

GMFMC Law Enforcement Technical Committee/GSMFC Law Enforcement Committee
Joint Meeting Summary
Biloxi, Mississippi
October 16, 2019

Members

Patrick Carron, MDMR, Chair
Jason Downey, ADMR, Vice-chair
Jarret Barker, TPWD
Cynthia Fenyk, NOAA GCES (via Webinar)
Edward Skena, LDWF
Scott Pearce, FWC
Mark Zanolwicz, USCG
Charles Tyler, NOAA OLE

William Gibson, USCG
Joseph Irwin, USCG
Thomas Johnson, USCG
Alexandra LaRiviere, USCG
Herb Murphy
Andrew Petersen, Bluefin Data
Laura Picariello, Texas Sea Grant
Ashford Rosenberg, GOM Reef Fish
Shareholders' Alliance

Others

Tracy Dunn, NOAA OLE
Dale Diaz, GMFMC
Ed Swindell, GMFMC
Charlie Bergmann, NOAA
Thomas Duffy, USCG

Staff

Ava Lasseter
Dave Donaldson
Steve VanderKooy
Debbie McIntyre

The meeting was called to order at 8:30 a.m. by Chairman, **Carron**. The agenda was adopted unanimously. The summary of the March 20, 2019, LETC/LEC meeting held in New Orleans, Louisiana, was approved as written. Introductions were made and **Carron** welcomed everyone.

GMFMC LETC Session

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

The 2019 Report to Congress provided a negative identification for Mexico's lanchas fishing illegally in U.S. waters of the Gulf of Mexico, and a positive certification determination for Mexico's 2017 negative identification. **Zanolwicz** stated that the USCG has not seen a decline in illegal fishing activity; rather, they are seeing the same individuals repeatedly engaged in illegal fishing. The USCG has been exploring possible responses to increase prosecutions, but the proposed program is delayed while under legal review. **Barker** concurred for TPWD, adding that his agency is interested in communicating with NOAA regarding TPWD observations of how illegal fishing activity changes throughout the year, with certain times of year much more active than others. This information could be used for increased Mexican enforcement efforts at the U.S.-Mexico maritime border. LETC members said they are not aware of on-the-water enforcement by Mexico. LETC members enquired whether the Council would be able to provide a letter of support to the appropriate federal agency regarding illegal fishing activity in the Gulf of Mexico. The LETC then passed the following motion:

To request that the Council write a letter to the NOAA Office of International Affairs and/or the Assistant Administrator for NOAA Fisheries to open communication and request an annual report regarding the specific impacts and measures taken by Mexico to address the Mexican IUU fishing issue. It would be important to note in the report the estimated take of red snapper by the illegal fleet and the economic impact that it poses against recreational and commercial fishermen in the U.S.

Possession Limits on For-Hire Trips Over 24 Hours

Lasseter explained the Council action that considers changing the possession limits on federally permitted for-hire trips longer than 24 hours. Currently, passengers on these for-hire trips may not retain the second bag limit until the initial 24 hours of a trip have passed. The Council's preferred options would extend the minimum length of a trip from 24 to 30 hours and allow passengers on these trips to retain a second bag limit of allowable species anytime during the trip (i.e., within the first 24 hours of the trip).

Pearce noted that the federal regulations define possession limits based on a calendar day. LETC members expressed safety concerns with allowing passengers to retain a second bag limit within the first calendar day of a trip, as unforeseen events (e.g., inclement weather or mechanical issues) could require the vessel to return to the dock before the scheduled return time. Passengers in possession of a second bag limit would thus be in violation. Further, members expressed concern about enforcing the trip lengths if some vessels do not remain at sea for the duration of the scheduled trip. Members felt that extending the minimum trip length would not provide enforcement or safety benefits, and they preferred that the calendar day be used to determine when bag limit may be retained. A calendar day is easier to explain and is consistent with enforcing bag and possession limits.

Council representative Diaz noted that the new mandatory for-hire reporting is close to implementation. The program would require all for-hire vessels to hail-out and hail-in, which would provide law enforcement with a documented time of trip departure. The LETC then passed the following motion:

The LETC is comfortable with anglers possessing two bag limits within 24 hours, but the fish would need to be retained on separate calendar days. This goes back to the concept that bag limits are based on the calendar day. The LETC recommends that the Council clarify when the second bag limit may be retained. The LETC recommends that the Council remove the minimum number of hours requirement and not allow retention of the second bag limit until the second calendar day.

Recreational Greater Amberjack – Fractional Bag Limits

LETC members discussed the Council's proposed action to further reduce the 1 fish per person per day bag limit for greater amberjack. Members asked who would be cited in the event that more fish are possessed than allowed for the number of fishermen aboard. **Fenyk** noted that the vessel operator is generally cited. Other LETC members discussed that on private recreational vessels, it may be harder to determine who to cite, although everyone on board would be considered in possession and thus, could be cited if necessary. LETC members asked if a vessel limit, rather than a fractional bag limit, could be a better way to reduce the bag limit, suggesting that a vessel limit would be simpler to

enforce. Ultimately, LETC members felt that fractional bag limits are not ideal, but are enforceable. Members noted that on headboats, it may take more time for counting the number of fish and anglers. The LETC then passed the following motion:

The LETC feels that it is possible, but confusing, to enforce fractional bag limits. The LETC recommends Alternative 1, and that fractional bag limits not be adopted unless the Council feels the fractional bag limit would substantially increase angler opportunity.

Commercial IFQ Program Modification – Estimated Weights in Advance Landing Notifications.

