

There was a lot of discussion about that, and you can read through this report yourself, obviously, but we did get to meet James Landon, the new Director for OLE, and he had some comments there. It was good to meet him, and I was really impressed with him, and I think he's going to be good to have onboard.

Then this is the item that I would like to spend a little bit of time on, is operator cards. We talked about operator cards a little bit, but let me come back to that in a second. Going through the rest of the report, we talked a little bit about MPAs and spawning SMZs and enforceability of areas like that. That led us to discussion of the issue that we had with, hey, can we get these things actually put on the NOAA charts. There was discussion of that, and that has since been resolved. We found out the process was to simply ask, and so we asked, and we were told no, and so that's where we are with that. They won't be on the NOAA charts.

MR. HAYMANS: On the same day that I read the email or the message that the answer was no, I happened to print off a chart, and it had the right whale critical habitat boldly printed across it, and I am thinking to myself, if we can have that critical habitat, why can't we have our closed areas? It just doesn't make sense.

MR. BELL: Yes, and I won't get into all of that right now. We have the letter response back as to why not, and it has more to do with navigational restrictions, and that right whale would be kind of a navigational restriction, in terms of speed and that sort of thing. Anyway, I won't belabor that any. Then there was some discussion about the JEAs and how that is working or not working, in the case of North Carolina.

Back to the one point I did want to talk about just real briefly, and that's the operator cards. You have -- It's not meant to be an actual presentation here, but there is a presentation, as such, about operator cards, and this was given by Karen, I believe, at the meeting. Remember, for us, in our region, we only use operator cards in the dolphin wahoo and rock shrimp fishery.

What we wanted to get feedback from law enforcement on was are these things useful? Do you see utility in having them? Do you see utility in having them in other fisheries? There was a lot of discussion about operator cards and how they work, and it's kind of contained in this presentation, which you can go through at your leisure.

MR. HAYMANS: As I went through the presentation, the thing that jumped out, to me, was the permit sanctions. This was on Slide 5, I guess it is, and it talks about those who have been found to have violated federal fishery regulations held responsible for those violations through potential permit sanctions, and I guess my question is what are those sanctions? Does that include the denial of an operator card in the future for sanctions?

MR. BELL: I don't think so. Is that in there? They talked about the number of -- Karen, are you still around?

MS. RAINE: I am.

MR. BELL: Did you hear Doug's question?

MS. RAINE: I did. Our penalties are online, on the website for the General Counsel's Office, for the Enforcement Section, and, just very briefly and generally, actually sanctioning the permit is generally not going to be a sanction that is issued from our office. There are permit sanctions, but, really, they're only for a very few set violations. As far as somebody late reporting, for example, that's really not going to end up with a permit sanction for that violation.

Now, there is, I will say, the potential for the permit itself to be sanctioned for failure to pay a penalty, although that isn't used all that often either, but all of the penalties are on our website, and, of course, that would also include not just the penalties for NOVAs, the Notices of Violation and Assessment, that are issued and any notice of permit sanction that might be issued, but also the penalties that are found under the summary settlement schedules are on that website as well. When you're looking at summary settlement penalties, you need to look not only at the Southeast schedule, but at the national schedule as well, because some things are on the national schedule and some things are on the Southeast schedule.

MR. BELL: Okay. Thanks. Remember, we asked the question of are they useful, and so here's some of the points that they made. Take a look at Slide 5 when you get a chance. Here's how they are useful. If you go on to Slide 6, specifically, there is some discussion in here of particularly with dolphin wahoo. What you will see in these Slides 5, 6, 7, 8, and 9 are discussion of how they might be useful, but also discussion of -- You will notice, like in Slide 9, under the rock shrimp, there is a statement in there that actually came from the amendment. It says, in the long run, NMFS will have to deal with this issue of operator permits across all fisheries.

My question to the committee and to others, and this is sort of back-and-forth with us in law enforcement, because they kind of want to know our thoughts on this, is that do we envision seeing some utility in using operator cards in other fisheries in these two, and, if they're not particularly -- If we don't feel that we're getting our bang for our buck, so to speak, out of the two that we have, do we even want those to be there? We've got kind of a system where it's just a couple of fisheries and it's not all the fisheries, and it doesn't seem to be a very -- If you kind of look at it high level, it's kind of disjointed.

The question is do we want to use operator cards any differently than we're using it now and expand it? That's something, I don't think, we're going to decide in a minute or so here, but that's something to think about. Doug, did you have a point?

