

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 LAW ENFORCEMENT COMMITTEE

4
5
6 Golden Nugget Casino Biloxi, Mississippi

7
8 March 30, 2015

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11 **VOTING MEMBERS**

12 Doug Boyd.....Texas
13 Jason Brand.....USCG
14 Dale Diaz (designee for Jamie Miller).....Mississippi
15 Dave Donaldson.....GSMFC
16 Campo Matens.....Louisiana
17 Harlon Pearce.....Louisiana
18 Roy Williams.....FLorida

19
20 **NON-VOTING MEMBERS**

21 Kevin Anson.....Alabama
22 Martha Bademan (designee for Nick Wiley).....Florida
23 Leann Bosarge.....Mississippi
24 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
25 Pamela Dana.....Florida
26 Myron Fischer (designee for Randy Pausina).....Louisiana
27 John Greene.....Alabama
28 Corky Perret.....Mississippi
29 Lance Robinson (designee for Robin Riechers).....Texas
30 John Sanchez.....Florida
31 Greg Stunz.....Texas
32 David Walker.....Alabama

33
34 **STAFF**

35 Stephen Atran.....Senior Fishery Biologist
36 Assane Diagne.....Economist
37 John Froeschke.....Fishery Biologist/Statistician
38 Doug Gregory.....Executive Director
39 Karen Hoak.....Administrative and Financial Assistant
40 Ava Lasseter.....Anthropologist
41 Mara Levy.....NOAA General Counsel
42 Cathy Readinger.....Administrative Officer
43 Bernadine Roy.....Office Manager
44 Charlotte Schiaffo.....Research & Human Resource Librarian
45 Bryan Schoonard.....GIS Analyst

46
47 **OTHER PARTICIPANTS**

48 Pam Anderson.....Panama City, FL

1 Randy Boggs.....Orange Beach, AL
2 Steve Branstetter.....NMFS
3 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
4 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
5 Cynthia Fenyk.....NOAA
6 Martin Fisher.....FL
7 Chuck Guilford.....FL
8 Ken Haddad.....American Sportfishing Association, Lloyd, FL
9 Chad Hanson.....Pew Environmental Trusts
10 Betty Harder.....FL
11 Ben Hartig.....SAFMC
12 Bill Kelly.....FKCFA, FL
13 Kristin McConnell.....EDF, Austin, TX
14 Jack McGovern.....NMFS
15 George Niles.....Summerland Key, FL
16 Daniel Padron.....Key West, FL
17 Bonnie Ponwith.....SEFSC
18 Jenny Thompson.....Oceana, Lafayette, LA
19 Bob Zales.....Panama City, FL

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21 - - -
22

23 The Law Enforcement Committee of the Gulf of Mexico Fishery
24 Management Council convened at the Golden Nugget Casino Hotel,
25 Biloxi, Mississippi, Monday morning, March 30, 2015, and was
26 called to order at 10:25 a.m. by Chairman Doug Boyd.

27
28 **ADOPTION OF AGENDA**
29 **APPROVAL MINUTES**
30 **ACTION GUIDE AND NEXT STEPS**
31

32 **CHAIRMAN DOUG BOYD:** The first thing on the agenda is Adoption
33 of the Agenda. Any additions to the agenda or changes? Hearing
34 none, I would entertain a motion to adopt the agenda.
35

36 **MR. WILLIAMS:** Move to adopt the agenda.
37

38 **CHAIRMAN BOYD:** Do I have a second?
39

40 **MR. CAMPO MATENS:** Second.
41

42 **CHAIRMAN BOYD:** I have a second by Mr. Matens and a motion by
43 Mr. Williams. Any opposition to adoption of the agenda? Hearing
44 none, the agenda is approved. Has everyone read the minutes? I
45 would entertain a motion to adopt the minutes from the last Law
46 Enforcement Committee meeting. We have a motion and a second.
47 Any opposition to adopting the minutes? Hearing none, the
48 minutes are adopted. Action Guide and Next Steps, Mr. Atran.

1
2 **MR. STEVEN ATRAN:** That's really just there for people to refer
3 to for what's expected by the committee and basically all we're
4 doing is going over the report of the Law Enforcement AP.

