

Overview

Law Enforcement Advisory Panel

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The Law Enforcement Advisory Panel (LEAP) will: (A) receive an update from Council staff on amendments undergoing secretarial review; (B) receive an overview from Council staff on Amendment 18B/EA to the Snapper Grouper FMP and provide recommendations for each action as appropriate; (C) receive an overview from Council staff on Regulatory Amendment 12/EA to the Snapper Grouper FMP and provide recommendations as appropriate; (D) receive an overview from Council staff on the Comprehensive Ecosystem-Based Amendment 3 (CE-BA 3), including a summary of scoping comments, and provide recommendations as appropriate; (E) receive an overview from Council staff on Amendment 20B/EA to the Snapper Grouper FMP and provide recommendations as appropriate; (F) receive an overview from Council staff on Amendment 11 to the Spiny Lobster FMP and provide recommendations as appropriate; (G) receive an overview from Council staff on Amendment 6 to the Golden Crab FMP and provide recommendations as appropriate; (H) discuss nominations and timing for the Law Enforcement Office of the Year Award for calendar year 2011 and provide guidance to staff; and (I) address issues under Other Business as needed.

A. Update on recent amendments

Council staff will provide a briefing on the status of amendments under review. Such amendments include: the Comprehensive Annual Catch Limit (ACL) Amendment (submitted for review on 10/14/11), Amendment 24/EIS (rebuilding plan for red grouper; submitted for review on 12/14/11), Regulatory Amendment 11/EA (removal of the 240 ft. closure; submitted for review on 9/28/11), Amendment 18A/EIS (commercial black sea bass; submitted for review on 1/5/12), and Amendment 20A/EA (changes to the wreckfish ITQ program; submitted for review on 12/16/11).

REQUESTED LEAP ACTION: Discuss and take action as necessary.

B. Snapper Grouper Amendment 18B/EA (Golden Tilefish; Attachment 1)

Amendment 18B/EA is being developed to establish an endorsement program for the commercial golden tilefish fishery. The Council is proposing endorsements for the longline and

hook and line sectors and specifying eligibility criteria. The amendment also includes specification of an appeals process, endorsement transferability specifications, commercial ACL allocations for the longline and hook and line sectors, trip limits for those who receive hook and line endorsements and those who do not; modification of the golden tilefish fishing year, and revisions to the recreational accountability measures. Amendment 18B was taken out to public hearings in January/February 2012. Council staff will highlight any relevant public comments and provide an overview of the actions and alternatives in the amendment. The Snapper Grouper Committee will review the amendment on March 8th and make any necessary changes. The Committee may or may not recommend that the Council approve this amendment for submission to the Secretary of Commerce at the March 2012 meeting.

REQUESTED LEAP ACTION: Discuss and provide law enforcement recommendations or comments on each of the actions.

C. Regulatory Amendment 12 (Framework Action to Adjust the Golden Tilefish ACL/OY and establish a commercial Annual Catch Target (ACT); Attachment 2)

An assessment of the golden tilefish stock in the South Atlantic was conducted in 2011 with date through 2010 (SEDAR 25). The assessment indicated the stock is not overfished and is no longer undergoing overfishing. The Scientific and Statistical Committee made a recommendation for the Acceptable Biological Catch (ABC) level based on the new stock assessment in November 2011 but the Council did not receive the necessary analysis from the Southeast Fisheries Science Center (SEFSC) until early February 2012. Hence the new information was not available for the NC and SC public hearings at the end of January. Regulatory Amendment 12/EA has been prepared to make the necessary adjustments to the ACL and OY and possibly specify a commercial ACT to prevent overages of the ACL. A regulatory amendment requires less time to prepare and regulations can be implemented more quickly. Since the new assessment has indicated that an increase in the ACL is appropriate, the Council wanted to move quickly to implement the new limit so the fishery may be re-opened in 2012. Therefore, it is the Council's intent to approve this amendment for formal review at the March 2012 meeting. Council staff will present an overview of the amendment and request input from the LEAP on each of the actions.

REQUESTED LEAP ACTION: Discuss and provide law enforcement recommendations or comments on each of the actions.

