send them back out to you guys, and give you all enough time to look through them, because that also takes a little bit of time. You all are very busy individuals.

CAPTAIN PEARCE: So we could land on the announcement goes out in January, and they're due back the end of March. Would that work better for overall?

MS. BROUWER: Yes, I believe so.

CAPTAIN PEARCE: Okay.

MS. BROUWER: Okay.

CAPTAIN PEARCE: Myra, I didn't do this on our last topic, but I want to kind of back up a little bit. Do we need to make a motion to, you know, get consensus on this from everybody, make a motion to move this forward as our recommendation, or comments to the council?

MS. BROUWER: I don't believe so, Scott. You know, I mean, if -- It's a small enough group that I think, if somebody has a differing opinion, then we can capture that. I don't think motions are necessary for these recommendations.

CAPTAIN PEARCE: Okay, and, also, going back to the background checks, we're good there as well?

MS. BROUWER: Yes, I would say so.

CAPTAIN PEARCE: Okay. I just wanted to make sure.

MS. BROUWER: Okay, and so I take it we're good to move on to the next topic?

CAPTAIN PEARCE: I'm good to go if everybody else is. I don't see any other hands or anything, and so yes, ma'am.

MS. BROUWER: Okay, and so let me just do a quick intro here, and then I'm going to pull up a different document. That is the one that we're going to use to walk through what the council has been considering for for-hire reporting, and so just a little bit of background, to get us started.

The council started getting presentations regularly since the Southeast For-Hire Integrated Electronic Reporting Program, also known as SEFHIER, was implemented in 2021, and, if you recall, there was a comprehensive amendment that initially started as a joint amendment with the Gulf, and then each council took theirs separately.

The Gulf ended up with, you know, more stringent requirements. They had a requirement to have VMS on for-hire vessels, and the South Atlantic did not, and so most of you already know all this. The SEFHIER program has been operating in the South Atlantic. However, the Gulf component of it was -- It ceased to operate, I should say, in February of 2023, after a court ruling.

So, through this whole time that SEFHIER has been operational, and for-hire captains have been reporting their information through approved mobile applications, the council has been wondering when the information could be funneled into management decisions.

The National Marine Fisheries Service, back in 2018, issued, they sent a letter to the council with some concerns about certain components that were not built into the original program, components that would allow for validation of the information, and so, therefore, you know, a way to make those data usable in management.

NMFS reiterated those same concerns earlier, or last year, I guess it was. They sent another letter to the council reiterating, you know, that the data that was being collected through SEFHIER were

still not adequate, and so the council has started developing an amendment that would improve for-hire reporting, with the intent of getting that information, you know, into the management process, and so that's why we're here.

The council received lots of presentations last year. They gave us the go-ahead to start on the amendment, and I believe it was in June, and so what I have to show you guys -- I'm going to pull up another document. This one was in your briefing book as well. Okay, and let me just make sure that it fits on your screen and we can still see people's hands. Okay, and so this document basically just shows what we've been up to in terms of developing possible actions.

Now, the council hasn't yet approved this for public scoping, and so we're very, very early in the process, and so they're just now starting to talk about, okay, what are the components that need to be included, or how does SEFHIER need to be modified to get at this, you know, data validation that the agency, you know, is requiring.

Everything I just said is in the background in this document. The other thing I should point out is that the Gulf Council has also initiated development, sort of -- To kind of start from scratch, because, like I said, their program was stood aside by the court, and they are also, you know, looking at the various requirements, and they're moving farther -- I mean, they're further ahead than we are. They're looking at possibly considering the amendment for formal review in June of this year.

Lack of compliance was one of the main things that the agency noted with SEFHIER, and they provided several presentations, showing information as far back as 2022, that basically showed a comparison between the South Atlantic and the Gulf, and the South Atlantic's portion of SEFHIER was showing much lower compliance.

In the document, I have linked various presentations and things that were given to the council, so that you guys have access to that information, if you have questions, for example, as to why was compliance higher in the South Atlantic, and how did NMFS arrive at those figures, and there's a lot of information. You just have to kind of dig through it a little bit.

Then the Highly Migratory Species Division of NMFS is also looking at modifying their reporting requirements. They are also farther ahead than the council is. They just issued a proposed rule that was published, I believe, in December, and the comments were due at the beginning of January, and so the council talked about this in December. They got a presentation from HMS, and they're also looking at electronic reporting. They have different components or, you know, there's slight differences in how we are all approaching this, and so that's one of the concerns.

You know, the council would prefer that there be consistency, and, obviously, law enforcement, I imagine, as well, as well as the fishing public, the folks that are having to report, and sometimes these requirements can be burdensome, and so I've already talked about the timing. This is tentative, depending on, you know, what the council would like us to do.

We are going to provide feedback from you guys. We also brought together the For-Hire Reporting Advisory Panel, and so this was a -- This is kind of a temporary, what we call an ad hoc AP, where the council brought together individuals who had Southeast permits, but sometimes -- You know, people who fish in the Gulf, people who also might fish in the Greater Atlantic region,

and also representatives from the three fisheries that this would apply to, and so we're talking about snapper grouper, dolphin wahoo, and coastal migratory pelagics, and so here's just a very tentative timing for the amendment.

Here is a draft purpose and need. The council is going to be looking at this in March. I think there will need to be some changes, because we're not talking about only modifying the SEFHIER program. There may also need to be modifications to the Southeast Headboat Program, since that, you know, also deals with for-hire information, but I wanted to alert you to that, and so this is -- You know, basically, it says this is what we want to do, and this is why we need to do this. Then we're going to get into the draft actions, but, before we do that, are there any questions, or any clarifications, that we need to that we need to do first? If you have questions, just raise your hands, and I'll put it up on the screen. Okay. Then I will carry on. Okay. Rob, go ahead.

MR. BEATON: Thank you. So, like you said, this is just starting to kind of grow some legs on it. You know, obviously, for Florida, especially down in the Lower Keys, our folks have to deal with -- Well, our folks have to deal with sometimes both, and so consistency between the Gulf and the Atlantic -- I'm being prejudiced here for Florida, but, you know, it would make it a lot simpler, both for the anglers and for the enforcement, and I'm sure there's going to be a workshop.

My son-in-law is a charter captain, but he's single-handed, and so, you know, we have concerns about the timing when they hit the dock. I kind of let him know what was coming, and sent him to the draft actions to take a look at, and, you know, you get customers off the boat, and you've got to get the fish off the boat, and everybody wants their fish cleaned, because they want to go to the restaurant, and then you've got to clean the boat.

The concern, and I'm sure it will be voiced by those captains, is, you know, immediately upon landing. Some of that stuff is just not practical, but I'll get off my soapbox, but consistency would be key between Gulf and South Atlantic for Florida, especially down in the Lower Keys.

MS. BROUWER: Yes. Okay. Great. Thank you for that, Rob. I also -- I don't know if I mentioned that this for-hire AP that I just mentioned -- They met a week ago, or so, and they provided a lot of feedback. We are finishing up the summary report from that meeting, and so a lot of the things that you just mentioned, Rob, were also stated by that AP.

What I would like to do though, is, just so that we can get feedback for each of the proposed actions, we'll just go one-by-one, and then I'll do what I did earlier and just try to capture your comments as we move along, and so the first question would be to change the reporting frequency for for-hire vessels.

So, right now, as you know, the frequency is weekly, and then, for folks that fish in multiple regions, they have to follow the more stringent requirement, and so the council is looking at several things, and these are just, you know, things that have been thrown out. Some of them are things that the Gulf Council is considering, and some of them are things that HMS is considering, and so there's the frequency of reporting, and then there's the timing of reporting, and so when does the report need to be turned in.

We're talking potentially a daily report. There's been mention of maybe after every trip, because there are vessels, in some areas, that are doing multiple trips a day, or some other frequency. The

timing of reporting, I think HMS is looking at within twenty-four hours of the end of a trip. The council gave us directions that, for scoping, we just, you know, look at different possibilities, but we also, you know, haven't -- We're still gathering information, from the various stakeholders, to kind of narrow down things for the council to consider.

Also, there's been talk about within an hour of offloading, or within thirty minutes of offloading, and these are things that the Gulf Council is considering right now, and then there's the issue of requiring that folks submit a report prior to offloading the catch, and this is something important, because it would contribute to validating those reports, right, and so the idea would be that law enforcement could intercept those vessels before, or would be there at the dock to intercept those vessels, and be able to certify the information, and so that's pretty much what's being looked at in this action.

There's a little bit of discussion, which basically just tells you what I just said, and then here's a table that sort of just shows you what the various programs are considering, what's currently in place, and what's being proposed, and then I'll turn it to you guys.

CAPTAIN PEARCE: If nobody has a hand raised, I would like to get some feedback from Pat on, currently, how are you all working through enforcement, as far as trying to hold people accountable for just a weekly report, if they're failing to do so? Are you having to review logbooks, and match it up with trips, versus what they've reported on?

