

**GMFMC Law Enforcement Technical Committee/ GSMFC Law Enforcement Committee
Joint Meeting Summary
Mobile, Alabama
October 18, 2017**

The meeting was called to order at 8:30 a.m. by LETC Chair Scott Bannon. The agenda was adopted as written, and the summary of the October 13, 2016 LETC/LEC meeting were approved as written.

Special Election for LETC Vice-chair

The LETC Vice-chair position was vacant as a result of former Vice-chair Grant Burton no longer being on the LETC. By acclamation, the LETC voted for Scott Pearce to be the LETC Vice-chair until the next election.

Discussion of Joint LETC/LEC Chairs

The joint Committee currently has separate Chairs and Vice-chairs for the LETC and LEC, resulting in a redundancy of officers. The two committees are identical except for the U.S. Coast Guard representative, who is on the LEC but not the LETC. Staff suggested that it would be more efficient to have a single Chair and Vice-chair for the joint committee.

Committee members agreed unanimously that at the next election (October 2018) there would be one Chair and Vice-chair elected for the joint committee.

GMFMC LETC Items

Options Paper for Amendment 36B – Modifications to Commercial Individual Fishing Quota Programs

Council staff reviewed the potential actions in Reef Fish Amendment 36B. In the potential action to require shareholders to hold a commercial reef fish permit, the Committee felt that requiring everyone to have a permit would reduce incentives to cheat by having something of value that could be taken away. While recognizing that law enforcement may not have much direct involvement with shareholders, the Committee felt that requiring everyone to have the permit applies a common standard that all participants must meet. The Committee then passed the following motion.

The committee recommends that all shareholders and allocation holders be required to possess reef fish permits for ease of enforcement with no exceptions and feels the requirement will encourage compliance with regulations. -Reeder/Pittman

In discussing a time frame for phasing in the requirement that shareholders have a permit, Brandi Reeder noted that Texas provides one year for compliance of new regulations. Other Committee

members agreed that time should be provided to enable compliance should the new regulation be adopted. The Committee then passed the following motion.

LETC recommends a one year from effective date allowance to give shareholders an opportunity to acquire a permit. -Bannon/Pittman

The Committee felt that the remaining actions were administrative in nature and made no recommendations.

Draft Amendment – State Management Program for Recreational Red Snapper

Council staff reviewed the actions in the State Management Amendments. The Committee discussed enforcement issues should different states adopt different regulations, and enforcement implications should some states manage the private angling component, only, while others managed both the private angling and federal for-hire components. LCDR Stacy McNeer expressed concern that both of these issues (i.e., states having different regulations for harvest and some states managing one component while another manages both components) would pose enforcement problems. He expressed greater concern for determining whether federally permitted for-hire vessels would be required to follow state or federal law. Committee members felt that both of these issues would make enforcement more difficult but not impossible. Recognizing that the Council's current preferred alternative is to allow a state to decide whether to manage one or both components, Committee members agreed that they preferred not to tell other states what to do. Nevertheless, they expressed a preference for the states to manage all recreational vessels. The Committee then passed the following motion.

Committee recommends allowing states to choose [whether to manage private angling, only or both components] but, in further discussion with federal partners, it would be better if the states were consistent in managing both components across the Gulf. -Reeder/Pittman

Options Paper for Venting Tools and Descending Devices

Staff noted that the Council voted to have staff stop working on the framework action to require the possession of venting and/or descending devices on vessels with reef fish, and instead to develop a policy statement including development of an outreach program. Consequently, the Committee did not review the alternatives. However, the Committee did review the proposed definitions of venting tools and descending devices contained in the framework action's discussion, and recommended the changes highlighted below.

Venting tool: A venting tool is a device capable of penetrating the abdomen of a fish in order to deflate the expanded air due to a ruptured air bladder from the body cavity of a fish retrieved from depth, with minimum damage. A venting tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16-gauge needle fixed to a handle. A larger gauge needle is preferred in order to allow more air to escape rapidly. A device that is not hollow, such as a knife or ice pick, is not a

venting tool, ~~although it may be possible to use such a device to vent a fish in the absence of a venting tool.~~

Descending device: A descending device is an instrument that ~~can return a fish to depth with minimum injury to the fish. The fish need not be returned to the bottom, but to~~ must release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma, generally 33 feet (1 atmosphere of pressure) or greater. The device can be a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth, and will either release the fish automatically, or release the fish by actions of the operator of the device, or will allow the fish to escape on its own. Since minimizing surface time is critical to increasing survival, descending devices should be rigged and ready for use while fishing is occurring.

