

**GSMFC Law Enforcement Committee/GMFMC Law Enforcement Technical Committee
Joint Meeting Summary
New Orleans, Louisiana
October 13, 2016**

The meeting was called to order at 8:30 a.m. by LEC Chair Chad Hebert.

LEC and LETC Voting Procedures

A question that has come up over the last couple years concerns the officer status between the LEC and LETC, and voting procedures. The joint LEC/LETC has always elected separate chairs and vice-chairs for each Committee, but are unsure if there is a reason. Council staff has inquired about potentially having the same chair/vice-chair for both committees. The Council and Commission staff will look into the potential for electing a chair and vice-chair for both committees in the future. In addition, the NOAA OLE, USFWS, and Coast Guard all have seats on both committees, but no one is sure of their voting status on the Commission's LEC. VanderKooy reported that he had searched the old minutes for the LEC back to the 1970s and cannot find any written description of the voting member status for the LEC. Each of these seats on the Council's LETC have voting status, but this is not clear for the LEC. VanderKooy will work with the LEC over the next few months to see how we might address this and get more clarity into our procedures.

Adoption of Agenda/Approval of Minutes/Election of Chairs and Vice-Chairs

The agenda and minutes of the March 16, 2016 LEC/LETC meeting were approved as written. For the LETC, Scott Bannon was elected as Chair and Grant Burton was elected as Vice-chair. For the LEC, Rusty Pittman was elected as Chair and Chad Hebert was elected as Vice-chair. At the next election in 2018, the Committee may elect the same individuals to serve as Chair and Vice-chair for both the LEC and LETC.

GMFMC LAW ENFORCEMENT TECHNICAL COMMITTEE SESSION

Solicitation of Candidates for 2017 Officer of the Year Award

The Committee will provide one nominee from each state and agency to the Council by December 1, 2016.

Current GMFMC Amendments and Framework Actions

The Committee reviewed the following draft management actions for concerns relative to enforcement.

Draft Reef Fish Amendment 36A – Modifications to Commercial IFQ Programs

Concerning the expansion of the hail-in requirement to reef fish vessels that are not landing IFQ species (Action 1), the Committee initially expressed concern with receiving additional email notifications of landings. In the commercial IFQ programs, officers going to observe landings by IFQ vessels receive an email for each vessel hail-in within a region. These regions are much larger than the area an officer will patrol, meaning that officers receive an abundance of emails that often fill their inboxes. For example, a region in Florida includes many counties. The officers must search among an abundance of emails to identify vessel hail-ins in the area they are observing vessel landings.

By consensus, the Committee requests that NMFS narrow the size of the regions for which officers receive hail-in notifications, so that officers receive fewer emails and can more easily identify the landings that will occur in the area they are patrolling. Alternately, the Committee suggested that all notifications go to a database they may search, rather than receiving an abundance of emails.

Pat O'Shaughnessy explained that expanding the hail-in requirement would provide more information to law enforcement officers, who could decide which vessel landings to visit. He noted that officers are not expected to increase the number of landings they inspect, but would have information on additional vessel landings from which they could select vessels to observe. After examining the number of additional trips that would be required to hail-in, and given the fact that officers would not be expected to increase the number of landings they observe, the Committee felt that the impact of expanding the hail-in requirement would be negligible.

By consensus, the Committee recommends Action 1, Alternative 2 or 3. The Committee did not have a preference between the alternatives, noting the small difference in the number of trips, but did suggest initially expanding to all reef fish landings (Alternative 2), and if that goes well, later expand to include landings of any federally managed species (Alternative 3).

The Committee inquired if additional funds could be available to enable them to increase the number of vessel landings they are able to observe. Brandi Reeder was unable to attend the meeting, but provided comments by email. She said TPWD prefers Alternative 1, no action, because they do not want to receive additional notifications.

Concerning the proposal to require dealers to notify when IFQ species will be offloaded (Action 4), the Committee felt this would be difficult for both dealers and vessel operators. There may be multiple vessels waiting to offload at a fish house, and it is not possible to specify when the vessel would be able to offload, potentially requiring the notification to be reissued multiple times. This would mean additional email notifications for law enforcement, as well. Further, they felt that this would not be likely to fix the specified problem and could easily be circumvented. They noted that if there is illegal fish onboard, the fishermen would find a way to offload outside of the time in the notification, or may hide the fish.

By consensus, the Committee recommends taking no action (Alternative 1) on Action 4.

Draft Reef Fish Amendment 46 – Gray Triggerfish Rebuilding Plan

In discussing the recreational management measures (Action 3), the Committee noted its preference to open and close the fishing season as infrequently as possible, and its preference for the federal fishing season to be consistent with state regulations.

By consensus, the Committee recommends Action 3.1, Alternatives 2 or 3, and would prefer the alternative that would establish seasons consistent with state regulations.

For the commercial trip limit (Action 4), the Committee noted that when the trip limit weight is low, as proposed in the alternatives, it is much easier for law enforcement to count a number of fish than to assess a weight of less than 100 lbs. If the trip limit was 500 lbs or more, however, it would be simpler to enforce trip limits by weight rather than in number of fish.

By consensus, the Committee recommends for Action 4 that the commercial trip limit be set as a number of fish rather than by weight.

Generic Amendment – Modifications to Charter and Headboat Reporting Requirements

The Committee discussed the action to require charter vessels and headboats to hail-out and hail-in (Action 3). The Committee did not have comments on the hail-out requirement, as officers do not receive these notifications. Because for-hire vessels depart and return from well-known locations on a schedule familiar to enforcement officers, the Committee did not feel hail-in notifications would help improve enforcement. Officers currently stop for-hire vessels for enforcement purposes and did not see the need for additional efforts. As discussed for Amendment 36A, the Committee repeated their issues with receiving an abundance of emails. Requiring an additional 1,300 vessels to hail-in would result in an excessive number of emails for officers to sort through. Scott Bannon noted that monitoring hail-in notifications was a lot of enforcement work for the small number of boats that participated in the Headboat Collaborative Program's EFP.

