

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

Webinar

March 1, 2021

TRANSCRIPT

Committee Members

Spud Woodward, Chair
Anna Beckwith
LT Robert Copeland

Mel Bell, Vice Chair
Dr. Kyle Christiansen
Art Sapp

Council Members

Dr. Carolyn Belcher
Chris Conklin
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Julia Byrd
Cindy Chaya
Dr. Mike Errigo
Kathleen Howington
Kim Iverson
Dr. Julie Neer
Cameron Rhodes
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Attendees and Invited Participants

Rick DeVictor
Shep Grimes
Dr. Jack McGovern
LT Patrick O'Shaughnessy

Anthony DiLernia
Dewey Hemilright
Dr. Genny Nesslage
Monica Smit-Brunello

Additional attendees and invited participants attached.

The Law Enforcement Committee of the South Atlantic Fishery Management Council convened via webinar on Monday, March 1, 2021, and was called to order by Chairman Spud Woodward.

MR. WOODWARD: I will call the meeting of the Law Enforcement Committee to order. The members of this committee are Mel Bell, Anna Beckwith, Kyle Christiansen, Art Sapp, and Lieutenant Robert Copeland. We have a draft agenda for consideration. Are there any requested modifications to the agenda for this afternoon's meeting? If so, raise your hand. Any hands? I am not seeing any hands. Is there any opposition to the draft agenda? If so, signify by raising your hand. No hands, and so we will consider the agenda adopted by consensus.

Our first agenda item for this afternoon is a report from the recent meeting of the Law Enforcement Advisory Panel, and we have Captain Scott Pearce from Florida, our LE AP Chair, here to provide that report for us, and so, Scott, I will turn it over to you.

CAPTAIN PEARCE: I just wanted to say thank you to the council for allowing me to be here is afternoon to provide you this report. It's the first time that I have done this, and so bear with me, and the first question I have is, is there a certain format, and would you like me to pause after each item for questions, or just kind of move through the report and someone will let me know if there's a hand raised?

MR. WOODWARD: I will tell you what. Just, given the fact that we've got multiple topics in this, why don't you just sort of pause after you get through each one. That way, if there's a burning question from one of the committee members or council members, we can deal with it right then and there. How does that sound?

CAPTAIN PEARCE: It sounds great. All right. Moving forward, I'm here to present you with our summary report for our Law Enforcement Advisory Panel meeting that we had on February 1. In attendance, we had -- Well, to start it off, we had Spud Woodward, council member and Law Enforcement Committee Chair, that make introductory remarks, as well as myself, and I chaired the meeting.

The first item that we discussed that day was the council staff updated the AP on the status of amendments under development and recently submitted for formal review. Once we were done with the amendment updates, we moved into our next action, which was implementation of for-hire electronic reporting requirements. Karla Gore, with NMFS Southeast Regional Office staff, presented an overview of the new Southeast For-Hire Electronic Reporting Program.

The presentation focused on the South Atlantic component of the program and covered changes to the existing regulations for both charter vessels and headboats and details on the available reporting software. The presentation detailed how the regulatory changes will affect dual permitted vessels, those with permits in more than one region, and those with multiple permits, like, for example, highly migratory species and council-managed species permits.

In addition, the program's compliance plan was presented. The latter includes email notifications to permit holders to alert them of late or missing reports and suspension of permits until reporting requirements are met. A brief overview of NOAA's enforcement plan was also discussed, including the request that states with joint enforcement agreements (JEAs) with the agency submit compliance findings through Southeast Regional Office of Law Enforcement.

The Southeast Regional Office is continuing to conduct educational webinars through the month of February. A reporting phone line to assist fishermen is also in place, as well as educational toolkits and a dedicated email address. The Law Enforcement Advisory Panel had no comments or recommendations on this particular topic.

MR. WOODWARD: All right. Any questions for Scott on that one? Probably not, but, if you do, raise your hand. If not, all right, Scott, and we can proceed.

CAPTAIN PEARCE: Moving right along, the next item was Proposed Regulatory Changes in Dolphin Wahoo Amendment 10. Dolphin Wahoo Amendment 10 includes several actions with enforcement implications. Council staff provided an overview of the development and status of Amendment 10. The Law Enforcement Advisory Panel reviewed Action 6 and Actions 8 through 13 in the amendment in detail, providing the following comments and recommendations.

