Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: March 20, 2019

To: Council

From: José Montañez and Matt Seeley, Staff

Subject: Law Enforcement (LE), Tilefish (TF), and Highly Migratory Species (HMS) Committee Meeting – April 8, Avalon NJ

Background

The Council conducted a Law Enforcement/For-Hire Workshop held on November 13-14, 2018. This workshop addressed several topics, including: (1) Operator versus angler (client) responsibilities for fisheries violations that occur on for-hire vessels, (2) issues related to the sale of golden tilefish and tuna by recreational vessels that do not possess U.S. Coast Guard (USCG) vessel safety requirements for commercial vessels; (3) complexity of fishing regulations impacting enforceability.

Thirty-nine people representing federal fisheries, law enforcement agencies (National Oceanic and Atmospheric Administration (NOAA) and USCG), state fisheries law enforcement agencies, the Mid-Atlantic for-hire community, and NOAA Fisheries participated in the workshop to discuss these issues. The workshop participants developed a series of recommendations organized under the categories of "HMS Permitting and Data Reporting" and "Law Enforcement." These recommendations are listed at the end of this memorandum. The complete workshop report is available online at: http://www.mafmc.org/council-events/april-2019-council-meeting.

Steps for the LE, TF, HMS Committees to review the Workshop Recommendations

At the April Council meeting, the LE, TF, and HMS Committees will review the recommendations from the workshop and further prioritize for action by the Council. These recommendations will be presented to the Council at the June 2019 Council Meeting (New York, NY). Tony DiLernia (LE Committee Chair) will brief the Council about the progress made at the LE, TF, and HMS joint Committee meeting during the Committee reports session at the April 2019 Council meeting.

HMS Permitting and Data Reporting

1. The Vessel Trip Report (VTR) and HMS reporting mechanisms need to be integrated to reduce duplicate reporting burdens for dual permit holders and to draw parity between the data (e.g., species and disposition) collected under each system.

2. Holders of HMS permits with a commercial sale endorsement should be required to report catch and harvest of all species, as well as discarded/undersize fish, to develop consistency with data reported on VTRs.

3. Fishery managers need to demonstrate greater use and utility of VTR data (or plans for additional uses) so that for-hire operators better understand the value of the data collected.

4. Individuals applying for an HMS permit with a commercial sale endorsement or tilefish open access permits should be required to enter their USCG safety sticker number (or expiration date of Certificate of Inspection).

5. The NOAA HMS database and USCG safety inspection databases need to be integrated to allow stronger verification procedures for vessel operators applying for a commercial sale endorsement.

6. The Council should evaluate and consider, if warranted, extending the timeline for submission of electronic VTRs (eVTRs) from the current 48 hours after landing to at least 72 hours (but no longer than 7 days) while recognizing that operators may be subject to potentially shorter timeframes imposed by reporting systems to which they may be subject under other permits (e.g., HMS or South Atlantic).

7. NOAA should confirm that eVTR systems issue a timestamp when an attempt is made to submit a valid VTR but which cannot successfully be transmitted due to communications or system platforms being temporarily inoperable, and that such submission attempts are considered as fulfilling the requirement that eVTRs be submitted within 48 hours after landing.

8. The Council should communicate with NOAA's Southeast Regional Office and the South Atlantic Fishery Management Council the need to consider allowing filleting and skinning of mahi mahi (or dolphinfish) at sea in the mid/north Atlantic region.

<u>Law Enforcement</u>

1. The Council should be cognizant of the impact of increasingly complex regulations on the ability of for-hire operators to comply with regulations and the law enforcement community to *effectively* enforce the regulations.

2. The Council should encourage NOAA Law Enforcement, in conjunction with the ASMFC Law Enforcement Committee, to explore the development of consistent regulations in both state and federal waters regarding sharing of fish between for-hire customers on the same fishing trip while at sea.

3. The Council should work with appropriate technical committees to consider the impact of allowing the captain and crew of for-hire vessels to retain an individual legal bag limit and allow this provision when feasible in fishery management plans.

4. The Council should encourage state members to work with NOAA Law Enforcement, the ASMFC Law Enforcement Committee, and for-hire advisors to develop "best management practices" for for-hire operators to implement that foster greater compliance with regulations by their customers, including provisions for demonstrating due diligence on the part of operators for implementing these practices.

5. There is a need for additional communication to for-hire operators for purposes of clarifying their responsibility under federal regulations as well as state-specific requirements.

6. The Council should work with member agencies (state and federal) to encourage periodic meetings between state and federal law enforcement agents and each state's for-hire community to review practices and procedures related to compliance with, and enforcement of, fisheries regulations.

7. In developing management measures impacting the for-hire community, the Council should consider the differences between "six-pack" operators and larger headboat vessels relative to the ability to comply with and enforce regulations.