



# SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Dr. Michelle Duval, Chair | Charlie Phillips, Vice Chair  
Gregg T. Waugh, Executive Director

## AGENDA Law Enforcement Advisory Panel

Town and Country Inn  
Charleston, SC

**Thursday, May 18, 2017 – 9:00 A.M. to 5:00 P.M. (Times subject to change)**

**Friday, May 19, 2017 – 9:00 A.M. to 12:00 Noon**

Approval of Agenda – Col. Chisolm Frampton

Approval of March 2016 LE AP Minutes – Col. Chisolm Frampton

1. Update on developing and recently completed amendments (***Attachment 1***)
  - a. Overview – Myra Brouwer
  - b. Discussion and Recommendations – Col. Chisolm Frampton
2. Operator permits (***Attachments 2-4***)
  - a. Overview of discussions/guidance to date – Myra Brouwer
  - b. Discussion and Recommendations – Col. Chisolm Frampton
3. Amendment 43: Allowable fishing areas, recreational permit and Best Fishing Practices for the snapper grouper fishery (***Attachment 5***)
  - a. Overview – Chip Collier
  - b. Discussion and Recommendations – Col. Chisolm Frampton
4. Enforcement of fishery closures
  - a. Background – Myra Brouwer
  - b. Discussion and Recommendations – Col. Chisolm Frampton
5. Cobia regulations (***Attachments 6 & 7***)
  - a. Overview – Kari MacLauchlin
  - b. Discussion and Recommendations – Col. Chisolm Frampton
6. Updates on electronic reporting (ER) projects
  - a. Law enforcement App for charter ER pilot – Mike Errigo/Francine Karp
  - b. Outreach project – Cameron Rhodes
  - c. ER App for private recreational – Chip Collier
  - d. Discussion and Recommendations – Col. Chisolm Frampton

7. Retention of recreational bag limits when citations are issued
  - a. Current policies at both state and federal levels – NOAA OLE, USCG, States
  - b. Discussion and Recommendations – Col. Chisolm Frampton
8. Guidance on working with media/public affairs offices to publicize cases (*Attachment 8*)
  - a. Current policy from various agencies – NOAA OLE, USCG, States
  - b. Discussion and Recommendations – Col. Chisolm Frampton
9. Election of Chair and Vice-Chair

Other Business – Col. Chisolm Frampton

Adjourn – Col. Chisolm Frampton

### **Law Enforcement AP Members**

Col. Chisolm Frampton, Chair  
Maj. Jason Walker, Vice-Chair  
Bruce Buckson  
Capt. Grant E. Burton  
Lt. Warren Fair  
Michael Freeman  
Felton Jenkins  
Capt. Bob Lynn  
Nickey B. Maxey  
H. Jeff Radonski  
Karen Antrim Raine

### **Attachments**

- Attachment 1.** Update on developing and recently completed SAFMC amendments  
**Attachment 2.** Minutes excerpt from the December 2016 Law Enforcement Committee Meeting  
**Attachment 3.** Minutes excerpt from the December 2016 Joint Meeting of the Snapper Grouper/Dolphin Wahoo/Mackerel Cobia Committees  
**Attachment 4.** South Atlantic and Greater Atlantic Region Operator permit application forms  
**Attachment 5.** Amendment 43 Options Paper  
**Attachment 6.** Cobia regulations one-pager  
**Attachment 7.** Mackerel-Cobia Advisory Panel and Cobia Sub-Panel Meeting Report  
**Attachment 8.** Public Information Resources on Fisheries Enforcement

**Staff:** Myra Brouwer

# OVERVIEW

## Law Enforcement Advisory Panel

The Law Enforcement Advisory Panel (LE AP) will make any modification to the agenda, approve the agenda, and approve minutes from the March 2016 meeting.

### **1. Update on developing and recently completed amendments (*Attachment 1*)**

Council staff will provide an overview of the content and status of amendments to Council Fishery Management Plans that were recently completed and those still under development. The LE AP is encouraged to comment and provide recommendations as appropriate. The intent is not only to keep the LE AP informed of upcoming changes to existing regulations and adoption of new ones, but also to elicit more in-depth discussion on items that may directly or indirectly affect law enforcement.