Comments on Actions 6 and 8, post-season accountability measures, in-season adjustments are generally less desirable than regulation changes that are set towards the beginning of a fishing season, from an enforcement standpoint. In-season measures are enforceable, but there is a lag time to educate fishermen. Communication is important to get notice of a regulatory change to stakeholders in a timely manner, including law enforcement personnel. There needs to be a consistent way to let law enforcement know of a temporary federal regulation change due to an accountability measure that goes beyond simple notification via the Federal Register. Those are the comments for Action 6 and 8, if anybody needs any clarification or questions answered.

MR. WOODWARD: I don't see any hands.

CAPTAIN PEARCE: Then I'm going to go on to Action 10, removal of the operator card requirement. In the Code of Federal Regulations, operator cards are referred to as operator permits, and so make sure that they are properly referenced in the amendment, to avoid confusion when implementing regulation changes. Concern was raised by a member of the public over the action, noting that, in instances when the operator is not the owner, there may not be considerable incentive for that person to report under the new for-hire reporting requirements. The potential to revoke an operator card could provide this incentive and improve reporting compliance.

The NOAA Office of General Counsel Enforcement Section may have concerns with removal of the operator card requirement as a potential tool for enforcement. While the Law Enforcement Advisory Panel initially noted that the operator card requirement could be removed without notable loss to law enforcement capabilities, since it has been largely unused for enforcement purposes, it would be an effective tool to help increase compliance with new for-hire reporting requirements, particularly if expanded to include other fisheries. During Other Business, it was noted that the requirement could be kept for the for-hire fishery, but removed for the commercial fishery.

The Law Enforcement Advisory Panel provided a recommendation to consider extending the operator card to other fishery management plans to help enforce the for-hire reporting requirements.

MR. WOODWARD: Scott, thank you. I figure we might get a question or two on this one. Anna, I will go to you.

MS. BECKWITH: Thanks. Thank you, Captain Pearce. I did want to chat about this for a few minutes, because I am doing the reporting for my charter permits, and, the way that we're doing it on eTRIPS, I think a lot of the concerns that were brought up by the public have sort of been handled already, in the sense that we have each been assigned the equivalent of an operator number, and my husband, for example, has a Northeast operator permit. When I began eTRIPS, I was assigned, by National Marine Fisheries Service, the Southeast Region, a number, and so it's the equivalent of an operator permit number.

I, as that individual, can not only put my logbook in for my boat, but for any other permitted boat that I use, another captain's, and it doesn't matter. You can track by the individual, and you can track by the boat, and so, when it comes to the enforcement ability of these operator permits, we have sort of gone round and round and round over the last nine years, and we've been talking about this, actually, since I got on the council, and some of the conclusions that we've come to, over these many years, is that revoking a permit is extraordinarily difficult, and this permit in particular, because it is not functional as an ID, and has never been used, really, in enforcement, that, in its current form, it is not a productive use.

If we could come together, including the Northeast and the Gulf Council and the Southeast Region, and come together and create one sort of regionally-useful operator permit that crossed the different science centers and could be used as an actual ID, then there could be some validity in use as its functionality, but that is not the case, and at least my personal feeling is holding onto something that has proven to not be useful, in the off chance that it potentially someday might be useful, is probably not the direction that I would want to go in.

Another feedback that I've gotten from captains is we have captains license numbers, and so, if we needed an additional identifying characteristic, that is one as well, but, in fact, I think we've been assigned numbers through the logbook already, and I have a very, very difficult time seeing us keeping this operator permit, given the discussions that we've had over the last nine years at the council, but I do appreciate it, and I see the thought process behind it, and the confusion, and I just don't see this being functional in its current form.

MR. WOODWARD: All right. Scott, any response to that?

CAPTAIN PEARCE: I would just say that, originally, when this was presented to us, our initial reaction, as you see in the notes, was that we weren't as concerned about the operator card, but then, as we went further into this, I think the reason why we felt like it could be a useful tool would be in the reporting requirements, and so if somebody were to -- It's another way of, if somebody is failing to report, the reporting requirements, it's another way of accountability.

If we had somebody who wasn't necessarily the vessel permit holder, but an operator, and they were failing to report on the reporting requirements, that that could be a potential tool in enforcement to hold them accountable with that operator card, but, again, that's just a recommendation from the Law Enforcement Advisory Panel.

MR. WOODWARD: All right. Thanks. Mel, we'll turn it over to you.

MR. BELL: Thanks, Scott, for being here. It's good to see you. I can actually see you, and so that's good. I like your picture. I think you all ended up kind of about the same, where -- You know, Anna is right that we've been talking about this, or the committee has been talking about this, and the AP has been talking about it, for nine years now, and I think everybody understood that it was a particularly potentially useful tool if it were more standardized across the regions and the fisheries and all, and so we were -- As Anna mentioned, we were kind of -- I think the momentum has been, for a while, to just kind of shut this down as it is and then come back and revisit and perhaps maybe create something that's a little bit better and works across regions and fisheries.