5
6 **CHAIRMAN BOYD:** All right. Next on the agenda is the Law
7 Enforcement AP Report and Mr. Atran and that is Tab L, Number 4.

8
9 **LAW ENFORCEMENT AP REPORT**

10
11 **MR. ATRAN:** Thank you, Mr. Chairman. Because we are running
12 short on time, it looks like the first two items that are in the
13 Law Enforcement AP Report are enforcement reviews of two of our
14 reef fish amendments that we're working on, Amendment 39, which
15 is red snapper regional management, and the options paper for
16 South Florida joint management of selected species.

17
18 Those are going to be covered tomorrow in the Reef Fish
19 Committee and so what I would like to do is temporarily skip
20 over those items and do the rest of the Law Enforcement AP
21 Report and, if we have time, come back to those items today. If
22 we run out of time, then we can defer those law enforcement
23 summaries to the Reef Fish Committee at the appropriate point in
24 that agenda, if that's okay with the committee.

25
26 **CHAIRMAN BOYD:** Does the committee have any problem with that?
27 That will save us some time and we will just cover them in that
28 committee. That's good. Thank you, Steve.

29
30 **MR. ATRAN:** I am going to start, if you have got your Law
31 Enforcement AP Report, on page 5, which is a discussion of
32 illegal, unreported, and unregulated fishing issues and possible
33 council or commission actions.

34
35 Lieutenant Commander Brand gave a presentation on the Mexican
36 lancha issues. It was basically the same presentation that he
37 gave to the council at the last council meeting. There were a
38 few differences, but it was essentially the same presentation.

39
40 One of the things that was pointed out that I don't think
41 actually came up at the council meeting is that the estimate of
42 the total take of red snapper by these lanchas is about one-and-
43 a-half million pounds over two years and that's greater than the
44 entire recreational take of red snapper that's reported from
45 Texas landings and so that is a pretty significant amount of red
46 snapper that are being taken.

47
48 He also discussed some of the international issues with trying

1 to prosecute Mexicans who are arrested. Essentially they are
2 held and then eventually deported back to Mexico. Because of
3 the issues with trying to enforce IUU fishing, and in particular
4 the Mexican issues, the Gulf States Marine Fisheries Commission
5 is in the process of drafting a letter requesting additional
6 funding to address the state's challenges in combating IUU
7 fishing in all the Gulf states in a significant, meaningful way.
8 I am not quite sure who that is being addressed to. Dave might
9 be able to answer that and that letter is still in the drafting
10 stage right now.

11
12 **MR. DAVE DONALDSON:** It's out for comment from our commissioners
13 and it's being sent to Penny Pritzker of the Department of
14 Commerce and should be sent shortly and once it's finalized, I
15 will make sure Steven gets a copy.

16
17 **MR. HARLON PEARCE:** Dave, in that letter, are they discussing
18 any changes to legislation to help imprison some of these guys
19 that are being caught or the use of the equipment or whatever?
20

21 **MR. DONALDSON:** I don't believe there is legislative
22 recommendations, but it's putting more resources and using the
23 JEAs to make sure more resources are put towards this issue and
24 addressing it and making sure to help curtail it, but I don't
25 believe there was any recommendations for legislation.

26
27 **MR. PEARCE:** As a follow-up, Mr. Chairman, I know at the last
28 meeting we discussed at length, I think, the fact that there is
29 a million-and-a-half pounds of fishing being wasted, first off,
30 and that we should have some HASP plans developed or something
31 for the agents so that we can properly utilize that fish in the
32 supply chain.

33
34 Secondly, the ability to slow down these lanchas by arresting
35 and putting in jail some of these guys that we can't do and
36 we've got to send them back and the third thing was the ability
37 for our fishermen to utilize some of the equipment that was in
38 pretty good shape that we could auction off to help pay for
39 enforcement or whatever. I think that at some level we've still
40 got to consider those changes somewhere to help us make a
41 positive change in the Gulf.