MS. BROUWER: I'm sorry, and it looks like Pat was muted. You're unmuted now, Pat.

LT. O'SHAUGHNESSY: Sorry, and I couldn't get that unmuted. The way it currently works is the SEFHIER Program Office at the Southeast Region sends us reports of those that have not submitted their weekly reports. Unfortunately, we get quite a few. I think I had eighty on the last report that I got, that I then have to send out to my folks, to try to track down the vessel owner and find out why those reports are not going out.

I know I sound like a broken record, and on my soapbox, but, again, when this program was rolled out, I did not receive a single additional person to help monitor these 1,200 people, and so, in addition to everything else that they're doing, and, again, I've got one guy in North Carolina, one guy in South Carolina, one guy in Georgia, and two in Florida, and, right now, we're just doing that in the normal course of businesses, as we're out and about.

They have their lists, and they'll stop by and go see those vessels, and find out, you know, why they haven't submitted the report, but the amount of work is rather onerous, in that we didn't get any extra people, or any extra money, to help me do that and validate why they're not submitting those reports.

CAPTAIN PEARCE: Pat, are they currently required to do a no-trip report, you know, every week, whether they go or not, or do they only report when they've been on trips?

LT. O'SHAUGHNESSY: They have to send a report every week, and that's part of the problem. Some people do not submit the DNF, did-not fish, reports, and that shows up as they did not submit a report. We don't know if they fished, or they did not fish, and so it shows up as a missing report, and my guy tracks them down, and tries to meet them at the dock, or get them on the phone, and

then find you find out that, well, I didn't go fishing, and so I didn't submit one, and so some of it is an education.

Our numbers have gone down, as we've educated. It's also an open fishery, and so we have people constantly entering and leaving, and entering and leaving, and, although they get all the information when they enter the fishery, they're not necessarily knowledgeable enough to do it, and then, again, that's dumped on us to try to do it.

The SEFHIER program does do an outstanding job trying to reach out. They'll try to reach out via email, via phone, but a lot of the referrals that we get are attempted contacts three or four different times, and they can't get them, and can you guys try to get them, you know, at the dock.

CAPTAIN PEARCE: So the other part of my question too, and this is just really getting the scope of what you all are dealing with, along with say somebody who doesn't report, or say they do report, is there a way to validate that their report is accurate? I mean, is the logbook the way you do that, or are we just taking their word for it?

LT. O'SHAUGHNESSY: There's no way to validate did-not fish, and we do get reports of folks that nobody is there at the dock, and they do a did-not fish, and so it doesn't count against us, and so we do get some reports of that. I can't confirm that, and that's anecdotally, but we will look at the logbooks, you know, depending on what fisheries they're in, if there are other ways to validate it, but there is none.

We also get reports if, when we come to the dock, and, you know, if there's no, you know, law enforcement standing there, or a port sampler standing there, I'll just do a did-not fish, because I don't want that to count against the total catch and have it shut down even sooner, and that was -- I'm getting ahead of myself, and that was some of the argument for prior to offloading the catch. They're telling you what they have onboard before they hit the dock, and, if we do stand there and catch them, we can validate that they did submit an accurate report, as opposed to coming to the dock, and nobody is there, it's easy to submit a did-not fish, or did-not catch anything, report, and press that button and send it off.

CAPTAIN PEARCE: All right. Thanks, Pat. I appreciate that. Rob, what do you -- Do you have anything?

MR. BEATON: Yes, and so I'm not intimately familiar with all this reporting stuff, and is it -- Are there multiple platforms, or is it just an app on a smartphone, or can people call in, and can they mail in, or is it all just from one source? That's probably a question for Pat.

CAPTAIN PEARCE: It is.

MS. BROUWER: Go ahead, Pat.

LT. O'SHAUGHNESSY: The majority of people do -- You can download the software, and it's free, and you could do it from your phone, and they have Android and Apple apps, or you can do it from a computer, but you do not send it in paper-wise. It's an electronic submission by one of those two means.

MS. BROUWER: That's correct, and I'll add to that, just a little bit, and so there are currently two apps in the South Atlantic that can be used. One is called VESL, and one is called eTRIPS. One of the things that we heard, last week, from folks that are using these apps, is that one of them, the eTRIPS app, is not very user-friendly, or at least comparable to how user-friendly the VESL app is, and so those are currently the only two ways that they can -- That fishermen can submit reports.

NMFS is trying to eventually get to a place where there will only be -- You know, there will be a one-stop reporting, is what they're calling, so that fishermen, you know, don't have to submit duplicate reports, due to different reporting requirements in different regions, but that is still a ways away.

MR. BEATON: Gotcha. Okay. This one is going to be a mess.

CAPTAIN PEARCE: Myra, this is Scott Pearce, from Florida, again. For Pat, and I just want to clarify, and, currently, there is no mechanism to declare a trip before it takes place, right, or no requirement, right?

LT. O'SHAUGHNESSY: No, sir. No requirement to declare that you're going out or that you're coming back in.

CAPTAIN PEARCE: Right. Okay. Thank you. Do we have any thoughts on the recommendations that were shown, from anybody else on the panel?

MS. BROUWER: I only see Tom's hand up right now.

CAPTAIN PEARCE: All right. Tom, go ahead.

MR. ROLLER: Thank you, Chair, and so I'm just going to ask a few questions here, to see if they're worth addressing, and so, you know, I'm a full-time for hire operator, you know, and I've dedicated my life to my business, and so I view SEFHIER kind of in two different kind of columns, right? We have the idea that we want better data, so that particularly our for-hire fleet can be managed with better, more accurate data that they submit, and then the other part is how do we enforce it now, right, and I think that's clearly been the problem.

So, you know, looking at things going forward, I mean, obviously, getting more enforcement resources, or more validation resources for the state and the federal law enforcement in Southeast fisheries, is really important, but, outside of that, some of the conversations we've had -- Because, you know, listening to the AP talk, and for me being in the industry, I know a lot of people are lying, you know, and either they don't have these permits, and they just hope they don't get caught, one, or, two, they're just submitting did-not fish reports, if they don't feel like it.

You know, the council is considering looking at daily reporting, like was stated, and with a hail-in and hail-out, or a hail-out and hail-in, I guess would be the proper way to describe it, to make it more enforceable on the daily -- Enforceable, but, also, you know, if you're out fishing in federal waters, you have to be declared, because I think a few people getting caught would make a big difference, right?

The other question I have is -- Some of the discussion we've had is about having say a decal saying that you're a permitted fisherman, like they do in the Gulf for this fishery, and, you know, I've talked to staff about that, you know, at the Southeast Regional Office, and that seems to be a possibility, because, for me, as a for-hire fishermen, if I'm out in federal waters, and I see one of my competitors, and he doesn't have that sticker, I'm going to turn him in, and so I was wondering, from that perspective, if that would make things a little bit more enforceable.

CAPTAIN PEARCE: This is Scott, with Florida, and so I just want to say, yes, any way you can identify those boats, through that mechanism, is always going to be helpful. I think the big key, when you're looking at it -- The way I look at it is the way you're set up now, for enforcement-wise, it's really a records research. You're really researching -- You know, you're having to prove, number one, did they go on a trip, and then fail to report.

I mean, simply, if there's a requirement to report every week, and they don't, then that's simple. You don't see a record of reporting, and so that's a violation, but if you want to -- If you're trying to be -- To get an idea of accuracy on reporting, and so I want to know, you know, did -- Are you reporting accurate numbers of trips you went on, and the only way -- You know, verifying those trips is a big gap.

If you want state law enforcement -- From my point, from my opinion, if you want state law enforcement to play a bigger role in the enforcement of this, you're going to need something, I think, going towards more of a hail-in and hail-out, or hail-out and hail-in, mechanism, where you're declaring that you're going on a trip.

You don't necessarily -- I mean, I'm okay with saying you declare that the trip is taking place, and then, at the point the trip ends, you have twenty-four hours to report that harvest, and I think that would be work, but what that does, for us in the state law enforcement is, if we can monitor those declarations, then, if we come across a charter vessel that's out, and we go back and check and say, well, did they declare this trip, then we can verify that okay, yes, they declared the trip, and now we know to look for their report-out the next day, over that twenty-four-hour period, and that gives us something more to work with, when we're looking at those things, to know a start of -- Yes, a trip took place, and now we know we need to look for this report-out within twenty-four hours of them landing at the dock.

If we inspect them when they hit the dock, we can inspect the catch, and then we can also verify, with their report-out, that it matches the inspection we conducted, and so those are keys. I think, if you want state law enforcement to play a bigger role, and have tools to do that job, then you're going to need a little bit more of that stricter reporting process, where you're actually declaring a trip and reporting-out within a reasonable period of time, but I'm looking for everybody else's thoughts on that as well, and it's okay if you don't like my idea.