What is new since we began all of this is the implementation of the reporting requirement for the for-hire sector, and so I see you all's logic in thinking that it would give you a tool, a potential tool, in kind of dealing with non-compliance in that area, but I think, just from the council's perspective, in kind of nine years of discussing this, that's sort of the direction that we were moving in. We agree with the potential utility of it, if it were a little bit more broadly applied across fisheries, and even regions and all, but you all -- For the discussions you had, you kind of ended up a little bit in the same place we were, I think, but what has changed since we started this was the addition of that requirement for for-hire reporting, and so I see what you all were thinking there.

MR. WOODWARD: All right. Thank you, Mel. Anna, back to you, and then, Tony, you're on deck.

MS. BECKWITH: I agree with Mel's comments. Conceptually, this works, but it just doesn't work in its current format, and the only way to make sure that we make it work in the long run, if that's the direction that councils want to go in, is to build it from the bottom back up and do it in a more comprehensive fashion across regions. Thank you.

MR. WOODWARD: Thank you. Tony.

MR. DILERNIA: Thank you, Mr. Chairman. I have more of a general question. As you know, so many of the South Atlantic species are now being found in the Mid-Atlantic region, and, in the Mid-Atlantic region, we want to make sure that we comply with all of the South Atlantic regulations and all, and I was just curious.

As far as law enforcement at-sea and the law enforcement of say recreational regulations, during the past recreational season, how many -- Again, I don't expect an exact number, but how many law enforcement actions were taken by the NOAA Office of Law Enforcement at-sea? I'm not talking about a paperwork violation, but something that is observed at-sea by the Office of Law Enforcement on say a recreational vessel or a for-hire vessel. Do you have any idea of how many times violations were discovered, or just a ballpark? Thank you.

MR. WOODWARD: I don't know, Scott, if you can take a shot at that, or we may have somebody else onboard that --

CAPTAIN PEARCE: I would say that I would have to refer to the NOAA Office of Law Enforcement to handle that question. I don't have that information available to me.

MR. DILERNIA: So we don't know if any of the agents did any kind of law enforcement, or if NOAA Law Enforcement did any, on recreational vessels, and that's what I'm hearing, right? You couldn't tell me right now?

CAPTAIN PEARCE: Sir, I wouldn't have access to that information. I would have to go through the Office of Law Enforcement to gain that information specifically, but, I myself, I don't have any of that information available to me right now.

MR. DILERNIA: All right. Thank you.

MR. BELL: Spud, I kind of lost you there, maybe, but Pat O'Shaughnessy is onboard, and he's kind of the guy that would know that.

MR. WOODWARD: I called on him, and I guess he couldn't hear me, but, Pat, go ahead.

MR. O'SHAUGHNESSY: I will have to pull exact numbers, but I'm not sure if he's looking for how many just from the Office of Law Enforcement or from law enforcement, our JEA partners and the Coast Guard, but I could pull those numbers, and a lot of the numbers that I give at the quarterly council meetings -- The report does say whether it's recreational or commercial, and so, if you can clarify which numbers you want, just the NOAA Office of Law Enforcement or NOAA OLE, the Coast Guard, and our JEA partners, and I can get those numbers for you.

MR. DILERNIA: I guess all three units are responsible for enforcing the recreational regulations, and is that correct, all three units? If that's the case, then all three units I would be interested in, but, again, not paperwork, and I'm just wondering about as the result of say a boarding or at-sea enforcements themselves, the actual actions that have been taken, because I have heard conflicting reports about compliance and non-compliance, and so this will help me understand it a little bit better. Thank you.

MR. WOODWARD: All right. Thanks. I think some of that, as Pat said, you can find in their reports, but I'm sure that he can probably compile some figures on an annual basis and that sort of thing, but any more questions on the Action 10 topic? If not, I will turn it back over to Scott for discussion on Action 11.

CAPTAIN PEARCE: Okay. Action 11 is reduce the recreational vessel limit for dolphin. The following comments were given. The Law Enforcement Advisory Panel had no issue with enforceability of vessel limit changes. However, it was noted that consistency within the regulation is helpful for compliance. Implementing a vessel limit change through this action could mitigate some of the concerns expressed for the accountability measure actions, since these measures would be in place year-round and would reduce the likelihood of the accountability measure being triggered. That's the comments we had on Action 11.

