

Excerpt from June 2023 Council Meeting Minutes

30 **CHAIRMAN STUNZ:** Okay. Thank you, General Spraggins. Chris  
31 does have a motion. Go ahead, Chris, or has a comment, at  
32 least.

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34 **MR. SCHIEBLE:** Apparently I have nine minutes to go through  
35 this, at the end of the day here, but I would like to have a  
36 discussion, and I would have brought this up in committee, but  
37 we're not on the committee, and not able to make motions at that  
38 point, and so I sent you all a PDF with some information from a  
39 recent enforcement action, and there it is, and that's what we  
40 need.

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42 This took place over the course of the past year, but this news  
43 release came out in April, I believe, April 20, from our  
44 department, and, also, I believe it got transmitted on the  
45 fishing wire nationally as well, and I wanted to bring your  
46 attention to this, because I've been talking with our  
47 enforcement agents for quite a while about these types of cases  
48 taking place in Louisiana, and this one is the most gross

1 negligence of the cases that I have seen so far, or at least the  
2 worst offense.

3  
4 In particular, two individuals were cited for this, and one of  
5 them received their third, fourth, and fifth offense for  
6 violating the IFQ system, regulations, to commercially harvest  
7 red snapper, and so they also got cited for false public  
8 records, which is the falsification of trip ticket information  
9 for the department.

10  
11 Over the course of 2022 through 2023, there were three separate  
12 fishing trips that these pertain to, and they landed an exact  
13 amount of red snapper with the advance landing notifications,  
14 correct when they came to the dock, and they filed the trip  
15 tickets and claimed that those were true and correct.

16  
17 The agents, that worked under the JEA to do the dockside  
18 intercepts, and I guess we could call it that, for the advance  
19 landing notifications weighed those, and they actually weighed  
20 the snapper coming in, and there were some instances where those  
21 weights were several hundred pounds off from the weight  
22 reported, and they went undocumented, those snapper, and they  
23 were not removed from the yearly quota allotted to this  
24 individual for the given year, and so his allocation did not  
25 have these deducted from them, and that's a total of 1,268  
26 pounds of red snapper were not included in his weight reported  
27 to NOAA.

28  
29 I thought that's a pretty large amount to not be reported in the  
30 IFQ system, and so what I was trying to get to in this motion  
31 that I think you guys have, and I sent it up, and, if not, let  
32 me know, and I can resend it, but --

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34 **CHAIRMAN STUNZ:** We're going to go ahead and pull up that  
35 motion.

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37 **MR. SCHIEBLE:** We'll get the motion up, and we'll elaborate a  
38 little bit on it. I could not find a simple way to write this,  
39 and so it's fairly long and complicated, and maybe I need a  
40 little help with it, I suppose, but what the goal is, it's to  
41 have the Law Enforcement Technical Committee, coming up here in  
42 October, address this issue and to look at the number of advance  
43 landing notifications that, across all five Gulf states for the  
44 red snapper IFQ that are placed and the amount of intercepts,  
45 and I guess we could call it that, for enforcement that go with  
46 those landing notifications and then how many of those are  
47 associated with an amended landing report on the backend.

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1 IFQ fishermen have the ability to amend landing reports after  
2 the fact, for up to, I believe, fifteen days, I think it is, and  
3 I can't remember the actual rule, but I am trying to find out  
4 how many of those are directly associated with an interaction  
5 with enforcement or not, and so sometimes, when I looked at the  
6 data from our enforcement, there are cases where individuals  
7 actually reported too much, and then they did amended landing  
8 reports, after they weighed in fish, and some allocation was  
9 given back to them, and so it's not always in the wrong  
10 direction, I guess, but what I'm trying to find out is how  
11 prevalent this is, because I can't find where that 1,268 pounds  
12 is then documented in the system as a payback.

13  
14 The idea is that, if that person has allocation, that they were  
15 over by 1,268 pounds, it would automatically be deducted from  
16 the allocation that's given to them the next season, right, the  
17 next fishing year, and that's how the system works, just like it  
18 does for the private rec states, but I don't know where to find  
19 that.

