



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Carolyn N. Belcher, Ph.D., Chair | Trish Murphey, Vice Chair
John Carmichael, Executive Director

AGENDA

Law Enforcement Advisory Panel

January 29-30, 2024

Crowne Plaza
4831 Tanger Outlet Blvd
North Charleston, SC 29418

Other than the starting and ending times of the meeting, times indicated on the agenda are approximate, and the order of business may be adjusted as necessary to accommodate the completion of agenda items. Interested parties should be aware that discussions may start earlier or later than indicated.

Public comment will be solicited at the beginning and at the end of the meeting. Those wishing to comment should indicate such in the manner requested by the Chair, who will then recognize individuals to provide comment.

Monday, January 29, 2024, 1:00 pm. to 5:00 pm

Tuesday, January 30, 2024, 9:00 am to 5:00 pm.

Public Comment

Approval of Agenda – Capt. Scott Pearce

Approval of February 2022 LE AP meeting minutes – Capt. Scott Pearce

SAFMC Law Enforcement Committee Chair Remarks – Spud Woodward

1. Amendments under development and other projects (*Attachment 1*)
 - a. Overview – Myra Brouwer
 - b. Discussion and recommendations – Capt. Scott Pearce
2. Wreckfish (Snapper Grouper Amendment 48; *Attachment 2*)
 - a. Overview – Christina Wiegand
 - b. Discussion and recommendations – Capt. Scott Pearce
3. Tournament Sales of King Mackerel (*Attachment 3*)
 - a. Overview – Christina Wiegand
 - b. Discussion and recommendations – Capt. Scott Pearce
4. Private Recreational Permit and Education Requirement for the Snapper Grouper Fishery (Snapper Grouper Amendment 46; *Attachment 4*)
 - a. Overview—John Hadley

- b. Discuss and recommendations – Capt. Scott Pearce
- 5. On-demand Gear for Black Sea Bass Pots (Snapper Grouper Regulatory Amendment 36; **Attachment 5**)
 - a. Overview – Mike Schmidtke
 - b. Discussion and recommendations – Capt. Scott Pearce
- 6. Compliance Updates:
 - a. For-Hire Electronic Reporting (**Attachment 6**)
 - b. Descending Devices
 - c. Marine Protected Areas and Spawning Special Management Zones
- 7. Agency Updates
 - a. Joint Enforcement Agreement Activities
 - b. NOAA Office of Law Enforcement
 - c. US Coast Guard
- 8. Other Business

Public Comment

Adjourn

Advisory Panel Members:

Capt. Scott Pearce, FL FWC, Chair
 Capt. Michael Paul Thomas, SCDNR, Vice
 Chair
 Capt. Chris Hodge, GADNR
 Capt. Garland Yopp, NCDMF
 Col. Bruce Buckson, retired
 Michael Freeman, commercial
 Alana Harrison, commercial

Lt. Andrew Loeffler, USCG
 Lt. Pat O’Shaughnessy, NOAA OLE
 Kevin Roberson, recreational
 Nickey Maxey, recreational
 Jamal Ingram, NOAA GC Enforcement
 Joshua Burton, recreational
 Tracy Dunn, retired

Attachments

- Attachment 1:** Update on developing amendments and other projects
- Attachment 2:** Amendment 48 Discussion Document
- Attachment 3:** Discussion Document on Tournament Sales
- Attachment 4:** Amendment 46 Discussion Document
- Attachment 5:** Regulatory Amendment 36 Scoping Document

Staff: Myra Brouwer (Myra.Brouwer@safmc.net)

OVERVIEW

Law Enforcement Advisory Panel

The AP will approve minutes from the February 2022 meeting and the agenda for the current meeting.

1. Update on amendments under development and other Council projects (*Attachment 1*)

Council staff will update the AP on the content and status of amendments under development and other projects including Mackerel Port Meetings and Best Fishing Practices Outreach.

Requested AP Action: Discuss and provide input as appropriate.