MR. WOODWARD: Thank you. Any questions for Scott on that one? All right. Carry on.

CAPTAIN PEARCE: All right. Action 13, filleting of dolphin at sea onboard for-hire vessels north of the Virginia/North Carolina border, the comments were there is no reason to distinguish between species regarding allowing filleting at sea. Allowing this to take place creates an enforcement problem and this practice should not be allowed anywhere. Fillets are much easier

to hide than fish kept in a whole condition. Concern that allowing exemption for dolphin would carry over to other species and other fisheries.

The council should consider firmly “holding the line” by not allowing this exemption. To illustrate, an AP member noted that fishermen had expressed support to him for a similar filleting exemption for species in the snapper grouper fishery. Similarly, it was noted that the Dolphin Wahoo Advisory Panel supported extending this potential exemption to dolphin caught in the South Atlantic region, and so the concern would be that, if we allow it under Action 13, that it could progress to other areas. The Law Enforcement Advisory Panel reiterated their previous recommendation to not allow filleting of dolphin at-sea in the Atlantic EEZ.

MR. WOODWARD: All right. Thank you. Any questions for Scott on that one? It’s pretty straightforward. All right. I don’t see any raised hands. Very good. All right. Carry on to discussion about the wreckfish ITQ program.

CAPTAIN PEARCE: All right, and so the proposed improvements to the wreckfish ITQ program, the council staff provided an overview of the proposed action in the amendment for which the council sought the Law Enforcement Advisory Panel input. Additionally, Jessica Stephen, Southeast Regional Office staff, provided additional details on the Gulf Reef Fish Program and how it is administered.

Possible change to offloading hours and VMS requirement, the Office of Law Enforcement representative saw no problem with expanding offloading hours to extend from 6:00 a.m. to 6:00 p.m., as they are specified in the Gulf’s program. It was explained that the rationale for these hours is that it works with typical officer schedules and they encompass daylight hours only, which helps with officer safety.

In the Gulf, there is a process to approve offloading locations, but the program also requires VMS. The Law Enforcement Advisory Panel members cautioned against allowing fishermen to submit offloading locations if vessels are not required to carry a VMS, as is currently the case in the South Atlantic. VMS allows law enforcement to see a vessel in real time, and so VMS should be discussed if the council wants to look at multiple offloading locations. Too many offloading sites would be unwieldy without VMS. The point there would be that, with the VMS system, if you had multiple approved offloading sites, then we would know which site -- We could see which site the vessel was going to be at, versus having to locate it without VMS.

The Law Enforcement Advisory Panel members recommended consistency with the Gulf Reef Fish program, adding that consistency is key for law enforcement. Additionally, there would already be a system in place if other fisheries were to move to IFQ/ITQ programs. Further, it was acknowledged that consistency between the two programs would be important for the State of Florida, given that you have two different coastlines and two different requirements, and having consistency would help with enforcement.

A commercial fisherman representative on the Law Enforcement Advisory Panel offered that current offload site/time implementation is ineffective. Fishermen acknowledge the benefits of VMS and are not necessarily opposed, in principle. However, they worry that historic fishing areas could get taken away. A commercial fishing representative on the Law Enforcement

Advisory Panel stated that commercial fishermen would support an extension to the offloading hours beyond 6:00 a.m. to 6:00 p.m.

The benefits of VMS for enforcement are landing locations to enforce offloading requirements, enforcement of closed areas, search and rescue, and communication between owners and operators. A preferable alternative from industry would be a hail-in and hail-out, instead of VMS, but the fishery will adjust if it becomes a necessary evil. That's the comments that we had for that one section.

MR. WOODWARD: All right. Any questions for Scott on that topic? I don't see anything. All right. Carry on.

CAPTAIN PEARCE: Possible changes to the wreckfish permit, law enforcement would need to be able to verify that the vessel has the needed permits to harvest. An interactive system would work well, so that a vessel's allocation can be verified. The wreckfish permit is there to protect shareholders.

The Law Enforcement Advisory Panel members asked how the shareholders feel about possibly removing the permit. A Law Enforcement Advisory Panel member that is a wreckfish shareholder explained that they have shares and use one to three vessels to harvest the fish. These vessels are owned by separate companies who are agents of the organization. The shareholders are concerned about how would removing the wreckfish permit and agent language affect their ability to work with other vessels, such as how a vessel account would gain access to a share account.

