

****Full Report Forthcoming****

Mid-Atlantic Fishery Management Council Law Enforcement/For-Hire Workshop

Executive Summary

Fishing activity on for-hire (party and charter boats) fisheries generally differs from that on commercial or private recreational vessels in that the vessel operator is not the primary fisher, but rather an “agent” hired by the fisher to take them onto the water and provide access to fish. However, even though the for-hire operator may never partake in reeling in or handling the fish, they may still be responsible for ensuring that their customers adhere to fishing regulations and can be subject to fines and other legal actions for violations by their customers. The issue of when (and under what circumstances) the vessel operator should be legally responsible for infractions (intentional or unintentional) of their customer has been a long-running discussion among some in the Mid-Atlantic for-hire community. Additionally, concerns have been expressed about the sale of golden tilefish and tuna by operators of recreational vessels that do not possess permits allowing for the sale of those species or possess U.S. Coast Guard (vessel safety) requirements for commercial vessels. High prices that can be obtained from the sale of some of these species may provide greater incentives for this to occur.

The Mid-Atlantic Fishery Management Council (Council) convened a workshop November 13–14 bringing together 39 people representing federal fisheries, law enforcement agencies (NOAA Fisheries and U.S. Coast Guard), state fisheries law enforcement agencies, the Mid-Atlantic for-hire community, and NOAA Fisheries to discuss these issues and develop potential solutions. Recommendations coming from workshop participants included:

HMS Permitting and Data Reporting

- The Vessel Trip Report (VTR) and Highly Migratory Species (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.
- 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.
- 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.
- Individuals applying for an HMS permit with a commercial sale endorsement or tilefish incidental permits should be required to enter their U.S. Coast Guard (USCG) Safety Sticker number (or expiration date of Certificate of Inspection) and/or additional verification demonstrating that they meet the safety requirements established for commercial vessels.
- 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.

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

Law Enforcement

- 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.
- The Council should encourage NOAA Law Enforcement, in conjunction with the Atlantic States Marine Fisheries Commission (ASMFC) Law Enforcement Committee, to explore the development of consistent regulations in both state and federal waters regarding redistribution of fish between for-hire customers while at sea.
- 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.
- 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.
- 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.
- 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.
- In developing management measures impacting the for-hire community, the Council should consider the differences between “6-pack” operators and larger headboat vessels relative to the ability to comply with and enforce regulations.

A recurring theme underlying the discussions at the workshop was the need for operators to be cognizant of the differences between state enforcement and federal enforcement of regulations and the complexity that this may create for both adherence to and enforcement of laws.

These and other proceedings from the workshop will be presented in a full workshop report at the December Council meeting.

Participants in the Mid-Atlantic Fishery Management Council Law Enforcement/For-Hire Workshop, November 13-14, Philadelphia, PA

Name	State	Organization
Fred Akers	NJ	
Rick Bellavance	RI	Priority Charters
Howard Bogan	NJ	M/V Jamaica - United Boatmen
John Bunting		MD Natural Resources Police
Vince Cannuli	MD	
Joseph Cimino	NJ	NEW Jersey Dept. of Environmental Protection
Neil Delanoy	NY	Laura Lee Fleet
Greg DiDomenico	NJ	Garden State Seafood Association
Tony DiLernia	NY	MAFMC Member
Michelle Duval		MAFMC Contractor
Skip Feller	VA	Rudee Tours
Carl Forsberg	NY	Viking Fleet
Paul Forsberg	NY	Viking Fleet
Don Frei		NOAA Office of Law Enforcement
Jeff Gutman	NJ	Captain John Sportfishing, LLC
Sonny Gwin	MD	MAFMC Member
Victor Hartley	NJ	F/V Miss Ocean City
Steve Heins	NY	MAFMC Member
Dewey Hemilright	NC	MAFMC Member
Andy Loftus		MAFMC Contractor
Greg Mayer	NC	F/V Fishin' Frenzy
Brad McHale		NOAA Fisheries, HMS Division
Daniel McKiernan	MA	MA Division of Marine Fisheries
Doug Messeck	ASMFC	DE Natural Resources Police
José Montañez		MAFMC Staff
Laurie Nolan	NY	MAFMC Member
Adam Nowalsky	NJ	MAFMC Member
Joshua O'Connor	NOAA	NOAA Fisheries
Chris Petruccelli	NJ	NJ Division of Fish & Wildlife/Bureau of Law Enforcement
Michael Pirri	CT	
Mike Plaia	CT	
Jeffrey Ray		NOAA Office of Law Enforcement
Paul Risi	NY	
Michael Ruccio		NOAA Fisheries Greater Atlantic Region
Mary Sabo		MAFMC Staff
Robin Scott	NJ	Ray Scott's Dock
Matt Seeley		MAFMC Staff

Scott Simmons	MD	MD Natural Resources Police
David Stutt	U.S. Coast Guard	MAFMC Member
Wes Townsend	DE	MAFMC Member
David Waldrip	MA	Stellwagen Bank Charter Boat Association
Allan Weiss	PA	Blue Water Fishing Tackle Company
Sara Winslow	NC	MAFMC Member