MS. BROUWER: So, Scott, I'll just, very quickly, because there's a few people with their hands up, but I just put up, on the screen, the requirements for the Gulf of Mexico that have to do with the -- You know, that have to do with the vessel decal, and I'm not very familiar with this. I recently just found out that this is a requirement, but the main difference here, and this is for a limited-entry program, right, and, for the South Atlantic, the only -- I mean, none of these fisheries are limited-entry for the for-hire sector, and so I just wanted to bring that to your attention. Thanks, and I see -- Let's see, and it looks like Pat was next.

MR. O'SHAUGHNESSY: Yes, I was just going to say much of what you said. The decal would be helpful, but it's an open-access, and so people enter and leave all the time, but it would make it much easier to identify those that were permitted, and then advertise the vessels you're going on should be permitted, so people that are buying the trips.

However, I will say most of the fishermen that are permitted, and running charters, are some of our best sources on telling on those that are not permitted and are running charters. We get those reports all the time. They stay anonymous, but they're telling us the guy two boats over from me, in such and such a location, is running trips, and he doesn't have the federal permit, and that's where a number of our violations come from for not having the charter permit. Since it's open-access in the South Atlantic, it's only a \$500 ticket for running those charters without having a permit. In the Gulf, it was \$2,500.

Now it's actually a notice of violation, and it's considerably higher, as they're cracking down, because that is a closed fishery, but we have approached General Counsel to raise that \$500 summary settlement for doing a charter trip without having a charter permit to significantly higher, and so our hope is, as we start hitting people, and they're getting \$1,000, or \$2,000, fines -- The \$500 fine just doesn't become a cost of I'll roll the dice and take a chance, and so we're trying to get compliance in that matter as well.

MS. BROUWER: Thank you, Pat, for that, and, if I just may ask a quick question, is this a request that went to GC recently, or what would be the timing of that?

MR. O'SHAUGHNESSY: We regularly take a look at the summary settlement schedules and make proposals to General Counsel. This went to General Counsel -- At my age, my time references are not very good, but two months ago, and they review it, and then they'll update the summary settlement schedule accordingly. I don't know where it is in that process.

MS. BROUWER: Okay. Thank you for that, Pat. Go ahead, Tom.

MR. ROLLER: So, first of all, Pat, you answered one of two questions I had here, and that was to see if it would be possible to raise the summary settlement, and I'm sure that you and I have had this discussion on the record multiple times, and, you know, I would be interested in pursuing that at the council, to see if the council could do anything to help with that, you know, and I was going to comment on the sticker thing further.

I mean, I know Florida is different, in how they do state for-hire vessels, but, in North Carolina, we have a yearly sticker. You know, we also have a defined fishing period, and that new sticker is required by July 1 of every year, and it changes color, and so it's really easy, and, I mean, like you said, fishermen are -- For-hire fishermen are really good at ratting on illegal charters, and I will gladly state publicly that I do that, because, you know, I do this stuff, and I take it very seriously, and have, you know, expensive insurance, and whatnot, and I want to see a safe industry for everybody, but, you know, I would be open to suggestions.

Like say a sticker was for this, as it sits now, open-access fishery, and, if we were to have a decal, maybe there are ways to make that a little bit easier, like change the color every year. I know our -- You know, our permits, you know, their expiration dates are, you know -- They depend on when

you apply. I think they tend to be the month of your birthday. I believe that's still how they're being done, which reminds me I probably have to renew mine here this month, but, that being said, would there be any ways in which to do that, to be more noticeable, via a decal that you think would be helpful to law enforcement?

As it stands now, I see competitors of mine who may be state-licensed boats, but fish in federal waters, consistently, and I would like a way to be able to better identify them, because, you know, I can go and pull up that spreadsheet that's updated on the NMFS site, and check who has those permits, but that's kind of a -- You know, that's kind of a difficult step, because it may be listed under their business name, or you may have to search by boat name. It's kind of complicated, but, if there was something more visible, I think that would help all of us to take this seriously, and I would be open to suggestions.

CAPTAIN PEARCE: This is Scott, in Florida, and so the decal on the boat -- I mean, if we're offshore, we're going to check the boats we see, and so the decals -- You know, it helps us get an idea of what we're looking at, you know, before we get there. It also would tell us, hey, this boat doesn't have a decal, and so there may be something, you know, illegal going on, based on the activity in the area, things like that, and so it's definitely a resource, or a piece of information, that helps you when you're -- You know, when you're approaching a boat and you're trying to assess what you're looking at.

We're still going to board those boats, and check them, and so, I mean, for us, it's just an additional piece of information that we can use as we're trying to figure out what we're looking at. I would really be interested in Chris, you, and Michael Paul, and Garland, and I would like your opinion on that, plus, you know, the comments I made on state law enforcement, you know, what it would take for us to be more useful.

MS. BROUWER: Scott, I think Garland has got his hand up.

CAPTAIN PEARCE: Garland, you go ahead.

CAPTAIN YOPP: Just a question, you know, and so, the other states on here who have JEA, what are you all doing with this right now? I heard, from Pat, that, you know, like probably most agencies, limited law enforcement to try to track these down, and I understand that, and get that, a thousand percent, but what are you all doing? Do you all have access to view this, any of this data, or is it simply NOAA has that access to, you know, who's reporting and not reporting?

I'm trying to -- You know, we're in that particular of not having JEA, and so to have anything that, as a state, that we could do, and it would have to be a rule, or a proclamation, with some type, and, you know, I told you all, I think at the last meeting, we're coming out with our own mandatory reporting, some on the recreational side, and then on the commercial side. You know, on the commercial, what we have currently, and it's not in effect yet, and it's supposed to start in December, is a forty-eight-hour after landing reporting requirement, but I'm just wondering how the other states -- What are you all doing with this currently right now, or is it only a NOAA issue, which is what it sounded like to me earlier?

CAPTAIN PEARCE: Pat, I know your hand is raised. I can answer -- I can give Garland my answer, or, if you want to go ahead, you can go ahead.

LT. O'SHAUGHNESSY: You can go ahead.

CAPTAIN PEARCE: So I was just going to say, I know, when it was in the Gulf, and this is where I probably had a little more experience with it, we had access, and we would get notified of the trips that were being declared, and so we could -- You know, once we were notified of that, then we had a mechanism to follow-up on, you know, the trip, when they landed, did they report-out, things like that, and so we were able to -- We had to work with NOAA to do that, but we were able to do that. I can't -- I'm not as familiar with how we're doing this on the Atlantic side, and I think it is more -- It's falling more on NOAA OLE than it is on our state, or us as a state agency.

CAPTAIN HODGE: Scott, this is Chris, from Georgia. Exactly the same for us here in Georgia. We don't get any notifications. Now, this may be available to us, but, in my time here on the coast, I'm not aware of ever getting the notification that a boat was hailing-out, or hailing-in, and we don't have any state requirements for that, and so, you know, if that's the case, then that would have to be handled through JEA, of course, on our end.

CAPTAIN PEARCE: Thanks, Chris. I will say -- I will add to it as well, though. In the Gulf, we also had a SEFHIER component with JEA, but we used it as a way to basically monitor the trips that were being declared, and it was really used more of a way for us to identify vessels that were illegally chartering, more so than monitoring the ones who were doing it under permit. That was kind of the way that was set up with our JEA for the Gulf, and I guess it would be similar, I guess, a similar idea to the Atlantic too, but, Pat, you've got your hand up.

LT. O'SHAUGHNESSY: I was going to say, in the South Atlantic, no pre-landing notices, no declarations, no VMS, and so you're considerably more limited in how you can do enforcement efforts with this. With our JEAs, you know, I think we get a better bang for our buck, and our states would agree, with the offshore work that we get for them, and so it has not been incorporated into the JEAs, to have them spend more time at the dock for SEFHIER enforcement, because, again, we think we get the better bang for the buck by them getting out on the water.

They come across more vessels, and develop more cases that way, and so, no, the states have not been big, but they have not been tasked to be big in this enforcement, because, if we task them to do SEFHIER enforcement, we're taking it away from something else that they're currently working and getting paid for from us to do, and so we would rather not do that.

CAPTAIN PEARCE: Thanks, Pat, and, Tom, I know you've been patiently waiting, and so I'm opening it up to you, brother.

MR. ROLLER: I'm sorry, I didn't realize my hand was up.

CAPTAIN PEARCE: Okay. Well, that makes me feel better, because I was afraid I made you wait too long.

CAPTAIN YOPP: This is Garland, with North Carolina. Thanks for you all just -- I was trying to get clarification on what you all are currently doing, and I appreciate everybody commenting there, and just trying to get an idea about this, because we're just in a little bit different boat, without having JEA to begin with, but I was just looking to see what you all are currently doing.

Pat, I get, you know, when you're talking about the best bang for the buck is them actually out there boarding boats, and checking for compliance with that, but I was just -- I was curious, and I kind of just wanted to see what everybody else was, and where they were at. Thank you.