It was clarified that, if fishermen wanted to use other permitted vessels to harvest wreckfish, that that could be done different ways. The most restrictive way would be to require the vessel to have wreckfish shares. Alternatively, eligibility requirements could be worked into the system to allow a vessel account into the ITQ system. The council would need to discuss these eligibility requirements. Additionally, landings are tied to the vessel and not the shareholder, and so it will be important to determine how landings would then be attributed to shares.

The shareholder on the Law Enforcement Advisory Panel did not see any issues with removing the wreckfish permit, but noted that it will be important to discuss this issue with other shareholders, and that's the last comment on that section.

MR. WOODWARD: All right. Any questions for Scott on that one? I don't see anything. All right. We'll go to cost recovery.

CAPTAIN PEARCE: Okay, and the only comment for cost recovery is it was clarified that cost recovery fees can be used to help reimburse the cost of enforcement.

MR. WOODWARD: Thank you. Before we leave this, does anybody have any questions for Scott on the wreckfish ITQ? I believe that we have sort of tapped the breaks on this one, but this is good input, and hopefully it will help make sure that, whatever efforts we do in the future, that we want to see enforceability with the feasibility and practicality. All right. We'll carry on, Scott, to the next topic.

CAPTAIN PEARCE: All right, and so the next item is proposed changes to the structure of the Law Enforcement Advisory Panel. During the December 2020 meeting, the council discussed possibly adding an ad-hoc liaison seat to the Law Enforcement Advisory Panel to allow a member from another advisory panel to participate as a subject matter expert in a meeting of the Law Enforcement Advisory Panel, as needed.

The intent would be to provide an additional perspective to discussions where the Law Enforcement Advisory Panel may benefit from it. For example, if the Law Enforcement Advisory Panel were to, hypothetically, be asked to discuss changes to VMS requirements for the rock shrimp fishery, those discussions would benefit from input from a representative of that fishery who sits on the Deepwater Shrimp Advisory Panel. The liaison seat would be used on an as-needed basis.

Council staff explained the proposal to the Law Enforcement Advisory Panel, and members responded positively to it and requested clarification on whether the liaison member would have a vote. Council staff noted recent challenges in obtaining applicants to fill the vacant commercial representative seat on the Law Enforcement Advisory Panel and solicited recommendations.

MR. WOODWARD: Thank you, Scott.

CAPTAIN PEARCE: They didn't have any recommendations on that.

MR. WOODWARD: This is the one that we'll be talking about a little bit further on down the agenda, and so next is the Law Enforcement Award.

CAPTAIN PEARCE: The Law Enforcement Officer of the Year annual program was implemented in 2010. Since then, the council has recognized numerous individuals for outstanding achievements in enforcing fisheries laws and requirements in the South Atlantic region. Council staff requested feedback from the Law Enforcement Advisory Panel on whether the program is a good way to acknowledge the efforts of law enforcement personnel in the region, et cetera. The Law Enforcement Advisory Panel members pointed out the program should allow for nominations of teams and not just individuals and recommended that the program be continued in 2021.

MR. WOODWARD: Okay. Thank you. I think I might have jumped ahead. I see a couple of hands raised. Anna and then Mel after her.

MS. BECKWITH: I was just going to note that I love the liaison idea. It makes perfect sense, and we probably should have been doing it for a while, but, yes, I think that will work really well.

MR. WOODWARD: Thank you. Mel.

MR. BELL: I was just going to reemphasize kind of -- Back to wreckfish, it's one of our more complex fisheries, in terms of interaction with law enforcement and moving parts and all, and so just -- Just make sure that you all feel comfortable with what Scott has presented on behalf of the AP, in terms of kind of their stand on some of the things, or ideas, but, as Spud mentioned, we will be talking about this a little more later, but, if you have any questions, or if there's anything that you're not quite sure about, interpretation of the input from the AP, be sure to take advantage of the time and ability to ask Scott that, but it is a -- We do appreciate their effort on this one. It is a

rather interesting fishery, for a number of reasons, and one is it's just kind of how complex the regulatory process is on it, I think.

MR. WOODWARD: Thank you, Mel. I was going to mention this later, but it's probably as good to mention it now, is the fact that we actually have somebody on the LE AP who was involved in that fishery that contributed greatly to the discussion, and so there were a lot of questions that arose that, had not he been there, they would have not been answered, and it would have made this report much less complete. All right.

With no further questions, Scott very graciously stood to be nominated for the Chair, and he was elected unanimously. We still have an unfilled Vice Chair seat, but we will deal with that in the future, at our next meeting of the Law Enforcement Advisory Panel, and so thank you, Scott, very much for taking on this responsibility, and thank you for being here to provide the report, and I'm going to give committee members and council members one last chance for any questions. If not, and I don't see any hands raised, and so thank you again, and we will move on to our next agenda item.

