

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

**Savannah Hilton Desoto
Savannah, Georgia**

MARCH 6, 2012

SUMMARY MINUTES

Committee Members:

Duane Harris, Chairman
Robert Boyles
Ben Hartig

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Lt. Robert Foos

Council Members:

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Dr. Brian Chevront
Mike Collins

Observers/Participants:

Lt. Brandon Fisher
Scott Sandorf
Phil Steele
Dr. Jack McGovern
Dr. Bonnie Ponwith

Martha Bademan
Anna Beckwith
Dr. Marcel Reichart
Bob Gill
Monica Smit-Brunello

Additional observers are listed at end of document

The Law Enforcement Committee of the South Atlantic Fishery Management Council convened in the Madison Ballroom of the Savannah Hilton DeSoto Hotel, Savannah, Georgia, March 6, 2012, and was called to order at 8:10 o'clock a.m. by Chairman Duane Harris.

MR. HARRIS: Okay, let's go ahead and call to order the Law Enforcement Committee of the South Atlantic Fishery Management Council. The first item is to approve the agenda. You've been sent the agenda; are there any objections to approving the agenda as published? Seeing none, the agenda is approved.

Our next item is the approval of the December 2011 Law Enforcement Committee Minutes; any additions, corrections, deletions to those minutes? Is there any objection to approving the minutes as published? Seeing none, the minutes are approved. The next item on the agenda is Law Enforcement Advisory Panel Report.

The Law Enforcement AP met yesterday for half a day, and unfortunately Major Chisholm Frampton, the chairman of that committee, had to go to Colombia this morning, so he has left in his wake Myra, who is going to present the report on behalf of the Law Enforcement Advisory Panel.

MS. BROUWER: As Duane said, the LEAP met yesterday afternoon. The last time they had met prior to that was in July of last year. They had several items on their agenda. Mainly they commented and gave recommendations on developing amendments. They also received an update on the amendments that are currently under review.

The first amendment we went through was Amendment 18B and Regulatory Amendment 12, both dealing with golden tilefish. They had two recommendations under that item. They suggested requiring VMS for the golden tilefish fishery and all highly regulated fisheries both for enforcement purposes and for safety reasons.

They also suggested that the council consider a bycatch allowance for the longline golden tilefish fishery if there is another fishery that actually develops for snowy grouper. Basically what they are saying is there used to be a longline fishery for snowy, golden tilefish was a bycatch species for that fishery, and so they would recommend that the council consider a bycatch allowance.

The LEAP also received an overview of CE-BA 3. Their recommendations were, as far as the spatial management actions, to refer to previous recommendations for area closures. As you know, the LEAP has been suggesting the same suite of recommendations when it comes to MPAs or HAPCs, that sort of thing. They prefer to have boxes follow as closely to lat/long lines as possible, et cetera.

The LEAP also suggested consulting with the Code of Federal Register, Section 622.35. There is in there a reference to stowing gear in transit provision. It pertains to MPAs, but the language can be adopted and altered accordingly to be applicable to the deepwater shrimp fisheries. The discussion centered around there needs to be transit through areas that have recently been

proposed as HAPC; that there is a northern extension of the Oculina HAPC that the shrimp industry was concerned about being able to transit through it.

The LEAP also suggested that if transit is allowed through whatever HAPC extension ends up being put into place, that the industry increases the ping rate in their existing VMS when they are transiting through that area. The Law Enforcement AP favors using a language pertaining to stowing of gear instead of corridors, so we did discuss at the suggestion of industry perhaps the establishment of corridors so that transit could happen through the northern extension of the Oculina HAPC.

However, the LEAP prefers that some language be adopted in the regulations talking about appropriately stowing gear so that they may be able to transit through this area. In the event that minimal speed is not sustainable – so they suggested that there be a minimal speed restriction. For example, if a vessel is transiting through the area, they can't be going less than 5 knots; but if they have any kind of a mechanical issue, then the vessel needs to communicate to the appropriate contact.

