

LAW ENFORCEMENT ADVISORY PANEL MEETING

HILTON GARDEN INN, CHARLESTON

SUMMARY

The Law Enforcement Advisory Panel (LEAP) met in Charleston on August 10-11, 2010. Items on the agenda included:

1. Discussion of eligibility criteria and a nomination process for a Law Enforcement Officer of the Year Award,
2. Estimates of compliance for fishery regulations,
3. Enforcement of recent snapper grouper regulations,
4. USCG assets currently available for fisheries operations,
5. Discussion of the Surveillance and Enforcement of Remote Maritime Areas (SERMA) Initiative in the South Atlantic, and
6. Guidance on the enforceability of fishery regulations.

The LEAP also selected Captain Jim Kelley from NC as their Vice-Chair. In addition, the LEAP discussed ideas for enhancing outreach and education.

Law Enforcement Officer of the Year (LEOY)

The LEAP considered criteria for eligibility of a LEOY award. A list of nominees would be provided from each state, NOAA OLE (including prosecutorial attorneys) and the USCG. Staff was directed to prepare a set of standard nomination criteria and nomination template for the LEAP to review at a subsequent meeting. The LEAP would vote on nominations and bring their selection to the Council.

Compliance Rates

The LEAP discussed the use of compliance estimates in the model that produced the reduction scenarios for red snapper in Amendment 17A. Dr. Nick Farmer was available over the phone to answer questions and provide an explanation of how compliance estimates were developed. Subsequently the LEAP engaged in discussion of how to arrive at estimates of observed compliance that could potentially be used in future management decisions. *The LEAP made a motion to request that NOAA OLE begin the process of gathering the necessary data, including efforts through Joint Enforcement Agreements (JEA), to develop observed compliance rates to provide to the Council.* North Carolina and the USCG will also provide information to NOAA OLE for inclusion in the estimate.

Enforcement of Snapper Grouper Regulations

State agency representatives (with the exception of Georgia), NOAA OLE and the USCG provided short briefs on this year's enforcement efforts for snapper grouper regulations. Due to the public nature of the meeting, details of enforcement operations were not discussed. There was general agreement, however, that enforcement efforts are not sufficiently publicized. In addition, states with Joint Enforcement

Agreements maintained that funding for JEA activities is currently insufficient. *A request was put forth for the Council to consider requesting additional funding from the JEA Program so that JEA activities can be appropriately maintained.*

US Coast Guard (Attachment 2)

Lt. Rick Mach gave a presentation to introduce the USCG's new Unmanned Aerial Vehicle (UAV) *Guardian*. The UAV entered service this year in a joint venture between the USCG and Customs and Border Patrol (CBP). The *Guardian* UAV flies at an altitude of 10,000 feet and can stay airborne for 9 hours. However, flights are limited by the airfield's hours of operation (out of. Currently, there are 2 USCG personnel trained to "fly" the UAV but more personnel will be trained in the future. The UAV is available to do overflights of closed areas in the South Atlantic. It is anticipated that CBP and USCG operations will require the *Guardian* to eventually move further south (to Central America). However, the USCG anticipates that surveillance of the closed areas will still be accomplished.

Surveillance and Enforcement of Remote Maritime Areas (SERMA)

Dr. Sandra Brooke, Coral AP Member and Director of Coral Conservation at the Marine Conservation Biology Institute, gave a presentation on the SERMA initiative in the South Atlantic. The project, "Optimization of Surveillance and Enforcement in Remote Marine Protected Areas in the South Atlantic" is being funded through the FY2010 award to the Council from the Coral Reef Conservation Program. The LEAP provided numerous recommendations on four topics: (1) surveillance, (2) inter-agency cooperation, (3) compliance and (4) enforceability of regulations. The LEAP recommendations will help focus the project's objectives to provide a comprehensive overview of existing surveillance and enforcement capabilities, facilitate regional training workshops, and develop training materials.

Guidance on Enforceability of Regulations (Attachments 3 & 4)

The LEAP discussed two guidance documents: (1) "Enforcement Considerations for Regional Fishery Management Councils" developed by NOAA OLE, NOAA GC, and the USCG in 2007 and (2) "Guidelines for Resource Managers on the Enforceability of Fishery Management Measures" developed by the Law Enforcement Committee of the Atlantic States Marine Fisheries Commission and updated in 2009. It was agreed that both documents contained useful guidance for the Council to consider. Staff was asked to consolidate these two documents into one that the LEAP can review and subsequently recommend that the Council adopt.

Outreach and Education

The LEAP discussed the potential of developing a Frequently Asked Questions (FAQ) webpage for inclusion in the Council's website. The LEAP was open to the idea but recommended that it only include general questions in order to avoid possible conflict. *Staff was directed to develop a "straw man" FAQ for LEAP feedback.*