CAPTAIN PEARCE: Thank you.

MR. WOODWARD: All right. As we've already sort of delved into, we've talked a little bit about the proposed changes to the structure of the Law Enforcement Advisory Panel, and I want to turn it over to Kim Iverson for discussion on that.

MS. IVERSON: Thank you, Chairman Woodward, and thank you, Captain Pearce, for a really thorough report and allowing kind of a segue into this next discussion. As you're all aware, and we have referenced earlier, back in December, we had a really good discussion during our closed session, and we were meeting in closed session to talk about advisory panel applicants, and, during that discussion, it became obvious that we were having some trouble, and have had some trouble, soliciting applicants for the commercial sector for the Law Enforcement Advisory Panel.

Spud, as you noted earlier, Mike Freeman is a wreckfish ITQ shareholder, and he happens to serve on the Law Enforcement Advisory Panel, and so he was able to supply a lot of good detail in there, and so the council asked for some input, and had some discussion, on allowing that type of input from other advisory panel members. As Captain Pearce noted earlier in his report, the example of getting input from our Deepwater Shrimp AP, should VMS issues arise, or using that wreckfish ITQ shareholder discussion as an example.

In looking at that, and just looking at options, and I had a motion drafted, and I think I was trying to make it a little more complicated than it has to be, but, in reviewing the meeting minutes, again, and the discussion, I think the intent of the council can be met by simply allowing advisory panel members from other advisory panels, whether they be commercial representatives or recreational representatives, and that came up in the discussion, to provide input and to be a resource for the Law Enforcement Advisory Panel as issues arise.

In looking back at the meeting minutes and the discussion, I think it may be that we don't have to address this as perhaps a specific liaison from a specific advisory panel, but allow the advisory panel and the committee the flexibility to identify AP members that may be helpful as topics arise, and that could be done through the discussion at the committee level on upcoming meeting topics.

If there is something that is specific and the chair of the Law Enforcement Committee and the Council Chair and the council staff person working together could come up with an idea of having a specific AP member present at the next AP meeting, that could be identified during that discussion and included in the timing and tasks motion at the committee, and then approved by the council and moved forward in that direction.

As Captain Pearce pointed out, the Law Enforcement Advisory Panel really appreciated the opportunity to have that discussion and didn't have any objections to having AP members from other council advisory panels to provide input. They did ask if that member would be a voting member, and I am proposing, unless there is some objections, that that person would not be a voting member of the AP, but would simply provide input and participate in that Law Enforcement Advisory Panel meeting, as needed. I talked with John Carmichael, and that travel and per diem could be covered during that meeting, as if they were a member of that advisory panel. I throw that out there for discussion, and hopefully that process would meet the needs of the Law Enforcement Advisory Panel.

MR. WOODWARD: Thank you, Kim. I think that's a commonsense approach, and we know that the advisory panels that we have provide us with a pool of subject matter experts on the full gamut of things that we're concerned about here at the South Atlantic Council, and so it makes sense to use that subject matter expertise, and I will open this up for discussion. We've got Jessica McCawley and then Steve Poland on deck.

MS. MCCAWLEY: Thank you, Spud. I'm not on your committee, but I guess I just had a question. It's a little bit confusing to me, and so the Law Enforcement AP seems to cover a number of topics in one meeting, and so, for example, at this meeting, they covered wreckfish, and they covered operator cards, dolphin wahoo, et cetera, and so I guess my question is, is it up to the separate management committees to decide which APs will then send a representative over to the Law Enforcement AP, because it seems like, for example, us just sending only a person that fishes for wreckfish, they're only going to be able to contribute to that single item, and they probably can't speak to a number of the other items, and so I'm just trying to figure out how exactly this is going to work, kind of the mechanics of it.

MR. WOODWARD: That's a good question, and I think we've attempted to have members on the Law Enforcement AP that provide broad general input about commercial fishing and recreational fishing, and I think there's times when we run into situations where we have a need for very specific information, such as a wreckfish ITQ program.

I don't know that there's one easy way to describe it, but I like to think that what we would do is look at the composition of the Law Enforcement AP. If we saw that there seemed to be a deficit of subject matter expertise about something that was specific, like the wreckfish ITQ or whatever, that we would all mutually agree that it would be prudent to bring that specific subject matter expertise to bear, but that's just some of my thinking. The mechanics of it, I think, would be sort of worked out as we progress down this line, but that's just my thoughts. Steve, I will call on you, and then, Chester, you're on deck.