CAPTAIN PEARCE: Thank you, Garland, and, yes, I would like to reiterate -- This is Scott, with Florida, and I just want to reiterate that I think that, if you did want more input, or more enforcement from the state agencies, then I think that -- You know, to make it more interactive, to have a declaration of the trip, and then a shorter, more frequent reporting time, would give us the ability to help you out a lot more.

The way it's set up now, it's more of taking the time to just go back and verify those weekly. I mean, again, I go back to if it's simply they failed to report, period, and you want somebody to write a ticket, because they violated that, then that's easy, but, if you really want to know more about what are they reporting, is the reporting accurate, those things, then I think more frequency, and a knowledge that that trip is even taking place, is going to be really beneficial, but I will kick it back to Pat, and Tom, to get your thoughts on that, because, really, this is going to impact you all the most.

LT. O'SHAUGHNESSY: Yes, and I'll have to ask for clarification. Kicking -- What were you asking for input from me on that?

CAPTAIN PEARCE: I was just saying that the comments I made about -- For the states to be more beneficial to NOAA OLE, that I feel like having some form of declaration of the trip, before it takes place, and then more frequent reporting times, like reporting within twenty-four hours of landing, or something along those lines, would give us more tools to be more effective, if you wanted us to help with enforcing this.

The way it is now, doing it once a week, you know, it's probably not something that we will get heavily involved in, but, if it was real-time, and we were seeing these boats leave the dock, come in, and, you know, kind of like we do in the Gulf, and we might be more of an assistance there, and I wanted to get Tom's feedback on that, to see if that's in line with what they're thinking, and then just make sure that the other states would agree with that, if they were tasked with any of this.

MR. ROLLER: Chair, may I offer some feedback?

CAPTAIN PEARCE: Yes, sir.

MR. ROLLER: So, you know, I'm not going to speak for the council here. You know, obviously, I've been a proponent of having a healthy SEFHIER program, as well as having healthy state reporting as well. You know, our state is pursuing mandatory, or, well, we're actually requiring mandatory reporting this year, for many popular inshore species, but that program specifically does not include for-hire fishermen. We're actually not required to report whatsoever, and that will be on the onus of our customer, whether or not they have a license, because we do have what's called a blanket license in our state that covers fishermen on our boats.

You know, obviously, you know, my perspective is daily reporting, and a hail-in and hail-out, is clearly going to be the best way to get better data, but also to make it more enforceable, right, and

so, you know, I'm personally supportive of that, but, you know, obviously, we'll have to see what the council thinks there, and that's why we're looking for your feedback on the enforceability of this program.

You know, my state does not have JEA, but, you know, I am on my state commission, and I have pursued and, you know, and have -- We put a white paper forward, to see how it would be possible for my state to enforce these permits without JEA, because my state does enforce federal king mackerel permits, as well as our, you know, SG 1 and SG 2 federal permits, as well as other federal permits as well, and so they enforce those commercial permits, but don't do anything on the for-hire side, and there are ways in which to do that. The question is whether or not the state is interested in pursuing that.

CAPTAIN PEARCE: Thank you. I appreciate that input, and I want to -- I just want to -- You know, so, if we move forward, and we're providing input, and providing advice to the council, I want to make sure that we all agree, or disagree, with what our options are, and so, again, or what we're telling them is going to be helpful, and so I feel like the consensus is going to be some form of hail-in and hail-out, or hail-out and hail-in, and more frequency of reporting would be a good recommendation. I just want to make sure that that's not -- That we all agree to that, and that, if there's any other ideas, or thoughts, that we incorporate that. I don't want to -- I want to make sure we all have our two-cents in there.

MAJOR THOMAS: Scott, this is Michael Paul, from South Carolina. I agree with you on the enforcement stuff, and, that said, as far as, you know, taking our focus away, it's not something that we probably couldn't do, you know, as far as doing the enforcement, and, you know, we do a similar thing with our state permits now, but, as far as this federal stuff, you know, it's reported on a state platform, through our, you know, marine biologist section, and they report it directly to the feds, and we don't -- You know, we don't see it at any point, and, you know, obviously, we don't have the hail-in and hail-out notifications either. I'm not saying, from a strictly is it enforceable, and, yes, we could probably, you know, devote resources to it, you know, for South Carolina. It would -- It would take away from other areas, as Pat stated.

CAPTAIN PEARCE: Thank you, Michael Paul. Again, I don't want to do this in a way where I'm trying to create more work, but, again, going back to the premise of this, they're asking what do we see would be more -- What do we see would benefit this process, to make it work better, to make it more efficient, and so that's what I want to make sure, is we're just not saying that, hey, we want to do more work, and we want to -- Part of that is, if you're going to make it more efficient, what are the options, but Pat, I'll go ahead and let you go. Garland, you have comments?

CAPTAIN YOPP: Yes, and I agree with you about the hail-in and hail-out. I mean, if that's what you're going to do to check for compliance, and so, with that being said, how would that work? Is there a confirmation number given when they, you know, call out? How is that -- How does that process work, worked before for others, is a question I have for whoever can answer.

CAPTAIN PEARCE: Again, there may not -- It may not be answerable yet, because, if we recommend that, there's got to be a process to make that work, but I can't remember exactly how they were doing it with the Gulf, when it was active, and I do know that we were getting notified on the hail-out, you know, the hail-outs, and then we can follow-up on the hail-ins, but I can't

remember if we had access to an app to monitor it or how that worked, and so, if anybody on the call can answer that, I would be -- I would love to hear it.

MS. BROUWER: Scott, this is Myra. I don't know either what the details are. I believe it was -- Since the boats in the Gulf were required to have a vessel monitoring system, it may have been done through that. One thing that the For-Hire Reporting AP recommended was that, if the council is going to go that way, and require a trip declaration, that it be made pretty easy, perhaps by modifying the existing apps, so that there could just be a toggle switch, or just simply starting the app itself would somehow alert the system that a boat was, you know, heading out. Anyway, it looks like we've lost -- Pat's audio is may not be working, and so I would suggest we go down, down the list. I think Garland took his hand down, and so Tracy is next.

CAPTAIN PEARCE: Tracy is next.

MR. DUNN: Thank you. Yes, and I just wanted to throw my two-cents in that I agree that, the more you have enforcement measures that make it difficult to get around the system, and to report accurately, and to have those checks, and that people know it, and it's just like speeding. If you don't have somebody there watching, people speed, and things get out of hand.

The other side is that I'm hoping that the states see that there's a benefit to each agency to get that kind of information, and make sure it's accurate, and not rely on the JEA as the mechanism by which state officers can only check this sort of thing. If they're in the area, and not that they have to get out of the way, but, if they're in the area, and they get the information, they would have that choice then, and so that's just my two-cents.

CAPTAIN PEARCE: Thank you, Tracy. Rob.

MR. BEATON: Thanks. Rob Beaton here I was going to say the requirement to hail-out and hail-in isn't that cumbersome. You know, if I've got a trip tomorrow, and it gets canceled, you know, I can easily go on there and modify that, either, you know, the night before, or the morning of the trip, if there's just bad weather.

You know, it's -- I get the fact that, you know, it would be great to know the information before the vessel lands, but I think you're going to get a lot of pushback from industry on that, that it's -- There's just so much going on, especially for the single-handed captains on a smaller -- You know, he runs a thirty-four SeaVee.

You know, he would probably lose track of discards, because he's baiting somebody else's hook, or tying a knot, and so the less -- Sometimes less is more. I've been told that throughout most of my career, but, you know, I would support the hail-in and hail-out, and just that timing at the end of the day, and, I mean, I was in enforcement for thirty-three-plus years, and we all know who the people are we want to watch, right?

So, you know, if there's somebody that you're on their scent, I mean, you're going to catch them whether there's this app requirement or not. It is a good thing. It's a little more knowledge, but it would be key, I think, for the officers to have access to the app, so they could just do a simple search, you know, and I wonder if Baiting Time is going out tomorrow, and he could just type-in and search "Baiting Time", and, yes, he has declared that he's going to go out tomorrow, and, okay,

I'm going to sit at his dock, because I know he's cheating, and so access to the information, for the officers in the field, real time, and not have to bother Pat, and ask Pat, or have dispatch run it, because our dispatchers are already doing enough stuff. You know, our officers have smartphones. We made that about a year-and-a-half ago, and so putting the information in the officer's hands is key.

CAPTAIN PEARCE: Thanks, Rob, and, as a follow-up, would you say that, with the hail-out and hail-in, and then reporting the harvest within twenty-four hours of the hail-in, would be acceptable?

MR. BEATON: This is Rob Beaton, again. I would say twenty-four hours might be a little much.

CAPTAIN PEARCE: Okay.

MR. BEATON: I think you could probably back that down to within six hours, because that would even, you know, potentially cover if somebody is fishing two half days. You know, they would probably have to -- Because they're just flipping the boat after the first four-hour trip.

CAPTAIN PEARCE: Right.

MR. BEATON: So, you know, I would say the six hours within the final trip of the day, if I were to word it, and then they would just report on both trips.