20  
21 I looked at the IFQ website, and I see the landings for this  
22 year, currently, that are on there, and it doesn't speak of any  
23 payback that was done from the previous year, for any of these  
24 violations, and I'm sure this is not the only one that has taken  
25 place this year, and maybe this is a Louisiana-centric problem,  
26 but I doubt it, and so the task is -- Do you need me to email  
27 the motion again?

28  
29 **CHAIRMAN STUNZ:** I just re-forwarded it, Chris, and so they  
30 should be pulling it up here in just a second.

31  
32 **MR. SCHIEBLE:** The task is written in the motion, and I can read  
33 the very long motion here in a minute, when it comes up.

34  
35 **CHAIRMAN STUNZ:** Okay. As soon as they get it up, and, if you  
36 all recall, and some of you may not, because you weren't on the  
37 council, but we had a discussion over this very thing, and there  
38 were several state agencies, law enforcement officers, talking  
39 about the potential for this, and, at the time, I don't think  
40 there had been any cases made, or something, and now it looks  
41 like they're starting to pay more --

42  
43 **MR. SCHIEBLE:** It appears to be that way, and I have no idea,  
44 but it seems like a simple ask of the LETC, at their October  
45 meeting.

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47 **CHAIRMAN STUNZ:** Okay, and so there is your motion, Chris, if  
48 you want to read that into the record real quick.

1  
2 **MR. SCHIEBLE:** Okay, and so the motion is that the council  
3 requests that the Law Enforcement Technical Committee, at its  
4 upcoming October meeting, research all IFQ red snapper advanced  
5 landing notifications from 2022, among all five Gulf states, and  
6 formulate a comparison report of the proportion of inspected to  
7 non-inspected red snapper IFQ landings and subsequent proportion  
8 of amended landings reports for each category and the quantity  
9 of pounds amended by category. Further, provide a comparison  
10 of the number of non-inspected amended landing reports that  
11 adjusted poundage higher versus lower along with the frequency  
12 of occurrence and the magnitude of adjustments in pounds and  
13 whether any patterns exist. The LETC should provide a report  
14 back to the council at its January 2024 meeting in the Law  
15 Enforcement Committee.

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17 **CHAIRMAN STUNZ:** Okay. Thank you, Chris. We need a second, if  
18 anyone is willing to second that motion. Susan. Okay. We've  
19 got a second from Susan. Chris, we've had pretty good  
20 rationale, and if there's anything else that you want to add, or  
21 if there's any discussion.

22  
23 **MR. SCHIEBLE:** Just I have discussed this individually with  
24 different law enforcement folks, and it was, obviously, led by  
25 Major Aucoin, Dean Aucoin, in our department, and I work with  
26 him, and he's on the LETC, and I spoke with Scott Bannon and  
27 other enforcement agents about this, is this a doable ask, and  
28 is this going to bog them down tremendously or not, and they  
29 seemed to think that this is a workable problem, or a workable  
30 solution to the problem, to be able to present this back to us  
31 in that timeframe, and so I don't see a huge issue with asking  
32 them for that.

33  
34 **CHAIRMAN STUNZ:** Okay. Discussion? Kevin, I see your hand is  
35 up.

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37 **MR. ANSON:** For background, to inform whether or not I have a  
38 question related to this motion, going back to the announcement  
39 that Louisiana LDWF had with the violations, in that specific  
40 instance, this was an individual, or individuals, who had quota,  
41 allocation, and they were also dealers, and is that correct, and  
42 so they were fishermen and dealers, correct?

43  
44 **MR. SCHIEBLE:** There was a relationship between the fisherman  
45 and the dealer that caused the situation.

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47 **CHAIRMAN STUNZ:** Go ahead, Kevin.

