

FINAL
SUMMARY REPORT
LAW ENFORCEMENT COMMITTEE
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
Ponte Vedra, FL
June 13, 2017

The Committee approved the agenda and minutes from the December 2016 meeting.

2016 Law Enforcement Officer of the Year (CLOSED)

The Committee reviewed three nominations passed along by the Law Enforcement Advisory Panel. Voting members of the Council cast their votes to select a deserving officer to be honored with the award during the September 2017 Council meeting in Charleston, SC.

Law Enforcement Advisory Panel (LE AP) Report

Captain Bob Lynn (GADNR), newly elected chair of the LE AP, delivered a summary of the AP's discussions and recommendations. Captain Lynn focused on three topics in particular: utility of operator permits, enforcement of fishery closures during short re-openings, and regulations concerning the sale of cobia.

On the topic of operator permits, Capt. Lynn reiterated the LE AP's position that, as it stands, the operator permit in the Southeast is not necessarily providing utility but there is potential to use in greater capacity. Should it be improved, it could provide important information not just for enforcement. The Council may work with NOAA Fisheries to evaluate and possibly expand the use of operator permits. The Council intends to remove the requirement for the Dolphin Wahoo for-hire fishery; however, that amendment has been placed on hold for the time being. In the meantime, the Council would like to explore whether other Councils (Mid-Atlantic and Gulf) would be interested in expanding the requirement for operator permits to encompass the three Council jurisdictions to provide continuity and improve their utility.

Regarding enforcement of fishery closures, enforcement officers abide by the regulatory language in closure notices that are issued by the agency. Therefore, it is up to the Council to work with NOAA Fisheries to revise the language in the notices to address situations in which some vessels may be at a disadvantage (i.e., short re-opening and long distance to fishing grounds). During the discussion, Council members indicated that the definition of "landings" is written in rule in some of the South Atlantic states and such clarity is useful for enforcement and prevents officers from having to interpret the regulatory language.

The Committee also discussed the need to clarify the regulations governing the sale of cobia. There is currently no commercial permit to harvest cobia. Monica Smit-Brunello, NOAA GC, stated that federal dealers are currently only allowed to purchase cobia harvested in federal waters from vessels with federal permits for King mackerel, Spanish mackerel, or Charter/Headboat. She also indicated that there might need to be revisions to the language in the regulations resulting from Generic Dealer Amendment to help clarify regulations for cobia. The discussion will continue under the Mackerel Cobia Committee.

Presentation on Permit Sanctions under the MSA

Karen Raine, NOAA OLE, delivered a presentation on the use of permit sanctions as they relate to reporting requirement violations under the Magnuson-Stevens Act. Karen explained that summary settlements do not include permit sanctions; the latter figure in the penalty schedule for more severe violations (categories IV and above and depending on whether the violation is unintentional, negligent, reckless, or intentional). In general, permit sanctions are not often used; rather, monetary penalties may be issued for failure to submit the required reports and permit renewal can be denied. Since March 2011 there have been 18 cases charged (nationwide) for failure to abide by the reporting requirements with penalties ranging from written warnings to \$6,000. No permit sanctions have been issued, however. The Council will likely continue discussing ways to improve compliance with reporting requirements in anticipation of the For-Hire Electronic Reporting amendment becoming effective in 2018. Committee members acknowledged the importance of education and outreach and other means to improve compliance such as email reminders, etc. In addition, it was also acknowledged that Councils have the option of adjusting catch levels (using annual catch targets) as a way to incentivize reporting compliance: if fishermen abide by reporting requirements, the allowable catch might be increased.

Agenda items for next LE AP meeting

The Committee was given the opportunity to suggest items for the fall 2017 LE AP meeting agenda. One suggestion was to discuss enforcement of mesh size requirements at both the state and federal levels. Committee members were encouraged to provide additional input on possible agenda items to Council staff should they have any over the next several weeks.

The Committee made no motions

MOTION #1:

SEND LETTER TO OTHER COUNCILS (MID-ATLANTIC, NEW ENGLAND, AND GULF)
TO GAUGE INTEREST IN EXPANDING THE REQUIREMENT FOR OPERATOR
PERMITS TO ENCOMPASS THE FOUR COUNCIL JURISDICTIONS TO PROVIDE
CONTINUITY AND IMPROVE THEIR UTILITY.
APPROVED BY COUNCIL