CAPTAIN PEARCE: Okay. I like that. Thank you. Pat, are you back with us?

LT. O'SHAUGHNESSY: Yes, I sure am, and I made it a lot of outstanding points when I was gone. Sorry, and I didn't realize I was talking away, but I am back.

CAPTAIN PEARCE: I was getting it in spirit, man. Go ahead though. Pat, we may have lost you again.

LT. O'SHAUGHNESSY: No, I'm here. I'm good. I forget what the last discussion was, you know, but I do get -- The hail-in and hail-out is the single biggest thing. If you know somebody is going out, and they're on your radar, you will make an effort to get over there to get them when they're coming back in. You know, whether they report, you know, prior to, and, I mean, my preference would be prior to. However, reporting that day, you can verify it as well.

CAPTAIN PEARCE: Thanks, man. I agree with Pat, Rob, and Tracy, and the fact that this is really not -- You know, yes, JEA, and this could be a part of the JEA requirements, but it's really a tool for law enforcement, and it's a tool for -- Even if it's not a JEA requirement, I think most of your officers that are really engaged are going to look -- They're going to use this information to help with the job, take advantage of it, and represent -- Be there for the harvesters and, you know, whatever their needs are with this. If they have issues, if they have something that fails, they have those people they can reach out to to help them sort through it.

MR. O'SHAUGHNESSY: This is Pat again. I'm going to add one thing. I know, on the Gulf side, the program -- I know it's managed by the Southeast Region, but the notification process was pretty good. When someone sends a hail-in and hail-out, all of the officers, whether federal or state, would sign up for their area responsibility, and so, if a boat was coming in in Charleston,

and you're stationed in Charleston, you would get an email notification, to your work phone, that would tell, you know, the Fishing Vessel Patrick is going out today on a charter, and so you wouldn't have to go into a database and look.

You would get a notification that they're out, and so, in your normal course of business, you can make an effort to be over there, and, well, I know they do all-day charters, and so they're coming in at five, and so I would hope, if we do pursue hail-ins and hail-outs, there would be some mechanism where the federal and state officers can receive those alerts for their AORs, and that's how we'll actually get that validation, when officers are more easily able to meet a vessel when they're coming back in.

CAPTAIN PEARCE: Yes, I agree. That way was very efficient. It was a lot like the commercial notifications we get through VMS, and, again, it was a VMS program. I'm not saying this would have to be VMS, but you definitely have that mechanism to notify officers when the trip was underway or going out. So, Myra, are we giving you a lot of good stuff that you need?

MS. BROUWER: Yes, you are, and we're a little bit out of order, but that's fine. You guys are on a roll, and so I'll just keep going down, but I think Tom wanted to say something first, before I get going.

CAPTAIN PEARCE: Let's get Tom, and then we'll let you go back, and we'll try to clean all this up, but, Tom, go ahead.

MR. ROLLER: Thank you, Chair. First of all, Pat, that was really helpful, to get that feedback about how that was done in the Gulf. I think that's really helpful. I appreciate some of the comments about regarding when the landing should be done in twenty-four hours being a little too much. You know, the council is looking at, you know, other options, particularly for maybe distinguishing between when fish -- If fish were harvested and fish were not harvested.

You know, I personally, as a for-hire guy, I think likely it's overstating about how cumbersome it would be to people who run two trips in a day. I think that's a little bit overstated from industry. You know, people have enough time to lay out all their fish, and take pictures of it, and I think you can probably figure out -- To go on the app and enter your fish in pretty quickly with it, whether it's six hours or an hour.

Now, that being said, one thing I wanted to bring up here, and I think it's kind of assumed in the conversation, is what the council has been discussing, along with hail-in or hail-out, is having what they're calling pre-approved landing locations, and so wherever you fish from will have to be an approved location, which means you just submit paperwork for where you're coming and going out of that day.

I know there's some little nuances there, but, from a law enforcement standpoint, for you knowing exactly where that fisherman is leaving from, and coming back from, how would that feed into this and enforceability, because it's important to remember not all our fishermen are fishing from, you know, established docks, from a sixty-foot or forty-foot boat, but we also have a lot of folks fishing from boat ramps, and, you know, I don't want to get into the whole debate about how you do things on private property here, but there's a lot of -- This would give a really -- My point is

you would know exactly where people are leaving from, and how important would that be in this process.

CAPTAIN PEARCE: Tom, this is Scott, with Florida. I would say that's very key, and very helpful, in law enforcement's ability to use this information to do their job, and so definitely it would be a plus, from my point of view.

MS. BROUWER: All right. If you all don't mind, I'm capturing, like I said, your comments as best I can. We will get -- We've already touched on several of the proposed actions, but I'm still going to go through the document, in that order, just to make sure that we're not leaving anything off, and so I'm just going to scroll down.

The trip notification, I think we've already been talking about this, and so one thing to note here is the council is considering various options. Maybe anytime the vessel leaves the dock is a consideration. This would include anytime the vessel moves. If they need to go get fuel, there would be a trip declaration that needs to be submitted. I believe this is what was in place in the Gulf for some time, and it created, I think, a little bit of consternation.

Other considerations would be do you need a trip declaration when the vessel is being utilized for activities other than for-hire fishing, or just for-hire fishing, and how would it work if the vessel was being used for other things, like commercial fishing, or activities involving paying passengers that are not fishing activities, such as sunset cruises or dolphin watching cruises, and so that's another of the potential actions, and so I'll let you guys comment on that, and I'm good if you want to keep going as well, since we've already kind of talked about this a little bit. Back to you, Scott. I'm not seeing hands up. I see your hand up though, Tom, and there goes Rob. Go ahead, Rob.

MR. BEATON: So could you scroll so we can see those other -- There you go. Thank you. I think anytime the vessel leaves the dock is a little bit of overreach. You're just going to have more things for the officer to have to sort through. I think it should be when the vessel is being used for for-hire fishing and there's going to be take.

If the boat goes out for a sunset dolphin watch, I mean, maybe some people that care about the dolphin, and how many people are interacting with dolphin, might, but, for the purposes of what I think this is intended for, I think it should be just for when the vessel is used for fishing, for-hire fishing, and there's going to be a take, a harvest.

MS. BROUWER: Gotcha. Okay. Thank you for that. Are there other comments on this potential action? Okay, and I'm not seeing any. I'm going to keep moving. I'm aware that Pat has to step off here in a little bit, and so I want to make sure we get his input on other things as well. Establishing approved landing locations is another thing. I'm so sorry, Scott. It looks like you were muted.

CAPTAIN PEARCE: Well, I was trying to unmute, and it wouldn't let me, but I was just going to say that I support exactly what Rob said. I think that that was a big part of the problem with the Gulf, is that I felt like we were being overreaching, and I think that we only need to know when that boat is actually going out for a fishing charter, and Rob stated it very well, and so I support what Rob said 100 percent.

MS. BROUWER: Okay. Got it. The locations, I think we touched on this a little bit. There was a little bit of confusion, I think, when the AP talked about this. You know, we explained how the process worked in the Gulf, where people basically just had to call and say, hey, you know, I want this location added to the list of approved locations, and that included sometimes private residences, and so that is a possibility.

Of course, that presents an issue for enforcement, but it's something that's done, as I believe Pat stated earlier, just through just paperwork, or maybe it was Tom who said it, and it's a very quick thing, one to two business days, and the site is on the list, and so here's just a little bit more information on what those locations would be, and how the process would work, and does anybody have any other comments regarding approved landing locations? Go ahead, Pat.

LT. O'SHAUGHNESSY: Just I wasn't familiar how the Gulf did SEFHIER landing locations for the for-hire sector. I know, for the commercial sector, law enforcement was heavily involved with approving each of the landing locations, to make sure that law enforcement had access twenty-four-seven, so we could meet the vessel in the middle of the night. I'm taking that these landing locations would just be submitted, and law enforcement would not be involved with approving them, in any shape, way, or form?

MS. BROUWER: I believe, when Jessica Stephen presented this to the council, she indicated that they would be assigned an enforcement code, so that the locations could be distributed, I guess, by that code, for enforcement purposes. Scott, you're unmuted.

CAPTAIN PEARCE: I would say, trying to get my thoughts on this, for me, for approved locations, I think, if we're going to approve somebody's residence, it would have to be only in situations where the residence is on the water, and the boat ties up to a dock behind the house, and in situations where the dock and the vessel are clearly accessible for officers that are coming in by road. I'm not a big fan of private residences being approved, because that's very -- You know, it's always a risky place for law enforcement to engage with people, at their home residence, but, in a situation where you do have a dock behind the house, and that's your primary status, where you leave and come, you know, from the house.

Now, in that situation though, if there's another location where you frequently stop to pick up guests, and drop them off, then that should be your landing location, and not your house, but, if it's simply a street address, and it's not on the water, then there should be no -- They should not allow anybody to just claim a home residence as a final landing location, and so it's either going to be -- It really needs to be the point of which you're dropping off the guests. If it's at a marina, boat ramp, things of that nature, then we can check them at a neutral site. I prefer that over private residences. It's just -- It's an officer safety issue.