They felt that this approach was simpler and for enforcement purposes it was easier. Any questions so far? Okay, the LEAP then talked about Golden Crab Amendment 6. Brian provided an overview and walked the AP through the various actions. There were a couple of issues that they commented on under Action 10.

The LEAP recommended Alternative 2, which is to eliminate the small vessel subzone within the southern zone that was originally established to protect against very large vessels fishing in the subzone, so they were okay with that. Under Action 12 the AP endorsed VMS on golden crab vessels for many reasons, again not strictly for enforcement, merely information, safety, information on the footprint of the fishery, et cetera.

The AP supported Alternative 2, Subalternative 2C. This is the alternative that would require all fishing vessels engaged in the Golden Crab Catch Share Program to be equipped with VMS. The purchase, installation and maintenance of VMS equipment must conform to the protocol established by NMFS in the Federal Register. Subalternative 2C indicates that the purchase of VMS equipment will be reimbursed by the National OLE-VMS Reimbursement Account if funding is available.

Installation, maintenance, and communication costs will be paid for or arranged by the shareholder. Under Action 15 in the same amendment, the LEAP recommended Alternative 2, which was to establish approved landing sites for the Golden Crab Catch Share Program. The LEAP did not recommend either one of the subalternatives. They just wanted to leave it open.

They did mention, however, that the sites should be approved by NOAA OLE and state agencies as well. The LEAP also discussed the Law Enforcement Officer of the Year Award, and basically they just gave direction to staff to provide the nomination forms sometime before April so that the award can take place at the September meeting in Charleston.

We also discussed potentially limiting the number of black sea bass trips. This is an item that is scheduled for discussion under snapper grouper on Thursday and we wanted to get recommendations from the AP. They had three things to say about that. Enforcing the number of black sea bass trips might be challenging. The council should consider a call-in call-out requirement or VMS to facilitate enforceability of a regulation such as that.

They stated that trip tickets alone would not be enough to enforce a limited number of black sea bass trips. There would need to be on-site enforcement in addition to the trip ticket information. VMS, of course, would be ideal, but a call-in program would also be feasible. The Coast Guard stated that determining compliance at sea, of course, on the limit on trips would be problematic.

Finally, the LEAP discussed a couple of items under Amendment 18A, and basically they just had some questions; how are the replacement tags going to work with the specified number of pots? Recall that the council has approved putting a limit on the number of pots to 35 per trip. The LEAP just said to consider a call-in system to recover lost tags or traps. That basically wraps it up. We met until six o'clock yesterday, so we barely had time to get through the agenda; If you have any questions, I'll be happy to answer them.

MR. HARRIS: Questions for Myra? Ben.

MR. HARTIG: Myra, did you mention their one concern with 18B; the one about if a snowy fishery redeveloped, when snowy was reopened they wanted to have – in South Carolina there is some area where you could have a potential bycatch of tilefish and snowies at the same time. They made the point that if that fishery redevelops, that they'd like to see some kind of bycatch allowance in that fishery.

MR. HARRIS: Yes, Ben, she did mention that. They did discuss it and it was in their report. There were a number of fishermen that attended that meeting, weren't there, Myra, and provided input to the Law Enforcement AP. I think that was good. From what I heard, they came out with a really, really good product from that meeting and largely because of fishermen input.

Other questions of Myra? Is there any desire for any committee action at this time or just accept the report as provided. Nothing for timing and task motion, Myra? Is there any other business to come before the Law Enforcement Committee? Bob, did you have any other business? No, okay, then we shall stand adjourned.

(Whereupon, the meeting was adjourned at 8:20 o'clock a.m., March 6, 2012.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcriptions, Inc
April 2012

Law Enforcement Committee
Savannah, GA
March 6, 2012

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PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

LAW ENFORCEMENT ADVISORY PANEL MEETING

March 7, 2011

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