

Law Enforcement Advisory Panel Meeting Summary Report

February 7, 2013

The Law Enforcement Advisory Panel (LEAP) met on Thursday, February 7th, 2013, in Charleston, SC.

The agenda was approved and the minutes from the March 2012 LEAP meeting in Savannah, GA, were approved with two edits.

Updates

Council staff provided an overview of recently completed and developing amendments to various Fishery Management Plans. The following Council-approved amendments were briefly discussed:

- Snapper Grouper Regulatory Amendment 13 (revision of ACLs)
- Snapper Grouper Regulatory Amendment 15 (yellowtail snapper & grouper)
- Snapper Grouper Amendment 28 (red snapper)
- Snapper Grouper Amendment 18B (golden tilefish)
- Generic Dealer Amendment

Council staff also provided an overview actions and alternatives included in amendments that will be developed throughout 2013, including:

- Snapper Grouper Regulatory Amendment 14 (multiple snapper grouper species)
- Snapper Grouper Regulatory Amendment 17 (MPAs for speckled hind and warsaw grouper)
- Snapper Grouper Regulatory Amendment 16 (golden tilefish)
- Dolphin Wahoo Amendment 5
- Coral Amendment 7

The LEAP made the following motion pertaining to Regulatory Amendment 16:

MOTION: THE LEAP RECOMMENDS THAT THE COUNCIL CONSIDER
REQUIRING VMS FOR THE LONGLINE SECTOR OF THE COMMERCIAL
GOLDEN TILEFISH FISHERY
APPROVED

Coastal Migratory Pelagics

Council staff presented an overview of the following Coastal Migratory Pelagics FMP amendments and requested input from the LEAP. Recommendations are listed below:

Joint Coastal Migratory Pelagics Amendment 19

Overall, members of the LEAP emphasized the importance of consistency and simplicity whenever possible. CMP management is complicated and the least complex options are best for enforcement officers and the public.

- The LEAP expressed the desire to maintain consistent regulations between the South Atlantic and the Gulf of Mexico to facilitate enforcement efforts.
- Quality control of fish caught during tournaments would be challenging to monitor and enforce if the Council were to consider issuing a permit to allow tournament sales of king mackerel

Joint Coastal Migratory Pelagics Amendment 20

- The LEAP recommends that the Councils chose the simplest approach to any modifications of zones, sub-zones, trip limits, etc.
- Several members recommended consistency for the transit provision by allowing transit throughout the regions.

Coastal Migratory Pelagics Framework Amendment

- The Council should consider whether it is necessary to restrict the number of allowable gillnets to harvest Spanish mackerel. Some LEAP members maintained that the Council should not restrict the amount of gear that is allowed to harvest the commercial trip limit. Fishermen simply need to abide by the trip limit to the best of their ability.
- Otherwise, the LEAP recommends that the Council define what a “portion of a gillnet” entails.
- A recommendation was made to add an alternative to make call-in declaration a requirement and consider specifying the number of call-ins allowed during the season.
- Net marking requirements were also suggested as a way to ease enforcement.
- A requirement to transit together for vessels that have engaged in gear exchange was also suggested.
- Another alternative to consider would be one that takes away the two-gillnet requirement.
- King mackerel trip limits recommended to be one all year, even though the boundary changes between Gulf and Atlantic group.

Snapper Grouper

Regulatory Amendment 18

Council staff provided an overview of the actions and alternatives for consideration in this amendment and informed the LEAP on the proposed timing. This amendment would adjust the ACL (and sector ACLs) for vermilion snapper and red porgy based on the recently completed stock assessment updates for those two species. In addition, the amendment contains actions to consider changes in management measures for vermilion snapper. The LEAP did not express any concerns or provide recommendations. However, it was pointed out that the amendment did not contain the appropriate link to the updated penalty schedule.