Lasseter reviewed the revised alternatives and noted that the Council is not scheduled to revisit this action until January 2020. LETC members noted that the new alternatives would not penalize the activity they are concerned about, providing an example of a vessel hailing in 9,000 lbs then landing 10,000 lbs. The LETC preferred that an accuracy requirement not be adopted if it would allow greater inaccuracy than the previous alternatives, adding that they will work to gather necessary evidence and may raise the issue at a later time. **Tyler** stated this is a non-issue for NOAA OLE. The LETC then passed the following motion:

The LETC recommends that the Council select Alternative 1 for Action 3: estimated weights in advanced landing notifications.

SEFHIER – Onboard Electronic Monitoring and Reporting (EM/ER) Systems in the Gulf Region For-Hire (Charter and Guide) Vessels

Lasseter provided an update on the timeline for implementing for-hire electronic reporting. The requirement to hail-out and submit electronic fishing reports before offloading are scheduled to begin in the first quarter of 2020. The requirement for location tracking is scheduled to begin in the second half of 2020. For law enforcement, the implementation of for-hire electronic reporting is expected to share some similarities with the IFQ programs in terms of officers receiving email notifications for for-hire vessel landings, which must be at approved landing locations.

Maximum Crew Size on Dual-Permitted (Commercial and For-Hire) Vessels in Federal Waters

Dual-permitted vessels (i.e., vessels with both a commercial and for-hire permit) are restricted to a maximum crew size of four when fishing commercially. The reason for maintaining a maximum crew size on dual-permitted vessels has been for enforcement purposes. Although the Council is not currently developing an action to modify the maximum crew size, the Council has heard public testimony asking for the maximum crew size to be removed as these vessels are required to hail-out and declare whether they are taking a commercial or for-hire trip. LETC members said they would share this issue with their respective agencies to discuss the issue and may have a recommendation if the Council takes action in the future.

EFPs/State Management – Enforcement of Red Snapper Seasons

Zanowicz stated that the different state seasons under the EFPs and the potential for different bag and size limits as well under state management are creating confusion for Coast Guard enforcement.

Zanowicz requested that the states provide their red snapper regulations, including season re-openings, in a shared location, or to provide them to NOAA for publication in a Fishery Bulletin. Other LETC members noted the Council's "Fish Rules" app provides the respective regulations for state and federal waters in real time while on the water. It was also suggested that the states copy the USCG on public notifications of regulatory changes. **Zanowicz** will continue to explore the best way to compile the red snapper regulations from all the states.

Officer/Team of the Year Award Update

At its last meeting, the LETC recommended that the award be expanded to allow nominations of either an officer or team of the year. The Council accepted all LETC recommendations for the award and revisions to the nomination form. Nominations will be due by February 1, 2020.

GSMFC LEC Items

Future of JEAs and JEA Funding Discussion

Carron opened the floor to discussion and issues regarding JEAs as well as JEA funding. There do not appear to be any concerns or issues related to the current JEA funding. It was thought that the funding would likely continue at least at the current level next year. **Tyer** had no knowledge of current and future appropriations but would reach out the LETC and LEC members if anything changed.

Status of State Water FADs

Carron stated that, while MDMR has not encountered direct violations, the use of FADs has become more prevalent in Mississippi. **Downey** stated that ADMR has noticed a decrease in FADs due to social media posts earlier this year which seemed to educate many who did not know that the practice was illegal. The group agreed to keep this issue on their radar and, perhaps, in the future, a social media statement may be posted. Ryan Bradley, MS Commercial Fisheries United, working with Dr. Ben Posadas from the Mississippi State University Extension Service, has a project cataloging marine debris encountered by the shrimp trawl fishery which might be useful and would like to work with law enforcement on this issue.

IJF Program Activity

Red Drum Profile Status

The Red Drum Technical Task Force (TTF) introductory meeting was held in Mobile in June. The group's next meeting is scheduled for November in St. Petersburg, Florida. **Pearce** is the LE rep on TTF and will distribute the boilerplate templates for state enforcement regulations to state and agency representatives later this month. He will keep the committee apprised of their progress.

Mangrove Snapper Profile LE Membership

The TTF for the Mangrove Snapper Profile will be formed in the spring of 2020. Historically, the LEC

state representatives rotate on these task forces and the next state up in the rotation is Alabama. Chairman **Carron** requested that **Downey** represent LE on the Mangrove Snapper TTF and **Downey** accepted the assignment. The introductory meeting will likely be held in early summer of 2020.

GSMFC Publications

VanderKooy reported on the two publications that the LEC members contribute to: the Annual License and Fees and the Annual Law Summary. He thanked everyone for their contributions thus far. McIntyre has contacted state and agency representatives asking for them to provide her with a high definition PDF version of their latest commercial and recreational saltwater regulations pamphlets for the Law Summary. VanderKooy reminded that these were printed in-house and sent out to the LEC, state directors, commissioners, and proxies. Like all GSMFC publications, they are available on the GSMFC website. Both publications are mainly used for historical reference and serves as a way of comparing license and fees statistics and tracking regulatory changes over time.

State Report Highlights

Written state reports are requested in advance and only highlights are presented for time purposes during state reporting item.

Barker highlighted Texas' joint operation with NOAA Fisheries OLE and the U.S. Coast Guard to target unlicensed charter for-hire captains operating in the Gulf from Corpus Christi to Brownsville. The operation netted 18 fisheries violations, 10 of which were for federal fisheries laws. The most common violations were closed snapper season.

Downey reported that Alabama Marine Resources had almost 1,600 commercial fishermen intercepts and over 19,000 recreational fishermen intercepts. Over 800 seafood and/or processor inspections were conducted. Vessel boardings totaled 5,778 with 10,412 hours of patrol.

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

There being no further business, **Barker** made a motion to adjourn the meeting with a second by **Pearce**. The motion passed unanimously and the meeting was adjourned at 3:45 p.m.