D. Comprehensive Ecosystem-Based Amendment 3 (Attachment 3)

At the December 2011 meeting, the Council approved a list of items to take out for scoping during January/February 2012. Items include recommendations from the Coral, Habitat, and Snapper Grouper APs. Council staff will provide a brief overview of the scoping document and summarize public input obtained during scoping. The Council will review this amendment

during the March 2012 meeting and make changes as necessary. The LEAP should provide their recommendations on each item to the Council.

Measures in the CE-BA 3 scoping document include:

1. Expand Oculina HAPC; Stetson-Miami Terrace CHAPC; and Cape Lookout CHAPC
2. Prohibit the use of powerheads in the EEZ off NC; and throughout the South Atlantic EEZ
3. Establish Marine Protected Areas across the mid-shelf region and designate HAPC for speckled hind and Warsaw grouper
4. Designate Snapper Ledge (federal waters) within the FL Keys National Marine Sanctuary as an MPA
5. Develop a recreational tag program for deepwater species
6. Increase the minimum size limit for hogfish
7. Change the bag and size limit for gray triggerfish
8. Add African pompano to the appropriate FMU
9. Modify permits and data reporting to ensure ACLs are not exceeded

Item 8, however, will likely be removed from further consideration since the Florida Fish and Wildlife Commission has already extended Florida regulations to Federal waters for this species.

REQUESTED LEAP ACTION: Discuss and provide law enforcement recommendations or comments on each of the actions.

E. Amendment 20A/EA (Wreckfish ITQ; Attachment 4)

In June 2011, the Council decided to split Amendment 20 into two amendments. Amendment 20B includes actions to modify the wreckfish ITQ program to bring it into compliance with Reauthorized MSA requirements for Limited Access Privilege Programs (LAPPs), such as cost recovery, and implement provisions for program maintenance. Council staff will review actions and alternatives currently in Amendment 20B.

REQUESTED LEAP ACTION: Discuss and provide law enforcement recommendations or comments on each of the actions.

F. Spiny Lobster Amendment 11 (Attachment 5)

The Endangered Species Act requires that fishing activities authorized by NOAA Fisheries Service do as little harm as possible to threatened or endangered species. A recent Biological Opinion of the Spiny Lobster fishery concluded that spiny lobster trap fishing activities put sea turtles, smalltooth sawfish, and staghorn and elkhorn corals at risk. The Biological Opinion specified ways to minimize the impact of the spiny lobster trap fishery on these protected species and set requirements for the terms and conditions under which action must be taken. As a result, the Gulf and South Atlantic Councils are considering two actions: 1) Creating new closed areas

to reduce the impacts of lobster traps on protected coral species and 2) Requiring markings for spiny lobster trap lines to allow identification of trap lines entangling protected species. These two actions were originally part of Amendment 10, which was completed in June 2011, but were moved to Amendment 11 because the industry asked for more opportunity to work with managers to identify effective closed areas and reasonable gear marking options that would meet the requirements of the Biological Opinion. Public Hearings for this amendment were conducted in January/February. Council staff will provide an overview of the amendment and bring up relevant comments received during the public hearings.

Spiny lobster are managed jointly with the Gulf of Mexico Fishery Management Council. The Gulf of Mexico approved the amendment for submission to the Secretary of Commerce during their January 30-February 3, 2012 meeting in Mobile, Alabama. The South Atlantic Council is scheduled to approve the amendment at their March 2012 meeting. Regulations are expected to be in place by August 2012.

REQUESTED LEAP ACTION: Discuss and provide law enforcement recommendations or comments on each of the actions.

G. Golden Crab Amendment 6 (Attachment 6)

Golden Crab Amendment 6 addresses development of a catch share program for the golden crab fishery. Currently, the golden crab fishery is a limited entry fishery and has had a relatively low level of participation. The fishery operates near several deepwater Coral Habitats Areas of Particular Concern, which were developed to protect sensitive deepwater coral ecosystems. The level of experience needed to fish near but not among the deepwater coral reefs is quite high and a catch share program is expected to limit participation in the golden crab fishery to those with a high level of experience in the fishery. A catch share program will also allow the current fishery participants the ability to enhance their at-sea storage systems and develop new markets for their product. The Council received public input on this amendment during the January/February 2012 scoping/public hearings. Council staff will provide an overview of the amendment and bring up relevant comments obtained during the hearings. The Council is scheduled to approve this amendment for formal review at their March 2012 meeting.

REQUESTED LEAP ACTION: Discuss and provide law enforcement recommendations or comments on each of the actions.