42
43 **LCDR JASON BRAND:** I have one update from the last presentation
44 I gave. We have a Memorandum of Agreement that we're working on
45 to donate the snapper to non-profits, the feed the turtle
46 rehabilitation farms, or research facilities in the South Padre
47 Island area. It hasn't been approved yet at our higher
48 headquarters, but it's looking good to do that and so we do have

1 a plan in place for some of the catch that we're bringing back
2 to shore, the illegal catch.

3
4 Like I discussed last time, the catch isn't being held in a safe
5 enough manner for human consumption and so we're just looking at
6 alternatives, such as the turtles or the research-type non-
7 profit entities.

8
9 **MR. ATRAN:** One other thing, as Jason mentioned, is the fish --
10 They are not properly held according to the regulations that our
11 commercial fishermen have to go through and they are not
12 considered fit for human consumption, but during the AP meeting,
13 there was a lot of concern expressed that those fish that do
14 make it back to Mexico end up being exported right back to the
15 U.S.

16
17 One of the problems we have, aside from the illegal fishing, is
18 that fish that by our standards would not be fit for human
19 consumption might be entering our commerce and that's another
20 issue. It's not the council's issue and it's FDA's issue, but
21 it's still a problem with those fish.

22
23 **MR. MATENS:** I would hate to see a You Tube of red snapper being
24 used for crab bait. I am interested here in the footnote that
25 Jason -- A panel member explained, after the meeting, and I was
26 there and I remember this, that the boats are being held for
27 retrieval and that they could possibly be recovered. Are any of
28 them recovered?

29
30 **LCDR BRAND:** No, since we started this program, no boats have
31 been recovered from Mexico.

32
33 **CHAIRMAN BOYD:** Steve, go ahead.

34
35 **MR. ATRAN:** Thank you. There was an agenda item on the Law
36 Enforcement AP to discuss language on the proposed Magnuson-
37 Stevens reauthorization, but I think the thought was that the
38 Congress was going to be further along than they are on that
39 bill and we don't -- We didn't really have any language to
40 discuss and so that agenda item was postponed until there is
41 something to actually discuss.

42
43 The next item that was on the agenda was -- I was trying to be
44 overly ambitious, I think, and I was trying to come up with a
45 list of possible actions that either the council or the
46 commission could take to help make the enforcement easier for
47 the law enforcement folks.

48

1 I had this idea that I was going to have this huge list that the
2 AP could go down and say that is or is not a good idea. The
3 only thing I could come up with though was to sponsor
4 development of a smartphone app for reporting fishery
5 violations.

6
7 All of the states, and I think NMFS also, have toll-free
8 telephone numbers that people can call, but having an app on a
9 smartphone might be an easier way for somebody to report a
10 violation, particularly if they wanted to be anonymous. Also,
11 the idea was that there would be some central repository to
12 receive those reports who could then send out the reports to the
13 appropriate agency, whether it's a state agency or the Coast
14 Guard or NOAA Fisheries.

15
16 The panel members thought that this idea was worth considering
17 and I think a lot of the states do have smart apps for
18 violations or it's part of their overall app for fish
19 regulations, but they are specific to that particular state.

20
21 Some other ideas that came up that were suggested by AP members
22 was one AP member suggested that we try to establish a working
23 relationship with the oil companies that have the offshore oil
24 rigs to try to help report violations around the offshore rigs.
25 I am not sure if the oil companies would really want to make
26 that a priority.

27
28 Then another idea was to develop a procedure for fishermen to
29 report violations via VHF radio. I know the Coast Guard does
30 monitor VHF communications on I think it's Channel 16 all the
31 time, but some procedure for reporting violations might be
32 helpful.

33
34 They discussed what to do with these fish that currently have to
35 be dumped at sea. We just discussed that. They can't be sold
36 for human consumption and as Lieutenant Commander Brand just
37 mentioned, the Coast Guard is looking into possibly a program
38 for donating the fish to some of the sea turtle rehabilitation
39 programs or possibly donating them to researchers who can use
40 the fish in their research. We then went into the discussion of
41 the Officer of the Year Award Program.

