

ATTACHMENT 1

Report of the January 31, 2006 Joint Law Enforcement Advisory Panel and Committee Meeting

On the morning of January 31, 2006 the Law Enforcement Advisory Panel met on its own. During that time staff took the opportunity to review the advisory panel and Council process as there are many new members to the panel. The AP also discussed the use of alternates to sit in for panel members. It was determined that a clear policy needed to be created with the input of the states given the need for consistency and for valuable state agency input. In order to facilitate structure and meeting attendance the AP requested meetings be set up as far in advance as possible. Staff has recommended the AP meets during March and September concurrently with the Council. The AP held elections and Bruce Buxton (Florida Fish and Wildlife Commission) was elected as their Chairman and Tracy Dunn (NOAA Fisheries Office of Law Enforcement) was elected as their Vice-Chair. The afternoon session was a joint meeting of the Committee and AP.

Snapper Grouper Amendment 14

The AP presented the Committee with a report on the Enforceability of MPAs (attached). This document rates the enforceability of each MPA site based on the states of North Carolina, South Carolina, Georgia, and Florida's evaluation of their assets but does not include assets that the Federal partners may or may not have. The individual states did not factor in the use of VMS when developing their ratings.

The AP reiterated that distance from shore and the fact that the proposed MPAs are Type II MPAs (some fishing allowed) were obstacles facing enforcement of these areas. However, the AP did not recommend any changes to the alternatives included in Amendment 14.

The AP and Committee received a presentation by Beverly Lambert, NMFS Southeast Office of Law Enforcement VMS Program Manager on VMS use in the southeast, including an update on the implementation of VMS in the rock shrimp fishery and information on VMS for the Gulf reef fish fishery (presentation included). Following that presentation there was discussion on the management measure in Amendment 14 that proposes requiring VMS to assist in enforcing MPAs. Neither the AP nor Committee recommended a preferred alternative to the Council regarding VMS. There was extensive discussion on who would be required to carry a VMS, who would pay for the system, the power requirements for VMS units, and how that would be enforced but no consensus was reached. Below is suggested wording that came out of this meeting. It was the Committee's and AP's intent that the Amendment 14 Team continue to tweak any wording necessary to meet the Council's intent.

Alternative 1. Require VMS on all commercial, for-hire and private recreational vessels. *Private recreational vessels could use a "chip" that is imbedded in existing electronic gear or some type of acoustic monitoring. (as technology becomes available in the future).*

Alternative 2. Require VMS on all commercial and for-hire vessels that harvest snapper grouper species – vessels that are required to have a Snapper Grouper Permit. An application for a permit or permit renewal will be considered incomplete if proof of compliance with the requirements to install VMS is not provided.

Alternative 3. Require VMS on all commercial vessels.

Alternative 4. No action

Snapper Grouper Amendment 15

The AP and Committee were asked to provide input on the management measure alternative in Snapper Grouper Amendment 15 that would prohibit the sale of recreationally caught fish. At their October 12-13, 2005 meeting the AP and Committee had passed motions that would require the appropriate commercial Federal permit to sell any species in the Council's jurisdiction. The discussion at this meeting revolved around the specific wording of the alternatives in Amendment 15. Below is suggested wording that came out of this meeting. It was the Committee's and AP's intent that the Amendment 15 Team continue to tweak any wording necessary to meet the Council's intent.

Alternative 1. No action. Allow the sale of snapper grouper species caught up to the recreational bag limit, if the seller meets the proper state requirements and sells the fish to a federally permitted dealer (as mandated in CFR X).

Alternative 2. Require a Federal commercial snapper grouper permit to sell snapper grouper species in or from the South Atlantic EEZ. A charterboat operator with a commercial permit cannot sell fish caught on that charter under the recreational bag limit.

Alternative 3. Require a Federal charter/headboat or commercial snapper grouper permit to sell snapper grouper species.

**SAFMC
L.E. ADVISORY PANEL
FEBRUARY, 2006**

ENFORCEABILITY OF PROPOSED MPA's

BACKGROUND

At the October 2005 meeting in Charleston S.C., the Council requested that the LEAP provide comments on the individual states ability to effectively patrol proposed MPA's along the South Atlantic Coast. Additionally, the Council requested that the states provide any input they may have on the various site options. In 1998 the LEAP developed seven enforcement criteria for the Council to consider when establishing Marine Reserves or MPA's (see attached). In 2001 the LEAP slightly modified the criteria and developed nine recommendations that should be used as a general guidance tool to ensure effective and enforceable regulations for MPA's (see attached).

Currently the Council is considering the creation of eight new MPA's along the South Atlantic Coast, three off the Florida Coast, one off the Georgia Coast, three off the South Carolina Coast, and one off the North Carolina Coast. There are two very large obstacles facing the enforcement of these proposed MPA's. The first is the great distance that the majority of these MPA's are located from shore. The second is the fact that these are Type II areas which allow certain fishing activities to exist. Consequently, occasional flyovers by enforcement aircraft would not be an effective tool; therefore, an on-site enforcement presence will be necessary in order to determine whether the fishing activity is lawful or not.

ENFORCEABILITY OF PROPOSED MPA's

The member States have evaluated their assets and categorized their ability to effectively patrol each MPA as either **HIGH**, **MODERATE**, or **LOW**. This rating is based solely on the individual states assets and does not include the assets that their Federal partners may or may not have.

A "**HIGH**" rating means that the area is easily accessible with the assets and personnel already in place. Such an area may already be patrolled and would not require additional assets. Additional funding may be required to maintain adequate enforcement patrols.

A "**MODERATE**" rating indicates that with some additional assets, or the relocation of existing assets, patrols could be conducted from time to time and during targeted details. Additional funding will likely be required to increase the ability rating to "HIGH".

A "**LOW**" rating means that patrols of the area would only occur during an organized enforcement detail with Federal partners such as NMFS or USCG. The State does not have the assets or personnel with the proper training to patrol the area. Additional funding will be essential to increase the ability rating.

Each proposed MPA's is listed below by state. Comments on location options are listed as well as the ability of patrol rating.

Florida

- 1) **North Florida:** No option preference. Enforceability: **LOW**
- 2) **Sea Bass Rocks:** No location option. Enforceability: **MODERATE**
- 3) **East Hump:** No location option. Enforceability: **MODERATE**

Georgia

- 1) **Georgia MPA:** No option preference. Enforceability: **LOW**

South Carolina

- 1) **South Carolina A:** Location option #3. Enforceability: **LOW**
- 2) **South Carolina B:** Location option #2. Enforceability: **LOW**
- 3) **Deep Reef:** No location option. Enforceability: **LOW**

North Carolina

- 1) **Snowy Wreck:** No location option Enforceability: **LOW**