Options Paper for Draft Modifications to the Sea Turtle Release Protocol and Gear for the Reef Fish Fishery

Staff reviewed the draft options paper that considers modifications to the sea turtle release protocol and gear for the reef fish fishery. The first action considers including three new approved sea turtle release gears for commercial and charter vessel/headboat Gulf reef fish permit holders.

The LETC made no motions regarding the document; however, they suggested adding specifications of the new gears that are pictured as examples as well as website links were various manufacturers are producing the gears. Council staff stated they thought that was possible as long as we were not endorsing a specific manufacturer thus they would just list them as examples under the new gear type. The second action is administrative and would modify the framework procedure to allow new gears to be approved for use without a full amendment to the fishery management plan. The LETC made no motions or recommendations regarding the second action.

Staff explained the Council intended to move quickly with this document as they were planning to develop a public hearing draft of the document for the January 2018 Council meeting and final draft for the April 2018 Council meeting.

Coral Amendment 9 – Public Hearing Draft of Coral Habitat Areas Considered for Management in the Gulf of Mexico

Council staff presented the Gulf Council's preferred alternatives for Coral Amendment 9. Specific to Action 1, the Committee was concerned with the distance from shore and the distance between the existing Pulley Ridge HAPC with regulations and the proposed expansion. Staff clarified Pulley Ridge is 127 nm offshore and the length of the bottom section would extend HAPC boundaries one additional nautical mile. The Committee stated that any distance less than 0.5 nautical mile was virtually unenforceable, but this proposed extension was of sufficient distance to be enforceable. The Committee also stated that areas with straight lines are preferred for enforcement. Specific to Action 3, Preferred Alternative 7 option c, the Committee recommended that staff include language specifying that no more than a certain percentage of

catch be anything other than royal red shrimp on board. Lastly, the Committee recommended that the definition of dredging be included and referenced in Action 7.

Spiny Lobster Amendment 13 – Bully Net Gear Regulations for Spiny Lobster for the EEZ off Florida

Staff reviewed Action 1 of the document and informed the Committee that there would be three additional actions added to the document to align federal regulations (off Florida) with the State of Florida regulations for spiny lobster. The Committee felt that consistency between state and federal waters was beneficial.

Implications of Permit Transfers for Federal For-hire Vessels

Council staff reviewed the discussion that occurred at the October Council meeting relating to concern that some federally permitted charter-for-hire operators were transferring their permits to another vessel after the red snapper season ends in order to circumvent rules prohibiting federally permitted vessels from fishing when the season is closed. The Council was informed by NOAA General Counsel that, if a vessel was federally permitted at any time during the year, it was considered a permitted vessel and cannot fish for red snapper in federal waters when the federal for-hire season is closed even if it transferred its permit. However, that designation did not carry over the following year. At that time, a vessel would be considered a private vessel until it transfers the permit back. Furthermore, without the federal permit conditions, federal regulations could not be enforced on a vessel fishing in state waters where the federal government has no jurisdiction. A Committee member noted that another issue existed for dual-permitted vessels. Such vessels are limited to a maximum of 4 crew members when operating as a commercial vessel. With more than 4 aboard it is considered a charter vessel. However, by transferring the charter-for-hire permit to another vessel, the vessel was no longer limited to a maximum crew size.

Committee members asked how prevalent permit transfers were. Staff noted that NMFS had informed the Council that they had not observed a spike in transfers when the red snapper season ended. Staff also noted that in 2015 295 out of 1,328 reef fish permits were transferred (22.2%), and in 2016 272 out of 1,311 permits were transferred (20.7%). A similar percentage of transfers was observed for coastal migratory pelagic (CMP) permits even though mackerel were not encountering quota closures. Committee members could not explain why CMP permits were being transferred at the same rate as reef fish permits if the primary reason for reef fish permits to be transferred was to circumvent red snapper season closures.

The Council has asked staff to develop some regulatory options for limiting transfers, for the January 2018 Council meeting. One possible option would be to limit the number a times a permit could be transferred in a year. Committee members felt that was an enforceable option, but could not come up with any other alternatives.

Review of the Guidelines for the 2017 Officer of the Year Award

Staff reviewed the guidelines for nominating an officer of the year for 2017, and noted that the deadline for submitting nominations is February 1, 2018. The Committee discussed whether there should be a team of the year award, but decided that should be more thoroughly discussed at a future LETC meeting.