42
43 **MR. DALE DIAZ:** Steve, you're talking about this app and I know
44 the Gulf Council currently has an app and is it feasible that
45 there could be a button added to the Gulf Council app that would
46 just be to report a violation and that could go to some central
47 location? I mean I don't know and it might make it too busy or
48 it might be complicated, but is that something that might be

1 doable?

2
3 **MR. ATRAN:** Yes, I think so. It could be either a stand-alone
4 app or an addition to our app, but like I said, one of the
5 things that the AP thought might make this more useful than some
6 of the apps that are currently out there is that ability to --
7 Regardless of what the violation is, the person observing the
8 violation wouldn't have to figure out who do I report this to.
9 It would go to some central repository and they would decide who
10 the appropriate agency is and forward it to them.

11
12 If we wanted to proceed with that, we could look into
13 integrating it into our existing app or developing it as a
14 stand-alone app.

15
16 **MR. DIAZ:** Do we know how many people are using our existing app
17 now?

18
19 **MR. ATRAN:** I don't have that information. Charlene might be
20 able to let us know. She is the one who is responsible for
21 overseeing the app, but I am not sure what statistics she gets
22 on how many times it's accessed or how many times it's been
23 downloaded.

24
25 **MR. DIAZ:** I actually think this is a pretty good idea if it's
26 doable. I mean I think it could probably be done fairly
27 inexpensively. There is twenty-four-hour dispatches around and
28 that's already there and it could be forwarded to one of them
29 that could make a decision on where to send the violation and so
30 I think we ought to try to keep this idea alive and explore it a
31 little bit more and make another easy way for somebody to report
32 a violation.

33
34 **LCDR BRAND:** Mr. Atran, are you going to get into the report
35 from Jim Landon at the end or are you going to talk about -- Do
36 you want to quickly discuss that now?

37
38 **MR. ATRAN:** I am not sure where it is in my report. If you want
39 to discuss it now, that would be appropriate.

40
41 **LCDR BRAND:** Okay. First, I just wanted to give one update on
42 the numbers of lanchas intercepted this year. I didn't provide
43 that at my last meeting, but as of last night, we got another
44 one and we have twenty-two seized so far this year and we do our
45 seizures based on the fiscal year and so we're not quite through
46 half the fiscal year and we have seized twenty-two of these
47 lanchas and we have exceeded the record number of sightings
48 already, halfway through the year. The problem is still going

1 on.

2
3 I wanted to kind of point you to page 9. It's Attachment A.
4 Mr. Jim Landon attended the meeting at our AP and provided us a
5 very interesting report to Congress. Since our last meeting,
6 NOAA sent their annual report to Congress on IUU fishing under
7 the Moratorium Protection Act and they certified or listed six
8 countries in the world of being IUU fishing in the U.S. EEZ.

9
10 One of those six was Mexico and it was specifically listed for
11 their lancha incursions in the U.S. EEZ in the southwest border
12 and so this is the first time that we've ever listed Mexico as a
13 country of IUU fishing and the bottom line of this report is
14 that they have two years to come up with different programs that
15 satisfies the U.S. or NOAA that they're going to take steps to
16 solve this problem from their government side of the house. If
17 they don't, they could face different sanctions.

18
19 I think, like we discussed earlier, they import several million
20 pounds of red snapper to the U.S. each year and so that could be
21 an example of something that could be sanctioned, but it's a
22 very good step and I think it's the first time they've been
23 certified for this action ever, because Jim Landon made some
24 progress in changing some of the definitions of IUU fishing to
25 now include this specific lancha fishery. This is a very good
26 and helpful tool that we haven't had before and so I wanted to
27 make sure you all were aware of that.

28
29 **MR. CORKY PERRET:** Jason, it just hit me that that's quite a
30 volume of fish and is there any biological data that's being
31 obtained from any of those confiscated fish? If not, it seems
32 to me this could be an opportunity to at least pick up some
33 information from samples of those fish that are being taken, but
34 if they are already doing it, so be it, but what's the answer to
35 that?

