

Summary Report

Law Enforcement Advisory Panel

The King and Prince
201 Arnold Road
St. Simons Island, GA

March 2, 2015

A. Recently Completed and Developing FMP Amendments

Myra Brouwer, Council staff, updated the LEAP on recently submitted and developing amendments to South Atlantic Council Fishery Management Plans. The LEAP had no concerns or recommendations.

B. Joint Enforcement Agreements (JEAs)

Bob Mahood, SAFMC Executive Director, provided background information and introduced the discussion. Mr. Mahood indicated that a discussion on JEAs is planned during the June 2015 meeting of the Council Coordinating Committee including status and funding levels of JEAs around the country. Mr. Mahood indicated that the Council is committed to ensuring that the South Atlantic states continue to receive JEA funding. Subsequently, the NOAA OLE representative and each of the state representatives on the LEAP provided a short briefing of how JEAs are working.

Tracey Woodruff, NOAA OLE, expressed that the agency is pleased with the performance of JEAs with North Carolina, South Carolina, and Florida. Col. Chisolm Frampton (SCDNR) stated that, without JEAs, enforcement of MPAs, for instance, would not be possible. Col. Frampton stated that, even though more funding is always needed, the distribution of funding is now more transparent and South Carolina looks forward to the new contract and increased funding. Capt. Rama Shuster (FWC) stated that an agency review of the JEA with the state of Florida had been recently completed. A review had not been conducted since 2009. The Florida FWC uses 100% of its JEA funding to supplement offshore vessels (currently 14). Capt. Shuster mentioned that a question had arisen during the review regarding what constitutes a federal patrol and what constitutes a state patrol. The issue had not been emphasized during previous JEA reviews, but NMFS OLE requested more information to aid in discerning the nature of enforcement patrols that are conducted with JEA funding. The FWC plans to make changes to the JEA form to begin gathering such information. Capt. Doug Lewis (GADNR) indicated that the state of Georgia uses JEA funding in a similar manner to Florida. Capt. Lewis stated that there has recently been a reduction in the number of law enforcement officers in Georgia such that priority is now on state law enforcement rather than federal enforcement. Col. Jim Kelly (NCDENR) stated that North Carolina might be close to having a JEA. If that were the case, North Carolina would use JEA funds similarly to how they are currently being used in the other South Atlantic states.

The discussion concluded with an observation of the recent shift in the number of cases that reach NOAA General Counsel. Instead, the states are handling more of those cases. Also, a question was raised about how best to address inconsistencies in federal and state fishery regulations.

C. Snapper Grouper Amendment 35 (Removal of Species and Golden Tilefish Endorsements)

Amendment 35 to the Snapper Grouper Fishery Management Plan (FMP) contains two actions: (1) remove four species from the Snapper Grouper Fishery Management Unit, and (2) clarify regulations pertaining to commercial golden tilefish harvest.

Myra Brouwer, Council staff, presented an overview of the amendment. The LEAP had no concerns and offered no comments or recommendations.

D. Snapper Grouper Amendment 36 (Spawning SMZs)

Gregg Waugh, Council staff, presented an overview of the amendment. The LEAP had the following comments/concerns:

- The LEAP asked whether data on the level of fishing activity in the proposed SMZs were available.
- Concern about distance from shore making enforcement difficult.
- The LEAP asked whether mapping information could be used to inform the shape and size of the proposed closed areas. If so, that could be useful for enforcement.
- The Council should consider marking protected areas with buoys. However, they can be an issue if they are close to shipping channels, etc.
- Transit provisions should be consistent with existing provisions for other areas. This would help prevent unintentional violations and make enforcement easier.
- Council should refer to guidelines on enforceability when designing closed areas. Consider that fishermen currently have advanced equipment on their boats. Maybe guidelines should be re-considered in light of technological advances? Some LEAP members were of the opinion that the guidelines should still stand as they are.
- SMZs should be included in NOAA charts (paper and electronic)
- Enforcement is possible, but it is limited so buy-in is *critical*.

E. Snapper Grouper Regulatory Amendment 16 (Black sea bass pot closure)

Brian Chevront, Council staff, presented an overview of the amendment. The LEAP offered the following:

- Keep number of waypoints to a minimum
- Effective enforcement is dependent on few waypoints and straight lines. The more waypoints there are, the more opportunity for error and it may also complicate prosecution.
- The LEAP defers to the ALWTRP for recommendations on Action 2.

F. Remote sensing as a tool to monitor MPA compliance

Chip Collier, Council staff, presented images analyzed by CSTARS of the Oculina Bank. The LEAP was encouraged to offer comments on the potential of remote sensing as a tool for the Council to monitor compliance with MPA boundary regulations. The LEAP offered the following:

- Satellite imagery can be valuable for additional intelligence but may not be useful to legally enforce fishery regulations.
- The LEAP considered satellite imagery a potentially useful tool.
- The FWC would be interested in obtaining more information on satellite technology, particularly cost and timing options for images.