MS. BROUWER: Yes, and one thing I remember the For-Hire Reporting AP talking about is how sometimes captains need to pick up clients at their, I don't know, Airbnb, or VRBO, or whatever, and so that sounded like it might present a challenge for this component for law enforcement.

CAPTAIN PEARCE: Yes, and that would, and so, again, that recommendation of where they pick them up and drop them off may be a bad idea, but I'm just trying to make sure that they're very aware that, when we use private residences as approved landing sites, that it does create officer safety issues. We get a lot of complaints, in the Gulf, on the commercial side, of officers, you

know, being at people's residences and waiting for the landing to occur, and we have to be there, because that's the approved landing site, but we get complaints on that, and so it's just one of those things where, if we can avoid that, at all costs, that's what I would recommend, but I know that's probably not possible.

MS. IVERSON: Tracy has his hand up.

MR. DUNN: Yes, and I just wanted to support that. Private residences were always a problem. People have locked gates, but I understand that that may not be possible. The document here does say it would be the SEFHIER staff that verifies the location, and not law enforcement, and that was a problem when I was active, was we just didn't have -- It took a lot of time and trouble.

The only thing I would like to see added then is, if it is a private residence, that they understand that, at the first sign of trouble, we revoke that landing site. If people are upset that we're there, even though they claim it was a landing -- You know, their primary landing site, then they have to understand that that will be revoked, and they're going to have to find someplace else, if it's at all approved, and I still agree that it is not always the best place for us to go, for them to go.

MS. BROUWER: Okay, and let's go to Tom. Go ahead.

MR. ROLLER: I think my question here is, you know, I, obviously, hear the concerns regarding enforcement on private property, obviously, and that's been part of this conversation. You know, I think, from a data standpoint, you know, it's really helpful just to know where fishermen are leaving from, regardless of the validation and ability of law enforcement to get there.

You know, there is, obviously, a percentage, I would say, of people who leave from private residences, or, you know, with their clients there, and, obviously, I think it's important that the language -- From what I'm hearing, I mean, is that it's important that the language designates wherever those fish are off loaded.

Now, that being said, is it even feasible to say this for-hire operator cannot land fish at a private residence? Is that even a legal question to ask, because, personally, I think, well, this doesn't affect me, and I think that may be an issue for a segment of industry, which there be considerable pushback in saying like you're telling me I can't leave from my dock, just because it's in a neighborhood, and is my question clear there?

CAPTAIN PEARCE: Yes, Tom, I understand your question. It goes back to, again, it's probably not something that -- It's probably something that we would have to allow, under certain situations, but there needs to be a lot of consideration on law enforcement's access to that dock without -- You know, if there's -- If at any point you have to go through a residence to reach access to that dock, then it should be not approved.

There should be an alternate route to go around the residence to access that dock, without having to go through anybody's private area, and, of course, if we can get there by water, that's even better, but there's times we might not be able to, and we may have to get there by land, and, you know, if you have a private community, with locked gates and things like that, then those things have to be accessible to us. If the main gate of the residence is locked, then it's a no-go.

Those are all things we need to consider, but, for me, the biggest issue is that, whenever we go to somebody's private residence to do business, it elevates our officer safety to another -- Into a whole other situation, and it does make family members uncomfortable sometimes that we're there, and so -- Even though we try to be -- You know, we're always very professional, but those are the issues we deal with.

MS. BROUWER: Okay, and so I would like to suggest maybe a short ten-minute break, if that's okay with you, Mr. Chair, and we can go get a cup of coffee, or go use the restroom, and be back here at three o'clock.

CAPTAIN PEARCE: I agree 100 percent.

MS. BROUWER: Thank you.

(Whereupon, a recess was taken.)

MS. BROUWER: Okay. I'm back. I hope everybody else got a chance to stretch, and get a snack, and we only have a little bit to get through, and so we're almost there. Scott.

CAPTAIN PEARCE: Thank you, Myra, and I want to just -- During that break, you know, we were kind of talking about -- My counterpart here, we were talking about some of the discussion, and it kind of hit me, and I want to just kind of reiterate too though that, you know, sometimes we talk about these things, and we really get absorbed in what we're talking about, but, as far as landing locations go, I think it's important to keep in mind that this is not a mandatory inspection upon landing.

You know, we need to consider that. We're really talking about notifying us of the trip, and then reporting that catch at a reasonable time, and so, you know, I think the only thing we really can ask for, for landing locations, is just that they're accessible to law enforcement from land and water, and that, you know, we don't have to -- There's a clear pathway to a dock, if it's at a residence, and we're not having to walk through somebody's residence to get there, but we don't want to be too stringent, because, again, there is no real expectation that we will be there to inspect them, or a responsibility there, and it's mainly just a reporting process, and so I just wanted to add those comments.

MS. BROUWER: Yes, and thank you for that, Scott, and I've written them on my notepad, that I've got right here next to me, but, in the interest of time, I'm not going to have you all wait while I type it up on the screen, but I understand.

The next question, and I don't -- It's included just for context. I don't know that the Law Enforcement AP really has much to say about requiring economic data for charter vessels, but it is something the council is considering. Currently, that is required of all for-hire vessels, and so the council is looking to potentially go to a sample-based approach, as opposed to a census, and that would be to potentially improve compliance with the requirement.

The question here is should the council retain the census approach, only, you know, require a percentage of the for-hire fleet to report certain economic data, and, when I say economic data, we're talking about the charter fee, the price of fuel, and things like that, and, as you can imagine,

there's a lot of -- This has been very challenging, and very controversial, among fishermen, and so I don't know if you guys want to comment on this, and you are welcome to do so. Scott.

CAPTAIN PEARCE: If anybody would like to, but I don't see a need to -- A need to comment for law enforcement, but, if anybody else would like to have a comment or something, please raise your hand.

CAPTAIN YOPP: This is Garland, North Carolina. I agree. I just don't see where our role in that, that we have any -- I don't have any real feedback to have them report that. I think it's out of our purview.

MS. BROUWER: Okay. That sounds good, and so I'll take you to the last part of what the council is considering, and so we've already talked about the did-not fish reports. This is something that is currently required for South-Atlantic-permitted vessels, and I think Pat mentioned is still a weekly requirement, but fishermen can submit a did-not fish report up to thirty days in advance.

This table here shows you what is currently in place. The Gulf is not considering did-not fish reports, requiring those. They're not required currently in the HMS fisheries, but that program is considering including a monthly requirement, and no limit to how far in advance fisherman can say they're not going to be fishing, and then the other thing that the council is looking at is doing a validation survey.

This is also something that we've talked about. The agency, NMFS, would prefer to have a validation survey, and so this would be something the agency would administer, with the purpose of validating the accuracy of the information that's being reported, and there's only two options there, either not require it or request that the agency conduct a validation survey. That would be worked out later, on how that's done, and how many vessels would be selected, and that sort of thing, and so I'll turn it back to you all.

CAPTAIN PEARCE: Myra, can you scroll back up so we can see it?

MS. BROUWER: So the council is -- You know, the consideration would be do we just remove the requirement for did-not fish reports, and I guess that would be -- You know, it would make it consistent with current requirements. However, you know, HMS is potentially requiring did-not fish reports now.

CAPTAIN PEARCE: I would say, if we add a hail-out to the process, then there's really not a need for no-fish. You know, you would still need to report if no fish were harvested, if you hail-out, but if you don't hail-out on a trip, then, technically, no trip took place, and, if we board somebody, and they're engaged in a fishing trip, a charter, and they failed to hail-out, then that's a violation, but so I think, if you add the process in having them designate that they are going on a trip, then there's no longer a necessary requirement for a no-fish report.

MS. BROUWER: Okay, and I see, Pat, you've got your hand up. Go ahead.

LT. O'SHAUGHNESSY: I just -- You just put, if there are no trip declaration requirements, then DNF reports would not be -- I think it was if there are trip declaration requirements.

MS. BROUWER: Yes. Thank you for that.

LT. O'SHAUGHNESSY: That's where I want to just support -- I would agree. If they're declaring their trips, we can do away with the did-not fish. If we don't go the trip declaration route, then we will have no way of knowing whether they needed to submit a trip report or not. As it is now, we only get the reports because they go two or three weeks without anything, and so that's how I know that they did not submit their DNFs, but, trip declarations, I think it could go away.

MS. BROUWER: Okay. Great. Thank you.

CAPTAIN PEARCE: Anybody else?

MS. BROWER: I see Tom.

CAPTAIN PEARCE: Go ahead, Tom.

MR. ROLLER: A question for the committee here. Sorry, and I apologize if you can hear my dogs barking in the background, and, of course, it always happens when I try to talk, and so there's the did-not fish report aspect. I appreciate the feedback there.