2. Wreckfish (Snapper Grouper Amendment 48; *Attachment 2*)

Snapper Grouper Amendment 48 considers actions and alternatives necessary to improve and modernize the Council's Wreckfish ITQ program based on recommendations from the ITQ Review. One of those recommendations included modifications to monitoring requirements for the fishery, specifically the offloading site and time requirements and the addition of a pre-landing notification (hail-in) requirement. The Council requested these actions be brought to the AP for discussion and input.

Requested AP Action: AP members provide feedback on the level of compliance (e.g., citations) with monitoring and offloading requirements in their respective area, the addition of a pre-landing notification for the fishery, and fixed facility site requirements vs. approved landing locations.

3. Tournament Sales of King Mackerel (*Attachment 3*)

Recently, the Council has received public comment and input from their Mackerel Cobia Advisory Panel expressing concern over king and Spanish mackerel fishing tournaments, specifically the sale of tournament caught fish. At their December 2022 meeting the Council requested NMFS provide information on king and Spanish mackerel tournament landings over the last ten years and how those landings were accounted for against the annual catch limit. The SEFSC worked with the state agencies to provide these landings to the Council at their June 2023 meeting. The Council requested this information also go to the AP for discussion.

Requested AP Action: AP members provide feedback on how king mackerel tournaments are monitored, how regulations related to the sale of tournament caught fish are enforced, and any known compliance issues.

4. Private Recreational Permit and Education Requirement for the Snapper Grouper Fishery (Snapper Grouper Amendment 46; *Attachment 4*)

Amendment 46 to the Snapper Grouper Fishery Management Plan considers the development of a permit for the private component of the recreational fishery that may be paired with an education requirement. Council staff will provide an overview of Amendment 46. The amendment is currently under development and will be considered for approval for public hearings at the Council's June 2024 meeting.

Requested AP Action: Review the discussion document and provide feedback for the Council to consider on development of a private recreational permit and education requirement. Specifically, the AP will be asked to provide input on:

- Difference in enforceability of an angler-based vs vessel-based permit (Action 1).
- Enforceability of a permit covering all Snapper Grouper species vs a subset of species (Action 2).
- Enforcement of a permit that only covers fishing activity in federal waters.
- Enforceability of an education requirement (Actions 3 and 4)
 - Requested input regarding the education program: What regulations would be most important to include in an education program for private anglers?

5. On-demand Gear for Black Sea Bass Pots (Snapper Grouper Regulatory Amendment 36; Attachment 5)

Regulatory Amendment 36 considers revising the gag and black grouper recreational vessel limits and revising commercial black sea bass pot requirements to allow the use of on-demand (also known as ‘ropeless’) black sea bass pots. The Council included consideration of on-demand pots following a workshop that reviewed results of this gear being used under an ongoing exempted fishing permit and fishermen perspectives supporting the long-term allowability for this gear’s use in the commercial black sea bass fishery. In December 2023, the Council approved this amendment for scoping and directed staff to communicate with black sea bass pot endorsement holders, particularly those that participated in the EFP project, asking which types of on-demand gear they would want to be available for use.

Requested AP Action: Provide input on enforceability of current identification, marking, stowage, and other requirements for on-demand black sea bass pots as applied to the variety of on-demand gear configurations.

6. Compliance Updates

At its December 2023 meeting, the Council received an update on the Southeast For-Hire Integrated Electronic Reporting (SEFHIER) program (*Attachment 6*). Overall, there is poor compliance with the reporting requirements in the South Atlantic and the agency is unable to determine the accuracy of submitted data. The Council intends to initiate action to improve compliance, strengthen reporting requirements, and explore validation.

Additionally, the Council requests that agency representatives on the LE AP provide an update on compliance with descending device requirements and Council-designated closed areas (MPAs and Spawning SMZs).

Requested AP Action: Provide recommendations to improve compliance with reporting requirements under SEFHIER, provide information on compliance with descending device requirement, and provide an update on enforcement in Council-designated closed areas

7. Agency Updates

The Council requests that agency representatives on the AP provide updates on Joint Enforcement Agreement activities; NOAA OLE activities, including an overview of Enforcement Priorities for 2023-2027 of interest to the South Atlantic Council; North Atlantic Right Whale proposed vessel speed rule changes and emerging technologies to assist enforcement; US Coast Guard activities relevant to fisheries including issues during red snapper recreational seasons.

8. Other Business