By consensus, the Committee recognized the benefits of hail-in requirements for the purpose of data collection, but does not recommend the hail-in requirement for law enforcement purposes.

Regarding the hardware/software requirements for reporting fishing records and location (Action 4), Scott Bannon noted that for Alabama, VMS may not be needed to identify fishing activity in closed areas, because law enforcement would be alerted by others. However, this information could be beneficial in other parts of the Gulf. The Committee agreed that more information is always good to have available, as long as they are not required to monitor it. Pat O'Shaughnessy noted that location information is another tool that would be available to officers in the event they needed it, and that the information would not be provided through emails, but would be available as officers request it. The Committee felt that if location information is to be required, real time GPS capabilities (Alternative 3) would be the most useful for law enforcement. Also, location data could allow officers to verify if fishing activity is occurring in federal or state waters, which would be useful in cases where state and federal regulations are different.

By consensus, the Committee supports the Council’s Preferred Alternative 4 in Action 4 that requires VMS that is permanently affixed to the vessel.

Framework Action – Modifications to Mutton Snapper and Gag Management Measures

Discussing the recreational bag limit (Action 2), the Committee felt it is a burden on both officers and the public to have multiple bag limits in a year. They felt changing bag limits within a year would be more problematic than having multiple season openings and closings, as discussed for gray triggerfish. Because this is primarily a south Florida fishery, however, the Committee members recommended the alternative that would provide consistency between state and federal regulations.

By consensus, the Committee recommends Alternative 4, Option 4d of Action 2, for a year-round bag limit of 5 fish per person per day within the 10 snapper aggregate bag limit.

For the commercial trip limit (Action 3), the Committee said a consistent year-round trip limit is not as important as for the recreational sector. The Committee repeated that consistency between state and federal regulations is law enforcement’s preference.

By consensus, the Committee recommends Alternative 3, Option 3c in Action 3, to be consistent with Florida’s regulations for Gulf waters.

GSMFC LAW ENFORCEMENT COMMITTEE SESSION

Anthropocene Institute’s Marine Managed Area Project

The Committee received a presentation by the Anthropocene Institute and their GIS mapping project to create an interactive map of all the U.S.’s marine managed areas. The project includes area closures as well as restrictions for fishing and boating.

State Boundary and Jurisdictional Extensions

The LEC and LETC discussed how the states may or may not extend their state regulations into federal waters for species that have state regulations, but are not federally managed like tripletail. The states have the ability under the Magnuson-Stevens Act to extend a state’s fishing regulations into federal waters for vessels registered in that state. Florida and Alabama currently do not have any landings requirements for tripletail originating from the EEZ as long as transit rules are followed. There may be other species that fall under this gray zone, but the situation with tripletail brought this potential issue to light. The LEC will reexamine this issue if additional examples come up, and the states may consider modifying the language of their fishing regulations to apply the state’s regulations to vessels fishing in the EEZ.

Approval of GSMFC Publications – Strategic Plan 2017-2020; Operations Plan 2017-2018

The Committee has provided revisions to the Strategic Plan and the Operations Plan, which will be presented to the Gulf Council at its October 2016 meeting. The Law Summary (Red Book) is

currently under revision and the Committee will be notified when this online document is complete.

Over this past summer, the joint committees revised the Strategic Plan and Operations Plan for the coming years. The documents are included in the briefing materials for the Committees' consideration and approval.

By consensus, the Committee approved the Strategic Plan and Operations Plan.

IJF Program Activity

The Committee received an update on the tripletail and Atlantic croaker profiles. The tripletail profile provides extensive information on the domestic and international fishery. The Atlantic croaker profile now has all enforcement information, and a polished draft is expected by October 2017.

State Report Highlights

The Committee voted to forgo verbal state reports as they had been provided electronically in advance of the meeting.

Other Business

Flower Garden Banks Sanctuary Expansion

The Committee discussed the proposed expansion of the Sanctuary and expressed concern for enforcing the new closures. The irregular shaped areas are multi-sided polygons, which are a challenge for enforcement. The Committee noted that boundaries defined along depth contours are even worse for enforcement, and the Committee prefers regular shapes as boundaries for areas under fishing restrictions. A member of the Committee will try to attend the Council's reef fish committee meeting on October 18 to hear the Council's comments on the proposed fishing regulations for the sanctuary expansion.

TED Compliance

The Committee discussed the new TED compliance form and the need to do courtesy checks. The group will discuss this further by email.

The meeting adjourned at 3:45 p.m.

LETC Members in Attendance:

Scott Bannon, ADMR

Grant Burton, FWC

Cynthia Fenyk, NOAA/GCES

Chad Hebert, LDWF

Pat O'Shaughnessy, NOAA OLE

Rusty Pittman, MDMR

LEC Members in Attendance:

Chad Hebert, LDWF, Chair
Scott Bannon, ADMR
Grant Burton, FWC
Cynthia Fenyk, NOAA/GCES
Pat O'Shaughnessy, NOAA OLE
Rusty Pittman, MDMR

Others:

Doug Boyd, GMFMC member
Bob Lynn, GADNR
Krista Shipley, FWC
Molly Ogren, Anthropocene Institute, Menlo Park, California
Virgil Zetterlind, Anthropocene Institute, Fort Walton Beach, Florida

Staff:

Ava Lasseter, GMFMC
Steve Vanderkooy, GSMFC
Debbie McIntyre, GSMFC
Donna Bellais, GSMFC