

GMFMC Law Enforcement Technical Committee/GSMFC Law Enforcement Committee
Joint Meeting Summary
Gulf Shores, Alabama
March 11, 2020

Members

Patrick Carron, MDMR, Chair
Jason Downey, ADMR, Vice-chair
Jarret Barker, TPWD
Cynthia Fenyk, NOAA GCES
Edward Skena, LDWF
Scott Pearce, FWC
Mark Zanolowicz, USCG

Joe Spraggins, MDMR
Paul Mickle, MDMR
Thomas Duffy, USCG
Doug Boyd, GSMFC Commissioner
Glenn Kornegay, NOAA OLE
Troy Fisher, ADMR

Others

Dale Diaz, GMFMC
Russell Stewart, Panama City Beach
Joel Fightmaster, USCG

Staff

Ava Lasseter, GMFMC
Steve VanderKooy, GSMFC
Debbie McIntyre, GSMFC

The meeting was called to order at 8:30 a.m. by Chairman, **Carron**. The agenda was adopted on motion by **Pearce** and second by **Barker**. The motion passed unanimously. The summary of the October 16, 2019, LETC/LEC meeting held in Biloxi, Mississippi, was approved as written on motion by **Barker** and second by **Downey**. Introductions were made and **Carron** welcomed everyone.

GMFMC LETC Session

Officer/Team of the Year Award (closed session)

In closed session LETC members reviewed the nominations for the 2019 Officer/Team of the Year Award and ranked their top two nominations, which will be provided to the Gulf Council for review.

IUU Fishing – Coordinating Responses to Federal Determination Regarding Mexico’s Certification

The Gulf Council approved the LETC recommendation to send a letter to the Secretary of Commerce regarding concerns with IUU fishing by Mexican lanchas. LETC members discussed the issue and noted that the problem seems to be getting worse. The Gulf Council will receive a presentation from the Office of International Affairs and Seafood Inspection regarding the 2019 Report to Congress at an upcoming meeting.

SEFHIER update on implementation timeline

The LETC received a recently released flier with information on the timeline for implementing mandatory reporting for federally permitted for-hire vessels.

Illegal Charters

Diaz described complaints the Council has heard about illegal charter fishing in federal waters by non-permitted vessels. **Pearce** spoke to the issue noting the difficulties in conducting covert investigations and the importance for stakeholders to continue to inform their enforcement agencies. LETC members

recognized illegal charters as a widespread issue, adding that the illegal fishing occurs in federal waters in violation of a limited entry federal permit. Because the covert operations necessary for enforcement are time consuming and expensive, the LETC discussed the need for more federal support and passed the following motion with no opposition.

That the council recommend to NOAA that the JEA priorities be expanded to include patrol and investigative efforts for federal charter for-hire permit violations. Along with expanding the JEA priorities, NOAA should establish an intelligence gathering program that will work with their federal for-hire permit holders to identify suspect vessels and to report this information to state law enforcement partners.

Closing Madison-Swanson and Steamboat Lumps MPAS to trolling

Lasseter reviewed the framework action that considers prohibiting surface trolling in the Madison-Swanson and Steamboat Lumps MPAs. LETC members discussed the issue, noting the difficulty of enforcing the allowable trolling gear as the MPAs are far from shore, then made the following recommendations. As moved by **Pearce**, seconded by **Downey**, and with no opposition:

To recommend to the Council, Alternative 2 in Action 1 would be preferred for ease of enforcement and to combat potential non-compliance by eliminating the opportunity for vessels to disguise bottom fishing as surface trolling.

Alternative 2: Prohibit fishing year-round in the Madison-Swanson and Steamboat Lumps MPAs.

As moved by **Barker**, seconded by **Pearce**, and with no opposition:

To recommend to the Council, Alternative 3 in Action 2 would be preferred.

Alternative 3: The possession of any species of Gulf reef fish is prohibited year-round in the Madison-Swanson and Steamboat Lumps MPAs, with no exception for vessels in transit.

Florida Keys National Marine Sanctuary Proposed Expansion – information on proposal

Pearce discussed the proposed sanctuary expansion and FWC's enforcement goals.

Enforcement of Red Snapper State Management

The LETC discussed red snapper state management. **Zanowicz** requested that each state's regulations be accessible to the Coast Guard for ease of enforcement, such as through a Fishery Bulletin with the compiled state regulations. **Lasseter** will follow up on this.