That's something the council as well as fishermen have asked, but one comment that we've been discussing, and feedback that the AP discussed, is -- This may be a question more for the data people, but currently, as it's stated, any fisherman with these permits has to report any fish, any trip that they go fishing on, and that includes trips that would never go into federal waters. From an enforcement standpoint, how important do you think it is that we would say have a hail-out for a trip that may only be fishing for state species, if you're a permanent federal vessel?

CAPTAIN PEARCE: So, Tom, I'll clarify. Are you saying that you would like to have that requirement, where they have to hail-out if they're targeting species other than federal? Can you hear me, Tom?

MR. ROLLER: I'm sorry, and I muted myself, but I hear you, but my question there is, currently, as stated, and please correct me if I'm wrong, is that a fisherman's vessel, that's federally-permitted, that you have to report all your fishing trips into SEFHIER, even if you're not fishing in federal waters.

CAPTAIN PEARCE: Pat, can you provide feedback on that?

LT. O'SHAUGHNESSY: That's how the rule currently is. I personally would like to keep it that way. We have a number of vessels that go out and just go into federal waters, and I know they're in federal waters, because sometimes you'll see them run to try to get back into state waters before we report them, but, if we don't require it for every trip, then they can say they're --

That I didn't do a trip declaration, because I wasn't going into federal waters, and then they go in federal waters anyway, and so I would rather know that the vessel is getting underway. On a trip declaration, if he declares it, and I don't know if you can make it state waters only or something, but I would rather know they're getting underway, even if they're doing, you know, state-waters-only type fishing, or that's what they claim.

CAPTAIN PEARCE: Thanks, Pat. Rob.

MR. BEATON: Rob Beaton, and I echo what Pat said. If you're holding federal permits, and you're on a for-hire trip, I don't -- It doesn't matter whether you're just going to stay in state waters. Keep it simple.

CAPTAIN PEARCE: Thanks, Rob, and I agree. For law enforcement, the simplest is the best. Basically, if the boat is getting underway to take fish, then do a declaration.

MR. ROLLER: Pat, this is Tom. May I follow up on that?

CAPTAIN PEARCE: Go ahead, Tom.

MR. ROLLER: So, on that same note, would you say that's more important, from an enforcement standpoint, than having a did-not fish report?

LT. O'SHAUGHNESSY: I personally prefer the declarations, and so, if we do the declarations, we don't need the did-not fish, and that's my preference.

CAPTAIN PEARCE: Rob, have you got another thought on that?

MR. BEATON: Yes, and I was just going to second that. It's better to know when they're going than to just have somebody say they're not going, or didn't fish, and so, yes, let's keep that. That's a good tool.

CAPTAIN PEARCE: Thank you, Rob.

MS. BROUWER: So may I ask a quick question, just for clarification? We're talking about the trip declaration, as in it would be useful for enforcement to know when a vessel is getting underway, but how do you all feel about actually the information that they're required to report, and I ask that because I heard, from the fishermen last week, that they feel, you know, it's burdensome for them to have to report all the inshore species if they're not, you know, in federal waters.

CAPTAIN PEARCE: The focus on this would be your reef fish, or snapper grouper aggregate, or complex, I meant to say, your pelagics, things like that, and so, I mean, I'm going to leave that up to NOAA OLE, on what their input is there, but I think, you know, if you're saying that they're going to go out and catch redfish, and trout, and should they have to report that, I'm going to leave that up to Pat.

MS. BROUWER: Go ahead, Pat.

LT. O'SHAUGHNESSY: I don't know if that's an OLE question or a data question. Do we want to know what they caught? People can go not into federal waters, but still catch species in the snapper grouper complex. Do the data folks want to know that? Certainly, if they're going upriver, and catching redfish and trout, there could be just a non-federal species, or something buttoned, so they don't have to report that they caught sheepshead, and redfish, and trout, and maybe a catch-

all, but I would certainly think, if they're two-and-a-half miles out, and they're still catching red snapper, sea bass, and grouper, I would think the data folks would like to know that, but, again, I would defer to them.

CAPTAIN PEARCE: This is Scott, with Florida. I agree. I think that's a question for them, to say, do you want to have some kind of an identifier, to say that none of these certain species were targeted, or harvested, on this trip, or something like that, and keep it simple, so they don't have to list off all the non-federal species? That's a question for them, yes.

MS. BROUWER: Okay. Thanks for that clarification. All right, and, well, that takes us to the end. This is just the information that I displayed earlier, regarding the decals that are required in the Gulf, and so, unless there's other business, Mr. Chair.

CAPTAIN PEARCE: So is there any other business from anybody else? Please let us know, and raise your hand. Go ahead, Rob.

MR. BEATON: So I should have said this, or commented on this, earlier, about the decal. You know, a lot of those are often hard to see. You've got bow flare, and you've got people that, you know, want to put the save the manatee sticker, and their safety sticker, before or after their registration numbers, you know, and all that clutter, but I'm just thinking out loud.

I wonder if some type of pennant that they have to fly, you know, at the top of the VHF antenna or something, and I don't know, but the stickers just tend to get -- Then, if somebody is -- You've got to get real close to them, to see if their sticker is there, if they are on a for-hire trip, and, meanwhile, it's just some people out recreational fishing, and you push the whole ball of yellowtail down to the bottom, and ruin their fishing day, because you thought they were for-hire, and so I'm not 100 percent sold on the decal thing.

You know, you can say "clearly displayed", but we all, in enforcement, know how that works, and so just food for thought, and, again, just thinking out loud that maybe a decal is not the best way to identify your vessel.

CAPTAIN PEARCE: Thanks, Rob, and I would like to reiterate too that, again, I feel like, if that's something industry really wants to see, for whatever reason they want it, then I'm not going to oppose it, but, also, going back to what -- You know, if we're on patrol, we're going to board boats, and the decal is not going to be something where we're going to decide whether we do or don't board a boat, and sometimes that also causes problems.

They go, well, you see my decal, you know, and why are you -- Obviously, I'm a permitted charter vessel, and so, I mean, sometimes that does give a sense of, oh, I apply a decal, or I have my decal onboard, so they know what I'm doing, and maybe they'll just, you know, go to the next boat, or something, and that's not the case.

Really, the decal is something that, if it makes the industry feel good about that, that's fine, but we're still going to board those boats, no matter what, whether they have a decal or don't have a decal, but I also agree with Rob that, if you did really want an identifier, then a pennant or something definitely does a better job.

MS. BROUWER: I'm sorry, I keep hearing that word. A pennant? What is that?

CAPTAIN PEARCE: Like a flag.

MS. BROUWER: A flag. Okay. Thanks, and I thought somebody had their hand up. Pat, did you have your hand up a second ago?

LT. O'SHAUGHNESSY: I did, but he clarified that. Certainly, the pennant would be difficult for some. We have a lot of twenty-foot vessels, and so flying a pennant may be a little bit difficult for those smaller-type boats, a bay boat that decides to run out, you know, outside three miles, but, also, the decals, and we get a lot of calls from our state partners offshore, and the Coast Guard, to my enforcement officers and asking them to look up does the guy have a charter permit, and it works great when they have cell phone coverage and can do that.

If they're a little bit further offshore, they're unable, and so it would be able to back up that they are on -- They are an approved charter vessel. Yes, they should have their permit, but they have the decal, and that's another way to verify that they have it, as opposed to them saying that didn't bring it with them, and they left it back on the dock, and so I could support the decal, if that's something that industry actually wanted to pursue, to highlight themselves as being permitted.

MS. BROUWER: Alana, I see your hand's up.

MS. HARRISON: Yes, and I just want to comment on the flag idea as well. I think that that could be something the for-hire and recreational fleet would be receptive to, because they already fly a lot of flags currently, with like the marlin flags, like the billfish flags, you know, the ones they fly on their way home, to show the rest of the fleet that they caught a fish, and so they could easily -- They just usually put those on the outriggers, or even I've seen them on like a rod and reel, and so it would be something simple, and they could just fly it, like something small, just like the marlin flag, to fly off a reel.

I think that would be beneficial, especially off North Carolina, where we have a large number of charter vessels, and private recreational vessels, that also hold commercial king mackerel permits, and so it would kind of be a good way for them to identify if they're commercial fishing that day or if they are for-hire or recreational fishing that day, and so it could be beneficial, I think, for multiple reasons.

CAPTAIN PEARCE: Thank you for that, and this is Scott, with Florida. I like also just -- A little off target, but in the ballpark, and so another -- Going back, thinking back, to when we really talked about those decals in the Gulf, another part of that was that the permitted vessels were -- We had decals, and they were displaying decals, or it could be a pennant or a flag, and it was another way that the person chartering the vessel could clearly identify that I'm chartering a permitted boat.