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1 **MR. ANSON:** I am wondering, just because there's going to be a  
2 rather deep dive in looking at the data, and the data analysts  
3 will already be in there, I'm wondering, in addition, as far as  
4 the information that would be provided in this report, if it  
5 would include kind of the breakdown, or relationship, of those  
6 incidences, or those tickets that are in that type of  
7 relationship, where there is a dealer who also has the share. I  
8 wonder if that's information that we ought to include, or ask  
9 for, as well.  
10  
11 **MR. SCHIEBLE:** I have no objection, if you have some verbiage  
12 that you want to insert in there to that point.  
13  
14 **CHAIRMAN STUNZ:** Kevin, go ahead, if you -- I am not clear  
15 exactly what --  
16  
17 **MR. ANSON:** To further provide a comparison of the number of --  
18 So, before the "LETC should provide a report back", before that  
19 sentence, perhaps include, in addition, the report should  
20 include incidents of mismatched reports and amended landing  
21 reports as to the relationship of the dealer and the fishermen  
22 in the transaction being the same entity or not. So the  
23 relationship of the dealer and the fishermen being the same  
24 entity or not.  
25  
26 **MR. SCHIEBLE:** What about related?  
27  
28 **MR. ANSON:** Well, I mean, related, inasmuch as that information  
29 is available, you know, and it may be that it's seafood dealer  
30 ABC Seafood, who is owned by John Doe, and then John Doe is the  
31 fisherman, but they don't know is John Doe is also ownership of  
32 ABC Seafood, and I don't know, but, if they do know that John  
33 Doe is the owner of ABC Seafood, then they ought to be able to  
34 make that match.  
35  
36 **MR. SCHIEBLE:** I think that sentence, Bernie, goes before "The  
37 LETC".  
38  
39 **CHAIRMAN STUNZ:** Susan, when they get that fixed, are you going  
40 to be okay with that, as the seconder of that motion? Was your  
41 hand up for a comment, Susan?  
42  
43 **MS. BOGGS:** So, based on the conversation that Chris and Kevin  
44 were having, my understanding, Chris, is the fishermen and the  
45 dealer were two separate entities, if you will, but they had  
46 some kind of relationship, family-wise, et cetera? Okay. Thank  
47 you.  
48

1 **MR. SCHIEBLE:** I don't think that it necessarily has to be that  
2 way. Sometimes the fisherman is their own dealer, right, and so  
3 that should be revealed with what Kevin is asking.  
4

5 **CHAIRMAN STUNZ:** Right. Exactly, and so we can learn more about  
6 that as this report comes together, I think. Mara.  
7

8 **MS. LEVY:** A question, and so research all of the red snapper  
9 advanced landing notifications, and so you're talking about the  
10 advanced landing notifications that are submitted through the  
11 IFQ system, correct, and so what you're expecting to happen is  
12 for NMFS to provide all of these IFQ landings notifications and  
13 potential dealer reports?  
14

15 I guess part of me is just wondering what we're expecting NMFS  
16 to provide, and another part of me is thinking that we need to  
17 think about whether the information is confidential or not,  
18 under the Magnuson Act, and how much can be provided, and I  
19 don't have the answer to that, because I haven't thought about  
20 it enough to figure it out, and so I guess I'm just throwing  
21 that out there, but I don't know what the implications of this  
22 are and what NMFS would say about that.  
23

24 **CHAIRMAN STUNZ:** Chris.  
25

26 **MR. SCHIEBLE:** To that point, I get it. I totally get it.  
27 There's a lot of moving parts going on here, and my thought was  
28 that enforcement already has the advanced landing notifications.  
29 Otherwise, they wouldn't know when to go, right, and so there's  
30 got to be individual landing notifications already present  
31 within the enforcement offices, because they get told they can  
32 go or not to intercept, and that's their choice, and then what  
33 I'm looking for, at the backend of this, in the report, would  
34 basically obscure any confidentiality problems, because it would  
35 just be numbers.  
36

37 It would be total numbers of advanced landing notifications,  
38 amended landing reports, and enforcement interactions, and it's  
39 not going to list the individual fishermen that this happened  
40 to, and we don't need that, and we just need to know the  
41 numbers, right, on the backend, because what proportion of those  
42 have interaction with enforcement that are then amended on the  
43 backend.  
44

45 **CHAIRMAN STUNZ:** Okay. Well, thank you, Chris. I'm not seeing  
46 any more hands up for more discussion. **Is there any opposition**  
47 **to this motion?** All right. **Seeing none, the motion carries.**  
48 All right. Thank you. Chris, go ahead.