MR. POLAND: Thank you. I'm not on your committee, but thank you for recognizing me, Mr. Chair. I was kind of having the same thoughts as Jessica. I mean, I really like this idea of having more dialogue between our different APs and the opportunity to have some overlap and some

cross-talk in that, but trying to come up with some type of procedure for procedure or process for ensuring that happens -- On one hand, it will kind of hold us to it, if we develop a specific process for having, for example, a Dolphin Wahoo AP representative attend Law Enforcement, and that would be good, because the process is in place, and it wouldn't slip our mind or anything like that, but then it also boxes us in, and I don't want to box us into not having enough varied input from subject matter experts to the Law Enforcement AP, or just any AP in general, that feels like that they would benefit from additional input from another AP or another area of expertise.

I know, in the past, we have had joint AP meetings to discuss issues that are related to both of those APs, and I think, recently, we've had a joint AP meeting with the Coral and Deepwater Shrimp AP folks, and that went really well, and so I don't really have a lot of solutions to offer, but just that maybe one way that -- One of the many ways that we can accommodate this is to apply a little bit more forethought when we're asking or providing the AP with topics to consider if there is days, or a day, or a half-a-day, that they might could overlap with another AP, to allow that dialogue, and I know that's a -- Especially once we get back to meeting in person, that might be a little costly, but now, in the world with all these capabilities we have, due to COVID, I mean, it wouldn't be that hard to just have a few members from one AP, or just the entire AP, join another AP for an agenda item or two like that. Thank you.

MR. WOODWARD: Thanks, Steve. Chester, and then Mel, or actually Myra and then Mel.

MR. BREWER: Thank you, Spud. I don't think we need to get so deep in the weeds on this. It's a very good idea to have the ability to bring in someone from an AP that has specific knowledge and expertise with whatever issue it might be and have them assist the Law Enforcement AP. I think that it would have to be done on, essentially, a case-by-case, and that the chairman of the Law Enforcement, who helps put together the agenda, could see items that were coming up that perhaps it might be necessary to have additional expertise.

I think that the only procedure that we need to have in place is just to make sure that the cost of the thing doesn't get out of control, and that is that, when the chairman of the AP sees that situation come up, that he consult with the Chairperson, and that would be Mel Bell in this case, and perhaps John Carmichael, and you could okay more than one, because all you're really talking about -- Right now anyway, all you're really talking about is them being there, and there is no travel expense, and there is no per diem, per se.

That will be the case in the future, and you might need to look at the number that are attending more carefully, once the expense involved would go back to what normally it would have been, but I really want to steer away from saying, okay, we've got this huge procedure that we're going to put in place. If it's 120 percent certain that we're going to need X, Y, and Z, then, and only then, will you look at this additional expertise, and that's all I've got to say.

MR. WOODWARD: Thank you, Chester. Myra, and then I will go to you, Mel.

MS. BROUWER: Thank you, Spud, and very briefly, actually. Chester covered a lot of the points that I wanted to make, and so thanks, Chester, for that. I was just going back to what Jessica brought up, and I'm going to also suggest that it be handled on a case-by-case basis through the Law Enforcement Committee Chair, the LE AP Chair, and the staff leads responsible, to figure out where that assistance would be needed in future discussions, and so I appreciate it. Thank you.

MR. WOODWARD: Thank you, Myra. All right, Mel.

MR. BELL: Well, between Myra and Chester, that pretty much covered what I was going to say, and I was going to mention what brought us to this discussion was remember that we were having difficulty in filling an empty billet for the commercial side, and I think it was Kerry that kind of brought up a different idea of how to approach this, and so we had some potential capacity in the budget, if you will, to do something like this, but I think the way to view it would be custom build each AP meeting for Law Enforcement, again remembering that they are unique and they touch on all the other fisheries that we deal with, and so, if you have the capacity within the group that's constructed to deal with the issue and cover things, from a technical standpoint, great.

If you have a deficiency, or you feel that you need to bring somebody in, like a particular fishery, then, again, I think the AP chair and the committee chair and staff would kind of figure that out, and we would just sort of make sure that the Law Enforcement AP has all the necessary information and folks there to do what they need to do, and so I don't think it has to be a -- We don't have to box ourselves into a particular structure or committing to something, and so I think that's how I saw it. Thanks.

MR. WOODWARD: Thank you, Mel. Andy, go ahead.

MR. STRELCHECK: Thanks, Spud. I'm not on your committee, but I guess two questions. One is probably for council staff, and that's whether or not there are standard operating procedures in place for functioning of the advisory panels, and it seems like that would be the most appropriate place to address that, if there are.