Snapper Grouper Amendment 27

Council staff reviewed the actions and alternatives in this amendment and informed the LEAP on the proposed timing. This amendment assumes management of Nassau grouper in the Gulf of Mexico; modifies the crew size restriction for dual-permitted vessels (those with a Snapper Grouper Unlimited or 225-Pound Permit and a Charter/Headboat Permit for Snapper Grouper); considers modifications to the bag limit retention restriction for captain and crew of for-hire vessels; proposes changes to the existing snapper grouper framework procedure to allow for more timely adjustments to ACLs; and modifies management measures for blue runner. The Council approved this amendment for public hearings at their December 2012 meeting. Council staff briefed the LEAP on comments received during the January/February public hearings. The LEAP made the following recommendations:

- Action 2 (number of crew members allowed on dual-permitted vessels): the LEAP recommends the Council choose the alternative that would result in consistent regulations between the South Atlantic and the Gulf of Mexico. Amendment 34 to the Reef Fish FMP increased the maximum number of crew members on dual-permitted vessels to 4.
- Action 3 (retention of bag limits for captain and crew of for-hire vessels): the LEAP confirmed that the existing regulation presents a challenge for enforcement and the LEAP recommends aiming for consistency. Since retention of bag limit quantities of reef fish by captains and crew of for-hire vessels is currently prohibited in the Gulf of Mexico, the LEAP would support Alternative 3.
- Action 5: the LEAP supports Alternative 2, removal of blue runner from the Snapper Grouper FMP.

Snapper Grouper Amendment 30

Council staff presented an overview of the amendment and requested that the LEAP provide recommendations. The amendment contains a single action to consider requiring Vessel Monitoring Systems on commercial snapper grouper vessels. On the subject of VMS, the LEAP made the following comments:

- A VMS allows enforcement efforts to be more focused. It allows enforcement officers to target chronic violators.

- VMS is the most efficient tool to enforce managed areas. If the Council is going to consider designation of additional MPAs or other closed areas, then the Council must consider making VMS a requirement.
- When discussing possible MPAs, the Council should consider the MPA feasibility document that the LEAP has provided in the past and reiterated on numerous occasions.
- A VMS requirement for the commercial longline golden tilefish fishery is recommended since vessels fish beyond 100 fathoms and in close proximity to the Oculina HAPC.
- A VMS requirement would allow for more effective enforcement of the 50-fathom bottom longline prohibition north of 27°10' N. lat. (due east of the entrance to St. Lucie Inlet, Florida).
- The snapper grouper fishery is a “mystery” fishery. A VMS requirement would help immensely not only to enhance compliance but also to better characterize the fishery.
- The LEAP pointed out that the South Atlantic region already has experience with VMS data from the rock shrimp fishery. The Council should consider (and highlight to the public) how VMS has **benefited** the rock shrimp fishery by accurately delineating the footprint of fishing activity and thus allowing the Council to focus area management away from productive fishing grounds.
- Vessel owners have access to their own VMS information. They can be tracking their vessels to make sure the operator of their vessel does not incur a violation. In addition, by having access to their vessel tracks, owners can alert the VMS Program when a unit is not functioning properly, etc.
- VMS information is very secure. Vessel owners cannot access anyone else’s data but their own. Only NOAA, states with Joint Enforcement Agreements (JEAs), and the U.S. Coast Guard have access to VMS information. Council staff have access under specific situations but are covered under confidentiality agreements.
- Advances in technology have made it very easy for anyone to access specific coordinates for desirable fishing locations with readily available equipment. Therefore, equipping a vessel with VMS would not further compromise a fisherman’s prime fishing spots.
- The Council may want to consider requiring an operator permit in the snapper grouper fishery similar to the one required through the Dolphin Wahoo FMP.
- To address a VMS requirement for vessels with dual permits, the Council may want to require that a vessel declare what type of trip they are undertaking before leaving port. However, the VMS data itself can be used to determine the type of fishing activity a particular vessel is engaged in.
- Enforcement officers in the Gulf of Mexico are commonly faced with challenges regarding VMS requirements on vessels that engage in multiple fisheries. Simply requiring that a vessel declare how it intends to fish has proved adequate.
- The VMS Program frequently assists fishermen to troubleshoot issues with VMS units. Vendors of VMS units are also very responsive since it is a rapidly expanding and lucrative business. Recently, there have been very few outages of more than 2 days.