36
37 **LCDR BRAND:** We do weigh all the fish. We weigh it in a big --
38 We have a big industrial scale and we put all the fish in a big
39 fish hold and weigh it and so we get an average weight of the
40 fish and we take pictures of them and take pictures of the
41 sharks and that's all the biological information we do.

42
43 Many times, these come in in the middle of the night and so
44 there is nobody around to take any more data, but just for
45 clarification, we don't actually bring in one-and-a-half million
46 pounds of fish to the station. That's what the model estimates
47 is coming in based on everything that we've seen over the past
48 two years.

1
2 **MR. PERRET:** We are always looking for fish for biological
3 information and it seems to me this would be a great opportunity
4 for the Center, the scientists in Texas, Lance, Texas Parks and
5 Wildlife, and so on. I mean I know a million-and-a-half pounds
6 are not coming to the dock, but certainly whatever the amount
7 that comes in would be a good source of biological data and so
8 it might be something that we could try and work on in the
9 future. Thank you.

10
11 **CHAIRMAN BOYD:** Steve, go ahead.

12
13 **MR. ATRAN:** Just one more point to that. Aside from red
14 snapper, I guess sharks are the other primary target by these
15 Mexican lanchas and as I recall, the Coast Guard is counting or
16 weighing how many sharks are brought in, but not really
17 separating them out by species and so for the HMS folks, there
18 could be an issue there with not exactly knowing what's being
19 taken on a species-by-species basis.

20
21 The next item on the Law Enforcement AP Report was the proposed
22 Officer of the Year Program and I reviewed the proposal that the
23 council has come up with. The proposal calls for obtaining
24 nominees from the various agencies and then it says that the
25 Joint Law Enforcement AP and Law Enforcement Committee of the
26 Gulf States Commission would go through these applications and
27 select the top three.

28
29 At the time, during the AP meeting, I was thinking that because
30 they would be reviewing personnel items that that's something
31 that would have to be done in a closed session. Steve
32 VanderKooy, who is my counterpart on the Gulf States Commission
33 staff, said that the Gulf States Commission committees are not
34 authorized to do closed-door sessions. Ours would be if it met
35 the proper requirements.

36
37 The panel passed a motion suggesting that the language for the
38 Officer of the Program review be modified so that the Gulf
39 States Marine Fisheries Commission's Law Enforcement Committee
40 and review of nominations be removed from the program
41 description.

42
43 Earlier today, I was asking Mara her legal opinion on this and
44 she feels that that would not have to be done in closed session
45 and so if it's something that could be done in open session,
46 there would be no need to remove the Gulf States Commission Law
47 Enforcement Committee from that program.

1 Another item that the Law Enforcement AP discussed was the fact
2 that the program, as proposed, is only an award for an
3 individual and they said that they would like to be able to
4 recognize teams that worked towards enforcement objectives.

5
6 A lot of time on a team it's not really possible to single out
7 just a single person, but there is also the question of trying
8 to mix consideration of a team with consideration of individuals
9 and so they also recommended that there be two awards, one for
10 an individual officer of the year and one for a team enforcement
11 of the year award.

12
13 That concluded the agenda items that covered the Gulf Council
14 business. Under Other Business, there was some discussion of --
15 Excuse me. I have a question.

16
17 **MR. DIAZ:** Steve, at this point, does anything need to be done -
18 - I would like for us to keep moving down the road towards
19 creating an Officer of the Year Program and I am okay with the
20 Team of the Year Program, but I mean I don't know -- I mean
21 Officer of the Year, we probably at some point we're going to be
22 bringing some officers to a meeting to give them an award and I
23 don't know what kind of budget or travel concerns we would have
24 and how large these teams could potentially be and how we would
25 handle that as far as giving out awards to teams.

26
27 I am not necessarily against that, but I just don't know how
28 expensive that might be and if that's a consideration we need to
29 think about, but at this point, do we need to do anything to
30 keep this moving along or is it moving along without a motion?

31
32 **EXECUTIVE DIRECTOR DOUG GREGORY:** It's moving along. We're
33 working with the Gulf States and it's going slowly. If we would
34 do the team or even with the Officer of the Year, we would
35 probably do it, if they were in a team, in the individual state
36 when the council met in that state during that year. We
37 wouldn't do it every January or every March, but it would be
38 whenever we meet in that particular state where the awardee
39 lives and so travel costs would be, I would hope, minimal.