The other is more of a general comment, that this is certainly being brought up from the standpoint of the Law Enforcement AP, but it seems like this is relevant to all the advisory panels. You might have a Snapper Grouper panel that wants a law enforcement agent to attend, because there is some law-enforcement-related questions, and so we want to maybe think about this more broadly, but Chester's comments are well taken as well, that it not be to the point where it's so costly that it doesn't make sense.

MR. WOODWARD: All right. Your question -- Kim, do you want to respond to that, in terms of the SOPPs issue part of it?

MS. IVERSON: We do have an advisory panel policy, and it's being edited, and you will be reviewing that later on this week, and one of the intentions in the process that I described earlier is to not necessarily address it in a formal manner through that advisory panel policy, but to allow the flexibility for the chair of the committee and the chair of the advisory panel and the staff person to identify the needs.

I would remind people, the committee members, that we do have a commercial seat and a recreational seat on that advisory panel, and this discussion came about because we have had difficulty in soliciting commercial representatives, and so the intent -- I am planning to move forward to advertise that open seat again, and so, if you have people that come to mind, the committee and the council members, that may serve that -- That have a good, general

understanding of the commercial fishery, please send them my way. I will be glad to talk with them about that, and I intend to advertise that seat.

It just so happened that, with the discussion about the IFQ, the wreckfish IFQ, details, that Mike Freeman was a shareholder, and that's where it came down to identifying specific needs, and I think that the AP has had good discussion in the past and input, using its commercial and recreational members that are on the AP, but this would allow for that flexibility.

Andy, to your suggestion about expanding that to other advisory panels, we may want to start with our Law Enforcement Advisory Panel, since they do cover a number of topics across fishery management plans, and see how that works, and, if it's needed, then certainly we can discuss that at a later date, maybe at our June council meeting, or wait and give this time and see how it works, and certainly the council could possibly expand that to other advisory panels.

MR. WOODWARD: All right. Thank you, Kim. All right. Kerry, you sort of started all of this, and so tell us how you want us to do it.

MS. MARHEFKA: This is my brainchild, and I am so sorry. I have grand ideas, but it's the follow-through that is the hardest. I have come a little full circle, based on our discussion today, and it was really never intended to sort of make a firm -- You know, the idea of it being a liaison wasn't meant to be this seat, where we had to fill it, and I know we've already dispelled of the idea that that person votes, and I never intended that.

Now that we're sitting here having this discussion, I don't know that we couldn't frame it in terms of any other AP we have. If we are discussing electronic logbooks in the Snapper Grouper AP, then we find an expert on who is dealing with electronic logbooks, and we invite them to come to the meeting and speak to us. Maybe that's just how we approach it, and it doesn't throw a cog in this wheel over do we have to do this with every advisory panel, and we're already doing that. We're just -- Let's view the fishermen that are operating in the fishery as just another expert, which they are, and, if we need an expert to come speak to the Law Enforcement Advisory Panel about what's going on, then they come and participate.

There are going to be some FMPs where there is regulations that are really law enforcement heavy, and, of course, some, like the ABC Control Rule, that it will never come up, and so I don't -- Maybe we just never had to formalize it in the first place, and maybe the thought was, if we need a fisherman expert to come, we deal with it on a case-by-case basis, just like we always do for every other expert we deal with.

MR. WOODWARD: Thank you for bringing us back down to earth, where we're supposed to be. Sometimes we're up in the upper atmosphere somehow, but I think we know what we want to do, and it's just a matter of proceeding and give this a try, and, ideally, I think we would like to see interaction between all of our subject matter experts when it's called for, and so, Kim, do you need anything else from us, other than there is a general consent to move forward with this, and we'll try it, and, if we need to bring more structure to it, we can deal with that in the future?

MS. IVERSON: I think we've had a good discussion here, and I think, with Myra's help, we can summarize that and move forward with that approach and be flexible, and so thank you very much.

MR. WOODWARD: Thank you. All right. We've come to Other Business. Is there any other business to come before the Law Enforcement Committee? Please raise your hand. If not, then I will consider us adjourned, and I thank everyone for your attention, and thank you, again, Captain Pearce, for being here with us and providing us with a report and your service to the council. With that, Mr. Chair, I will end our committee meeting.

(Whereupon, the meeting adjourned on March 1, 2021.)

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SAFMC March Council Meeting

Attendee Report: (3/01/21 - 3/05/21)

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brewer	00chester
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crosson	scott
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