**Required AP Action:** Discuss and provide recommendations as appropriate.

### **2. Operator permits (*Attachments 2-4*)**

The LE AP and LE Committee discussed operator permits and their utility in South Atlantic fisheries during their joint meeting in August 2016. There was general agreement that operator permits are useful to law enforcement and the LE AP agreed to provide further guidance to the Council on how to improve their utility, perhaps by extending the requirement to other fisheries (currently only required in the for-hire Dolphin Wahoo and commercial Rock Shrimp fisheries). To help focus further discussion at the Council level and any recommendations from the LE AP, the Council is to provide guidance on how they envision the permit being used.

The LE Committee convened during the December 2016 meeting, during which further discussion of the topic ensued (*Attachment 2*). Subsequently, the Snapper Grouper, Dolphin Wahoo, and Mackerel Cobia Committees met jointly and further discussed operator permits (*Attachment 3*) ultimately approving a motion to remove the requirement for an operator permit in the Dolphin Wahoo for-hire fishery. Committee members requested clarification as to how operator permit violations are handled and whether such violations could ultimately result in permit sanctions. Currently, failure to provide a current operator permit results in a “Fix-It Notice” for the first offense, and monetary fines of \$250 and \$500 for the second and third violations, respectively (see [http://www.gc.noaa.gov/documents/gces/National\\_SS\\_Fix-it\\_FINAL\\_1-1-16.pdf](http://www.gc.noaa.gov/documents/gces/National_SS_Fix-it_FINAL_1-1-16.pdf)). The current (July 2014) penalty policy, including instances where permit sanctions are warranted, can be found at:

[http://www.gc.noaa.gov/documents/PenaltyPolicy\\_FINAL\\_07012014\\_combo.pdf](http://www.gc.noaa.gov/documents/PenaltyPolicy_FINAL_07012014_combo.pdf)). *Attachment 4* contains the Southeast and Greater Atlantic Operator Permit application forms.

**Required AP Action:** Discuss and provide further recommendation on improving the utility of operator permits and possibly expanding to other South Atlantic fisheries.

### **3. Amendment 43: Allowable fishing areas, recreational permit for Snapper Grouper Fishery and best fishing practices (*Attachment 5*)**

Amendment 43 to the Snapper Grouper FMP current contains actions to address management of red snapper as well as actions to improve recreational data collection. Actions in the amendment that focus on management of red snapper include creating allowable fishing areas (Action 7 and 8), establishing a permit or tag to engage in recreational fishing for snapper

grouper species in the South Atlantic region (Action 9), requiring electronic reporting (Action 10), and modifying best fishing practices (Action 12). To assist the Council in the design of allowable fishing areas, a permit, reporting requirements, and best fishing practices, the LE AP is asked to comment on some of the components of the program, state any concerns, and offer recommendations that would enhance compliance and facilitate enforcement.

**Required AP Action:** Discuss and provide recommendations on a potential allowable fishing areas, permit or tag program, and Best Fishing Practices for the private recreational sector in the South Atlantic region.

#### **4. Enforcement of Fishery Closures**

At the December 2016 meeting the Council requested that staff “obtain clarification of how enforcement deals with off-loading fish after a fishery officially closes.” The request came during discussion of possibly re-opening commercial harvest of vermilion snapper. The concern at the time was that the opening would be so short (two days) that there would be a high likelihood of some vessels still being out or not being able to complete offloading before the official closure. An email requesting information on this issue was sent in early February 2017 to the state representatives and the NOAA OLE representative on the LE AP. Two replies were received, both indicating that officers tend to use discretion and operate based on how the closure notice is worded.

**Required AP Action:** Discuss and provide clarification and/or recommendations to improve enforcement of fishery closures.

#### **5. Cobia Regulations (*Attachments 6 & 7*)**

In 2015, recreational landings of Atlantic (GA-NY) cobia exceeded the annual catch limit, which triggered the accountability measure for a reduced recreational season in the subsequent year (implemented through Coastal Migratory Pelagics Amendment 18). On June 20, 2016, NOAA Fisheries announced that recreational harvest of Atlantic (GA-NY) cobia in federal waters would close for the rest of the fishing year. The 2016 recreational landings exceeded the 2016 annual catch limit due to landings estimates from Virginia and North Carolina state waters (which did not close with the federal closure), and NMFS closed recreational harvest of Atlantic cobia on January 23, 2017.

In September 2016, the Council approved CMP Framework Amendment 4 for formal review, which included management measures for commercial and recreational harvest of Atlantic cobia that may help slow the rate of harvest and minimize the likelihood that landings will exceed the annual catch limit. The final rule package is under review at the Southeast Regional Office.