Overview of Congressional Activities

Staff noted that the Council Coordination Committee hired an individual to monitor Congressional and Senate activities regarding fishery related bills, and to provide periodic reports back to the Councils on the status of such bills and other Congressional activity. The August 26, 2017 activity report was included in the meeting handouts. If any of the LETC members would like to receive these reports, they should notify staff and we will add them to the e-mail distribution list.

GSMFC LAW ENFORCEMENT COMMITTEE SESSION

Potential JEA Gulf-Wide Observed Compliance Rates

LCDR Stacy McNeer stated that the USCG is currently working with NOAA/JEA program data managers to gather current enforcement effort compared to violations in an effort to increase the accuracy of compliance reporting throughout the Gulf. He appealed to the state representatives present for their feedback regarding this process and the most efficient way to get an idea of overall compliance. He will contact the state representatives via email regarding this issue.

IJF Program Activity

Cobia Profile – Lt. Col. Rusty Pittman informed the group that the Cobia Technical Task Force held its organizational meeting in New Orleans on August 29th. Due to approaching Hurricane Harvey, the meeting was cut short but assignments were made and the process begun. The group intends to meet again in early December to continue work on this profile.

Officers' Pocket Guide – Debbie McIntyre explained the purpose of the *Officers' Pocket Guide* is for use by officers in the field. She stated that, due to budget issues in the recent past, the waterproof, spiral-bound version of this publication was discontinued and made available online only. However, she indicated that it is possible that there may be adequate funds in the future to cover this expense if the group felt that this was a valuable tool. Those present responded that the waterproof version was very helpful to the officers on the water and expressed appreciation that this may be available again in the next budget cycle.

Annual License and Fees – Debbie McIntyre thanked those who provided their state/agency's information for the *Annual License and Fees* publication and encouraged any new members of this committee to contact her with questions or for assistance with any of the enforcement publications.

Law Summary (red book) – Debbie McIntyre displayed a copy of the *2017 Law Summary* (red book) and explained that this publication is too large to print for distribution but is available

online. For the benefit of those new on the committee, she explained that this document is a compilation of all five states' latest saltwater regulations books (commercial and recreational) as PDFs. Again, she urged new committee members to contact her if they have questions.

State Report Highlights

Written state reports had been submitted prior to the meeting. On motion by Lt. Col. Pittman, seconded by Asst. Commander Brandi Reeder, the written state reports were accepted as written.

Other Business

Col. Scott Bannon informed everyone that Lt. Col. Rusty Pittman is retiring in January 2018. He thanked Lt. Col. Pittman for his dedication to law enforcement and for his hard work on this and other committees. He also took the opportunity to welcome Lt. Col. Pittman's replacement, Sgt. Patrick Carron, who will also serve on the Commission's Cobia Technical Task Force.

Col. Bannon also welcomed Asst. SAC Charles Tyer from NOAA who is SAC Tracy Dunn's new alternate and Capt. Scott Pearce who is serving as Florida's new state representative to the LEC.

The meeting adjourned at 2:45 p.m.

LETC Members in Attendance:

Scott Bannon, ADCNR, Chair
Neil "Scott" Pearce, FWC, Vice-chair
Cynthia Fenyk, NOAA/GCES
Steve McManus, LDWF *
Rusty Pittman, MDMR
Brandi L. Reeder, TPWD
Charles Tyer, NOAA/OLE **

* designee for Chad Hebert

** designee for Tracy Dunn

Staff:

Steven Atran, GMFMC
Ava Lasseter, GMFMC (via GoToMeeting)
Carrie Simmons, GMFMC (via GoToMeeting)
Morgan Kilgour, GMFMC (via GoToMeeting)
Debbie McIntyre, GSMFC

GMFMC Council Members

Kevin Anson, ADCNR
Paul Mickle, MDMR

LEC Members in Attendance:

Rusty Pittman, MDMR, Chair
Scott Bannon, ADCNR
Cynthia Fenyk, NOAA/GCES
Stacy L. McNeer, USCG
Steve McManus, LDWF*
Neil "Scott" Pearce, FWC
Brandi L. Reeder, TPWD
Charles Tyer, NOAA/OLE**

Others:

Steve Brown, FWC
Patrick Carron, MDMR
Jason Downey, ADCNR
Glenn A. Kornegay, ADCNR
John Mareska, ADCNR
Adam (Brad) Miller, Fish and Game Scales
Jamie Miller, MDMR
Todd Neahr, FWC
John Neese, ADCNR
Beverly Sauls, FWC
Travis Williams, MDMR