Part of that was, you know, there was going to be a hopefully an element of outreach, to let people know, in general, tourists and whatnot, that, if you're going to charter a boat to go to federal waters, look for this permit. or look for this decal, and that's another reason why that decal could -- That could be beneficial to the industry, and it would be to clearly not only for law enforcement's purposes, but, if I'm chartering a boat, if I have knowledge that if I go to, you know, get on the

boat, and they don't have a decal, I need to ask questions of where the decal is, if I know that I'm chartering what should be a federally-permitted vessel, but that requires outreach.

MS. BROUWER: Okay. I see Tom's hand is up, and then, Alana, I don't know if your hand is still up from before or not.

CAPTAIN PEARCE: Tom, go ahead.

MR. ROLLER: I've got a couple of questions here. I was just at the Gulf meeting, and they had a long debate regarding these registration letter sizes, right, and I kind of was under the impression that that was -- The larger letters must be displayed on like a prior commercial vessel, and it was my understanding that that's enforceable in the Southeast too, but in my opinion, I'm not seeing it on North Carolina vessels, and so that's question number one.

You know, commenting on the decal is, you know, or versus pennant, and, I mean, I think that's very interesting, and, you know, the one point I bring in was definitely what the chairman said, and it was, it's -- You know, it's not just for enforcement standpoints, but it's also for me as, you know, a charter boat to be able to, you know, turn in people who I see who I know are charter boats, or maybe state-issued charter boats, who are fishing in federal waters, but also a way in which for potential customers with, you know, with outreach, to say -- To make sure someone is legal.

I also understand that on -- You know, several people have brought this up to me, and would a trip declaration help in the need to eliminate the restriction on crew while commercial fishing in a dual-permitted vessel, because I think there may be some concerns there, about like people circumventing for-hire trips regarding commercial trips. I'm not sure I'm asking that correctly, but I think some of the law enforcement may understand that.

MS. HARRISON: Tom, do you mean like a charter boat who has a paid party, and then, once they get out there, they're catching a commercial limit, and selling that commercial limit, in addition to their party fee?

MR. ROLLER: I guess my understanding is that that's different, like in the way it's done in the Gulf, but, yes, because there's some -- I guess some gray area there regarding what is -- You know, if you leave for a trip, like whether or not it's a commercial or a recreational trip, or you can sell on top of your for-hire trip. I don't really understand it entirely, but it's definitely been a topic of conversation that's been brought up to me by multiple people.

CAPTAIN PEARCE: Tom, this is Scott, with Florida. So I know, in the Gulf, if you're a charter/commercially-permitted vessel, then, you know, if you're a -- Then you're limited on the amount of crew members that can be onboard, if you're on a commercial trip, versus a charter. I think you can only have three crew members, or something along those lines, for a commercial trip, if you're a dually-permitted vessel, and, Pat, you can confirm that for me, if you will, but I'm trying to reach back in my knowledge there.

LT. O'SHAUGHNESSY: Yes, I believe that is correct.

CAPTAIN PEARCE: But that's not for some -- That's not for commercial or charter on the same trip. That's if you're doing this, or if you're doing that, and so you can't -- You can't mix them on the same trip.

CAPTAIN YOPP: Scott, this is Garland, North Carolina, and that's how -- That's how it's built into our proclamation. It's a limit, and it limits by the number of crew as to what you're doing. That's how it is in our snapper grouper proclamation.

MR. ROLLER: But, if you declare your trip, is there no longer a need for a crew restriction at that point?

CAPTAIN PEARCE: Well, if you -- If you're declaring a trip that you're on charter, then you would not be limited by that same standard, because you're carrying guests on board. You're basically a vessel for-hire at that point, and not a charter, not a commercial vessel.

MS. BROUWER: Go ahead, Alana.

MS. HARRISON: I'm thinking about this, and right now -- Like that's very popular where I'm at, is taking a charter out, and then catching your commercial limit, and selling your commercial limit when you get back to the dock, in addition to your charter party fee that you collected, and so my question is, right now, there's no oversight on that side, because the compliance rate is so poor with your for-hire reporting, and so, going forward, is there some -- Something that, like a threshold, like something in the programming, that we can put that to see if the charter -- If the person who holds the for-hire permit and is submitting a commercial ticket in addition to their for-hire ticket?

They're getting a trip ticket from the fish dealer for those commercial fish, but, going forward, so like, if somebody goes and does that, and they hail-out as a recreational trip, and they did their for-hire reporting as a recreational trip, and then they're selling a limit of king mackerel, when they get back to the dock, under their commercial permit, when they already told you they were running a for-hire trip, and what would the course of action be then?

CAPTAIN PEARCE: Alana, where are you based out of again?

MS. HARRISON: I'm in North Carolina.

CAPTAIN PEARCE: Okay, and so I'll have to leave that one up to Pat or Garland, if he wants to comment on that.

LT. O'SHAUGHNESSY: This is Pat. I would have to give that some more thought, to see what they can or cannot do, and that's something that would have to be caught after the fact, to see that there was a recreational or a SEFHIER report filed and a sold commercial trip ticket. I would have to talk to my special agents on that one.

CAPTAIN YOPP: This is Garland, North Carolina. We don't have a way to necessarily know that they're saying this is a charter trip, versus -- There's not a system we look at and say they hailed-out and they're a charter trip today. The only thing that comes to my mind, dealing with whether, you know, you hold the charter and/or commercial, is the snapper grouper proclamation.

I can't think of another one right now that limits them, and I'm trying to think, in my brain, of any others, but I know that that is one way we limit what you're doing, by the number of crew on the snapper grouper proclamation. I don't know if that helped answer any of your question or not.

MS. HARRISON: Well, kind of, because it's unfair, because the commercial industry -- We aren't allowed more than three crew, and then, if a for-hire vessel takes out a party of six, the captain and the mate, and that's eight people, and so, if you think about that, they're going to outfish a commercial vessel by probably 300 percent, just because of manpower, and so it does seem to be a loophole, that could be closed, if you could get the compliance rate up from the SEFHIER.

CAPTAIN PEARCE: Pat, is there any chance you could research that and get back with Alana?

LT. O'SHAUGHNESSY: Yes, I could certainly do that. I would also -- She said that's a common practice up there, and I would also like to talk offline, or receive the names of those vessels, if it's that common a practice, and I could take other action as well.

CAPTAIN PEARCE: So Alana, if you don't have Pat's information, I'll see if we can facilitate getting you his contact information, if you want to reach out to him and follow-up.

MS. HARRISON: Yes, and it should be on the emails that Myra sends out.

CAPTAIN PEARCE: It is. It is.

MS. HARRISON: So I'll just copy it from there, but I'll definitely follow-up on that.

CAPTAIN PEARCE: All right. Thank you.

MS. HARRISON: Thank you.

MS. BROUWER: Pat, I see your hand is still up. Is that from before, and, Tom, I didn't know if you still wanted to say something.

MR. ROLLER: I'm good. Thank you.

LT. O'SHAUGHNESSY: I will left my hand up.

MS. BROUWER: Okay. Thank you, guys. All right. Well, if there's other topics the LEAP would like to discuss, please let me know. Sorry that we had to meet by a webinar. I know everybody really likes to get together, and it really is a much better way to have these discussions, but maybe next time, and I appreciate everybody pitching in to get information to the council. I'll turn it back to you, Scott.

CAPTAIN PEARCE: All right, and I just wanted to say thank you, Myra, for everything you've done to organize this, and coordinate it, and I believe it was Kim in the background that was typing. Is that right?

MS. BROUWER: That's right.

CAPTAIN PEARCE: Thank you, Kim, for doing your job. I appreciate everything you're doing, and I wanted to just thank everybody else for taking the time to be here and provide a lot of good input, and a lot of good conversation. You know, this is all very important, and it takes the whole team to get this done, and so thank you very much, and just, Myra, as long as you've got everything you need, and I'll get a confirmation from you on that.

MS. BROUWER: Absolutely. Yes.

CAPTAIN PEARCE: Okay. Then I will move to adjourn the meeting, if I can get a second on that.

MR. DUNN: Second. This is Tracy.

CAPTAIN PEARCE: All right. Thank you, Tracy. With that being said, the meeting is adjourned. You all have a good, safe day, and we'll see you next time.

(Whereupon, the meeting adjourned on February 5, 2025.)

- - -

Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
February 13, 2025

Law Enforcement AP

Attendee Report: January 2025

Report Generated:

02/11/2025 09:25 AM EST

Webinar ID

519-937-227

Actual Start Date/Time

02/05/2025 12:31 PM EST

Staff Details

Last Name

Brouwer

First Name

01Myra

Attendee Details

Last Name

Beaton

Belcher

Bianchi

Dukes

Dunn

Harrison

Hodge

Captain

Iberle

Iverson

OShaughnessy

Pearce

Roberson

Roller

Schmidtke

Thomas

Wiegand

collier

perkins

yopp

Loeffler

Tedesco

First Name

Rob

Carolyn

Alan

Amy

Tracy

Alana

Chris

Drifter

Allie

Kim

Pat

Neil

A Kevin

Tom

Michael

MP

Christina

chip

kevin

garland

Andrew

Salvatore