Because there is a large portion of Atlantic cobia harvested in state waters, the Atlantic States Marine Fisheries Commission is developing an interstate management plan, and some states have implemented regulations and a season for 2017 (*Attachment 6*).

Due to the recreational closure, there has been an increase in participating in the commercial sector of the Atlantic cobia fishery. In the CFR, cobia is a “limited harvest” species with a possession limit of two fish per person per day (§622.383) that applies to both cobia that are sold and cobia that are not sold, for Atlantic cobia and Florida east coast cobia. There is no federal commercial permit requirement for cobia in the Gulf of Mexico or Atlantic. The Mackerel Cobia Advisory Panel and Cobia Sub-Panel (*Attachment 7*) discussed a commercial permit requirement and reviewed some of the ambiguity in the regulations pertaining to cobia that are sold, particularly when recreational harvest is closed. Council staff will review the state and federal regulations in place for Atlantic and Florida east coast cobia.

**Required AP Action:** Discuss and provide recommendations on how to manage cobia that are sold (commercial).

## **6. Updates on electronic reporting and outreach projects**

Council staff provided an update to the Council at their March 2017 meeting. Progress to-date on the 4 components of the project is as follows:

1. Electronic logbook for charterboat captains to log catch:
  - a. All software development is complete
  - b. Data collection from actual trips has begun
  - c. 48 trip reports submitted by captains using the mobile app
  - d. 25 submitted since the Dec Meeting update
  - e. Over 75% of those are from GA and FL
  - f. Over 75% of those were logged in Feb of this year.
  - g. Most of the data collection will happen this Spring
2. Reporting tool for electronic dockside validation of trip reports:
  - a. Development of the validation tool is underway, with collaboration of MRIP/OST
  - b. Decided to build an electronic version of the current MRIP APAIS survey following the direction of the ongoing MRIP Validation Pilot in SC
  - c. Currently developing a working prototype of the app for testing
3. Electronic measuring boards to be used for discards on trips and during dockside interviews:
  - a. Work will begin on this component as the Dockside Validation app is developed
4. Phone app allowing law enforcement officers to check reporting compliance:
  - a. Work on LE tool has not yet begun pending progress on validation app

### Electronic Reporting Outreach Project (*Attachment 8*):

The Council was recently awarded a NOAA grant to conduct outreach and training programs on the upcoming electronic reporting requirements for federally permitted charter captains in the South Atlantic. The project will also develop and deliver outreach and training programs for state and federal law enforcement officers on use of a reporting compliance mobile application. To inform development of the reporting compliance mobile application, LE AP representatives are requested to provide input on components for the mobile application and training and outreach approaches for law enforcement officers in the region. Staff from the Council will provide a brief overview of the project and project contractor, Harbor Light Software, will facilitate a discussion about the reporting compliance mobile application.

### Electronic Private Recreational Reporting:

The Council was awarded a NOAA grant to develop a phone app to permit private recreational fishermen fishing in the snapper grouper fishery and develop a reporting method with the app. The project will include an outreach component for private recreational fishermen and training on use of the app. Council staff will provide a brief overview of the project.

**Required AP Action:** Discuss and provide recommendations as appropriate.

**7. Retention of recreational bag limits when citations are issued**

Council staff were recently made aware of recreational anglers in Florida who receive citations for violations being allowed to retain their illegal catches. The concern is that such illegally harvested fish are going unreported and the numbers are likely substantial based on several cases per week (in Florida). To inform Council discussions on possible ways to account for these removals, LE AP representatives are requested to provide information on current agency policies.

**Required AP Action:** discuss current agency policies (NOAA OLE, USCG, States) and options for making changes, as appropriate.

**8. Guidance on working with media/public affairs offices to publicize cases**  
*(Attachment 9)*

In an effort to continue to help raise awareness of fisheries law enforcement efforts, Council staff will review resources currently being used to access agency-specific activities relative to law enforcement. A news story from the *Miami Herald* is also included as an example of recent media coverage. The AP will discuss various agency resources and policies for dissemination of fisheries enforcement activities and provide recommendations as necessary.

**Required AP Action:** Discuss current policy from various agencies and how to better coordinate within the policies to improve publicity.

**9. Election of Chair and Vice-Chair**