- Current regulations in the Gulf of Mexico do not allow a vessel to get underway without a functioning VMS unit. However, if the Council chose to allow vessels, under certain circumstances, to operate without the VMS unit being turned on, then this would need to be clearly specified in the proposed regulations.
- VMS is expensive and with the impending Coast Guard requirement for carrying life rafts beginning in 2015, the Council may want to explore use of drones.
- The EEZ is a very large area and the use of drones would not be a solution. VMS is a very useful tool to identify potential problems/areas that could be then investigated with a drone or aircraft.
- Use of drones is an evolving legal area. There are restricted areas within which drones cannot operate, one or more of which cover existing MPA(s).

Data Collection

Comprehensive Ecosystem-based Amendment 3

The current version of this amendment contains a single action addressing bycatch data collection and bycatch reporting. The LEAP suggested providing a breakdown of the costs involved in an observer program. They also noted that there would be issues in selecting vessels that could actually accommodate an observer and that there would be compliance issues. One individual asked if the Council had considered an exemption for specific vessels and/or areas.

Joint South Atlantic/Gulf of Mexico Generic Headboat Reporting Amendment

An action to address charter/headboat reporting was originally included in CE-BA 3. At the December 2012 meeting, the Council voted to develop that action in a separate generic amendment jointly with the Gulf of Mexico Council and so amend the Snapper Grouper, Dolphin Wahoo, and Coastal Migratory Pelagic Resources Fishery Management Plans to modify data reporting for charter/headboat vessels. The Councils' currently preferred alternative would require that headboats submit fishing records to the Science and Research Director (SRD) weekly or at intervals shorter than a week if notified. In addition, the amendment includes a provision that would allow for exemptions due to catastrophic conditions. The LEAP suggested that the Council discuss the approach that would be taken if circumstances other than a catastrophic event prevented timely reporting.

Joint Commercial Logbook Amendment

The amendment includes an action to consider modifying the timing of reporting requirements for commercial logbooks in fisheries for snapper grouper, coastal migratory pelagic resources, dolphin/wahoo, and golden crab fisheries, and providing an option for logbooks to be submitted electronically. The amendment also considers requiring that the components of the commercial logbooks (landings, economic, and bycatch) be submitted within 21 days after the end of each trip. This would allow for submittal of more accurate economic information on commercial trips. Similar to the amendment addressing headboat reporting a provision is included to address delays in reporting due

to catastrophic circumstances. Again, the LEAP suggests that the Council discuss how late reporting would be addressed when it was not due to a catastrophic event.

The Gulf Council will discuss this summary document and request to develop a joint amendment at their February 2013 meeting. The South Atlantic Council will review the Gulf's response and a draft amendment at their March 2013 meeting. Council staff will present an overview of the actions and alternatives included and request that the LEAP provide recommendations.

Other Business

Council staff informed the LEAP of the upcoming meeting of the Joint Committee on South Florida Management Issues. The latter will meet via webinar on February 25th from 12:30 p.m. until 4:00 p.m. The intent of this committee is for the South Atlantic and Gulf Councils, and the State of Florida, to discuss joint management of species that, because of their distribution on either side of the Florida Keys, present a challenge when they are managed under separate FMPs.

Council staff also inquired whether LEAP members had any knowledge of large processor vessels anchored in the EEZ. During public hearings in Florida, staff were approached by fishermen claiming that processor vessels, possibly foreign, were harvesting and processing fish in U.S. waters. LEAP members stated that they had no knowledge of such an occurrence. However, a processor interested in harvesting and processing calico scallops has, with the knowledge of the Florida Fish and Wildlife Commission, been stationed offshore of Titusville.

Council staff reminded the LEAP that nominations for Law Enforcement Officer of the Year would be due in the spring.