MR. HAYMANS: Well, my answer is, I guess, yes. I think they're useful, especially -- I'm looking at the bottom of Slide 6, where it says, during the permit sanction period, the individual operator may not work, in any capacity, aboard a federally-permitted fishing vessel, and so, if an operator card were used in that manner, then I guess I'm in favor of them across all fisheries.

MR. BELL: Okay.

MS. BECKWITH: To Doug's point specifically, the operator card only -- The person in operation of the vessel has to have the operator card, and so, unless the Coast Guard is going to bounce around every person on that boat that's actually not required to have an operator card, there actually would be no way to enforce that particular requirement of not having anybody work that's had a sanction, and so I don't think that's enforceable, because the only person required to have an operator card is the captain. If the captain is asked for the operator card and he's okay, but the

Coast Guard doesn't go around and ask everybody else for their operator card. Even if a mate has had a sanction, there is no way to enforce that, but we can talk about that offline.

My viewpoint, in general, is a lot of that discussion that we had come to that this current operator card, in this form, is not providing utility. It has the potential to, but certainly the current form does not. It's not considered a real ID. Law Enforcement does not accept it as a form of ID during a vessel stop.

My thought for utility for the commercial side is it would give us something to link to an individual logbook or VTR, but, at least for our charter fleet, we are linking our captains' licenses to our logbooks, and so my sense is this is simply not useful for our charter fleet and is an additional requirement that I consider unnecessary for our charter fleet. I have no real strong opinion on the utility of it in the commercial fleet. **If we are going to keep it for the commercial fleet, I think we have to fix it and make it better, and actually make it useful and make it real form of identification and have the information of potential sanctions available for the public.**

There is steps that would make this useful, but my intent is to not see this continue in the dolphin wahoo charter fleet. I just don't see the utility if we have the captain's license and the captain's license number being attached to our logbooks, and sanctions -- I mean, we have a captain's license. That's what we have.

MR. BELL: Mark and then Ben, and then I'm going to kind of wrap this up.

MR. BROWN: Mel, does the council have the authority to make this change? Are we able to vote on something to where we can change this permit to incorporate other fisheries and alter the way that this permit is used?

MR. BELL: I think what we would need to do is they are a function -- They are applied in specific plans, and so, if we were to implement these in other fisheries, we would have to modify that through other plan amendments, but that's what I was going to suggest, is that, rather than try to - - This is a little too complex to try to figure out right now, and I don't mind, as the committee chair for Law Enforcement, working with the Law Enforcement AP folks and kind of trying to maybe come up with some options or things that we could explore.

One would be do want to do away with them or do we want to expand them? What are the pros and cons and that sort of thing? We could explore some options for us to consider later on, maybe, just because we're not going to solve that here right now, but it would involve plan amendments, if you were going to incorporate them or take them out. You would have to take them out, because they exist as a function of specific plans.

MR. BROWN: That's a pretty long process.

MR. BELL: I would think so. Ben, did you have something? Then we've got to wrap up.

MR. HARTIG: Yes, I have something, a Monica question. This did come up at the Law Enforcement Advisory Panel meeting, but are New England operator cards valid in the South Atlantic? That was the one question that came up, and I don't know that we really got an answer

to that. The other thing is the renewal. Two years for renewal is much too short. Put it on a driver's license type of renewal basis. That would be much better.

I am convinced, after the presentations, that they are useful, and we probably should use them in each of our fisheries, once we put the necessary changes that need to be made, and I don't know if we can do the suggestions or we suggest the changes to SERO, but, however that works, we should do it.

MR. BELL: Okay. Monica, did you have an answer for Ben?

MS. SMIT-BRUNELLO: My answer is that I will get you an answer. There was some discussion about that. I know we looked into it, briefly, and I will have to look up, through my notes, what the resolution was that we came to, but, Ben, I will get you answer.

MR. BELL: I think this would be okay, is I don't mind working with both the Law Enforcement AP, with Karen or with Monica, whomever, to kind of just throw a strawman of options together or something, and we can bring it back to the committee and just kind of look at different ways to go with this and see what we want to do. When we have a little bit more time to focus on discussion, we can maybe explore some of that, if that makes sense with you guys. Okay. I am seven minutes over right now, and did we have any other -- That was the last agenda item. Is there anything else that needs to -- Wilson, did you have a question?

DR. LANEY: Mr. Chairman, real quickly, I was just going to mention that there have been some interesting cases that have finally made it to court relative to illegal harvest of striped bass and American eel, and I will send those Department of Justice memos around to the council, just as an FYI.

MR. BELL: Okay. Thanks, Wilson. If there is no other business to come before the committee, we will adjourn the Law Enforcement Committee.

(Whereupon, the meeting adjourned on December 6, 2016.)

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Certified By: _____ Date: _____

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