40
41 **MR. PERRET:** But the Officer of the Year could be completely
42 different than the Team of the Year and so -- Under a certain
43 chairman, we seem to be meeting in one state a whole lot. We're
44 not meeting in some states, but I am kind of like Dale and I am
45 all for the Officer of the Year thing, but getting to the team,
46 I don't know. What are we talking about, a football team or a
47 baseball team or a doubles in tennis? That's a whole different
48 issue.

1
2 I 100 percent support the Officer of the Year Program, but
3 getting into the team thing is something we need a lot more
4 discussion on.

5
6 **MR. ATRAN:** One thing that we were talking about on staff is
7 that perhaps we should move forward with the person of the year,
8 the individual of the year, award and once we get the kinks
9 worked out of that, then consider adding a team of the year
10 award.

11
12 Also, there was briefly some discussion about what the award
13 would be. The AP members said that they really weren't that
14 concerned with whether there is a monetary award, but it's the
15 recognition that they are actually looking for and so if it's a
16 plaque or trophy of some sort, that would be great, although I'm
17 sure they would like the money too, if there's a monetary award.

18
19 Under Other Business, right now the Law Enforcement Committee
20 and Law Enforcement AP are meeting as half-day meetings, most of
21 the time in conjunction with the Gulf States Marine Fisheries
22 Commission.

23
24 Last October, we had them meet jointly with our Law Enforcement
25 Committee. It ended up going smoothly, but in the background,
26 it was kind of a logistical nightmare to try to get all those
27 committees together.

28
29 They would like to go back to having a full-day meeting. We
30 used to do a full-day meeting with our Law Enforcement AP issues
31 in the morning and the Gulf States Commission issues in the
32 afternoon, or vice versa.

33
34 Now we are trying to get them more involved in the amendments
35 that we're working on and some of the other issues that we're
36 working on. We're starting to get more materials for them to
37 review and so there might be enough materials to justify a full-
38 day meeting.

39
40 The next meeting is scheduled the week of November 3rd, but if
41 that's held in conjunction with the Gulf States Marine Fisheries
42 Commission meeting, the Gulf States Commission is going to be
43 meeting jointly with the Atlantic States Commission in St.
44 Augustine, Florida. If we want to meet jointly with all the
45 various law enforcement APs from all of the councils on the
46 Atlantic coast, that may end up being a logistical nightmare.

47
48 I think we're going to have to have some discussions about how

1 we want to organize the meeting in October or if we might want
2 to even skip it, at least our participation in it, and wait
3 until we're dealing solely with the Gulf States Commission again
4 the following spring. That's something we can work out later,
5 but I just wanted to let you know about that.

6
7 It looks like we have about ten minutes left and so if you want,
8 I can start going over the comments from the reef fish
9 amendments for whatever time we have left.

10
11 **CHAIRMAN BOYD:** Steve, I think we're over. We're supposed to
12 run until 10:45.

13
14 **MR. ATRAN:** Okay. We are a little bit over.

15
16 **CHAIRMAN BOYD:** Yes, we're a little bit over.

17
18 **MR. ATRAN:** What we can do is I didn't want to do it, because we
19 have a full schedule on the Reef Fish Committee tomorrow, but we
20 can defer the Law Enforcement AP comments on those two
21 amendments to the Reef Fish Committee and go over them when we
22 cover those amendments at Reef Fish.

23
24 **CHAIRMAN BOYD:** Committee, are you all okay with that?
25 Everybody all right with that? Nods of heads yes and so okay.
26 Anything else, Steve?

27
28 **MR. ATRAN:** No, that concludes my Law Enforcement AP summary.

29
30 **CHAIRMAN BOYD:** All right. Anything from the committee members,
31 the Law Enforcement Committee members? Hearing none, we are
32 adjourned.

33
34 (Whereupon, the meeting adjourned at 10:52 a.m., March 30,
35 2015.)

36
37 - - -

38