LETC Other Business - none

GSMFC LEC Items

IJF Program Activity

LEC/LETC Operations Plan

The committee began looking at the 2019-2020 Enforcement Operations Plan and will review it for an

update over the coming months. The work will be done via email and webinar. The LEC should have a final draft for the Commission and Council meetings this fall.

Red Drum Profile Status

The Red Drum Technical Task Force (TTF) held a meeting in November in St. Petersburg. The group's next meeting is scheduled for the last week of March in Houston. **Pearce**, the LE representative on that task force, reported that the group is in the drafting process and stated that he will be distributing the enforcement boilerplate material in the next couple of weeks and coordinate the inclusion in the Profile. **Lasseter** will provide a summary of existing regulations from Amendment 48.

Mangrove Snapper Profile LE Membership

The TTF for the Mangrove Snapper Profile is scheduled to be formed in the spring of 2020 with the LEC state representative being **Downey**. **VanderKooy** anticipates the organizational meeting of this group to take place in the fall.

GSMFC Publications

VanderKooy reported on the two publications that the LEC members contribute to: Annual License and Fees and the Law Summary (Rules and Regs). He thanked everyone for their contributions. **McIntyre** will contact state and agency representatives asking for them to provide her with License and Fees data in May. **VanderKooy** reminded that License and Fees are printed in-house and sent out to the LEC, state directors, commissioners, and proxies. Because the states are not always providing regs books in a published form any longer, it was proposed that another format similar to the former Officers' Pocket Guide would be a cleaner, simpler way to update the rules and regs each year. The entire effort is for archiving so a simpler format would potentially be better anyway. Like all GSMFC publications, these are available on the GSMFC website. Both publications are mainly used for historical reference and serve as a way of comparing license and fees statistics and tracking regulatory changes over time.

State Report Highlights

It was suggested that a common format be generated for the enforcement state reports. **Carron** and **VanderKooy** will work on a template for distribution prior to the next LEC meeting.

Written state reports are requested in advance and only highlights are presented for time purposes during state reporting item. The members provided some highlights of activities in each state.

Barker pointed out that Texas was one of the few Gulf states to hold an open oyster season. The influx of lugers from other states caused the need for the department to create saturation patrols to check for compliance. Texas LE Division is halfway through the 2019 JEA contract year. Patrols in federal waters discovered 35 violations they referred to NOAA for prosecution. Texas prosecuted one vessel for an IFQ violation.

Downey reported that, between November 1, 2019 and February 29, 2020, AMRD enforcement officers conducted 2,071 commercial fishermen intercepts, 2,790 recreational fishermen intercepts, 652 seafood dealer and/or processor inspections, 4,707 hours of patrol, 1,565 vessel boardings, and issued 731 citations/warnings. Officers continue to work out the priorities of their JEA grant as well as a NRDA Sea Turtle and Dolphin grant which provides the enforcement section with equipment and

overtime opportunities.

Pearce informed the committee that between October 1, 2019 and March 1, 2020, Florida conducted 138,937 water patrol hours, 258 air patrol hours, 98,565 marine enforcement hours, and 76,372 boating safety hours. Regarding federal enforcement, they conducted 1,131 total patrol hours with 449 reef fish enforcement patrols and 40 TED/BRD enforcement patrols.

Skena stated that LDWF/LED started Academy 33 with a goal to fill 29 vacancies state-wide. They continue to educate fishermen and industry representatives while also updating policies and procedures associated with all federal and state regulated species. They are currently working the priority execution model as stated in the 2019 JEA contract. Coastal agents have undergone continued TED training with the help of NOAA GMT and the Coast Guard.

Carron reported that state enforcement efforts with regard to commercial oyster, shrimp, and crab fisheries noticed sharp declines in effort and catch, presumably attributed to fresh-water incursion to the Mississippi Sound from the sustained opening of the Bonnet Carre Spillway. The Office of Marine Patrol recently entered into an agreement with NOAA OLE for December 2019 through December 2020.

Pearce made a motion to accept the state reports as written. The motion was seconded by **Barker** and passed unanimously.

Other Business

The state representatives decided that they would like to hold a brief closed session during each LEC/LETC meeting to afford them an opportunity to discuss emergent enforcement issues and trends in a confidential forum. Staff will add this agenda item accordingly.

Mr. Russell Stewart, an attorney from Panama City Beach, wanted to raise some issues related to non-federally permitted guide boats. He will put together a paper explaining his concerns and he was advised to reach out to FWC, as well.

There being no further business, **Downey** made a motion to adjourn the meeting with a second by **Pearce**. The motion passed unanimously and the meeting was adjourned at 1:45 p.m.