

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 LAW ENFORCEMENT COMMITTEE

4
5 Hyatt Centric New Orleans, Louisiana

6
7 January 29, 2024

8
9 **VOTING MEMBERS**

- 10 Dale Diaz.....Mississippi
- 11 Susan Boggs.....Alabama
- 12 Billy Broussard.....Louisiana
- 13 Dave Donaldson.....GSMFC
- 14 Jonathan Dugas.....Louisiana
- 15 Dakus Geeslin (designee for Robin Riechers).....Texas
- 16 Chris Schieble (designee for Ryan Montegut).....Louisiana
- 17 Joe Spraggins.....Mississippi
- 18 Ed Walker.....Florida
- 19 Troy Williamson.....Texas

20
21 **NON-VOTING MEMBERS**

- 22 Kevin Anson (designee for Scott Bannon).....Alabama
- 23 Kesley Banks.....Texas
- 24 Tom Frazer.....Florida
- 25 Bob Gill.....Florida
- 26 Michael McDermott.....Mississippi
- 27 Anthony Overton.....Alabama
- 28 Andy Strelcheck.....NMFS
- 29 C.J. Sweetman (designee for Jessica McCawley).....Florida

30
31 **STAFF**

- 32 Assane Diagne.....Economist
- 33 Matt Freeman.....Economist
- 34 John Froeschke.....Deputy Director
- 35 Beth Hager.....Administrative Officer
- 36 Lisa Hollensead.....Fishery Biologist
- 37 Mara Levy.....NOAA General Counsel
- 38 Natasha Mendez-Ferrer.....Fishery Biologist
- 39 Emily Muehlstein.....Public Information Officer
- 40 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 41 Bernadine Roy.....Office Manager
- 42 Carrie Simmons.....Executive Director
- 43 Camilla Shireman.....Administrative & Communications Assistant
- 44 Carly Somerset.....Fisheries Outreach Specialist

45
46 **OTHER PARTICIPANTS**

- 47 Major Dean Aucoin.....LA
- 48 Kerry Marhefka.....SAFMC
- 49 Clay Porch.....SEFSC

1 John Walter.....SEFSC
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3 - - -
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1 The Law Enforcement Committee of the Gulf of Mexico Fishery
2 Management Council convened at The Hyatt Centric, French Quarter
3 in New Orleans, Louisiana on Monday morning, January 29, 2024,
4 and was called to order by Chairman Dale Diaz.

5
6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN DALE DIAZ:** I would like to call the Law Enforcement
11 Committee to order. The members of the committee are myself,
12 General Spraggins, Mr. Schieble, Ms. Boggs, Mr. Broussard, Mr.
13 Donaldson, Mr. Dugas. We have no Coast Guard representative,
14 Mr. Geeslin, Mr. Walker, and Mr. Williamson.

15
16 All right, and that brings us to the first item on the agenda,
17 which is the Adoption of the Agenda. Is there any objection to
18 adopting the agenda as it's written? Seeing no objections, the
19 agenda is adopted.

20
21 Next up is the Approval of the June 2023 Minutes. Is there any
22 additions or corrections to the June 2023 minutes? Seeing none,
23 is there any objection to adopting the June 2023 minutes?
24 Seeing none, the minutes are adopted.

25
26 Next up is the Action Guide and Next Steps, and it's got Dr.
27 Froeschke listed for the action guide, and so, Dr. Froeschke,
28 will you talk about the action guide for us, and then we'll move
29 on to Dr. Diagne?

30
31 **DR. ASSANE DIAGNE:** I will be also Dr. Froeschke for a minute,
32 with his permission. Good morning, and so we'll go over the
33 first item on our action guide, and this is a summary of the Law
34 Enforcement Technical Committee discussion on red snapper IFQ
35 advance landings notifications.

36
37 For this item, we will summarize the LETC discussion on advanced
38 landing notifications, which they discussed during their October
39 2023 meeting. We will discuss the motion that the LETC provided
40 in response to the council's request to evaluate red snapper IFQ
41 landings notifications. The committee should review the
42 information presented and make recommendations, as needed.
43 Thank you.

44
45 **CHAIRMAN DIAZ:** All right. Any questions about what we're
46 doing? Seeing none, Dr. Diagne, if you would, if you would
47 bring us on into Agenda Item Number IV, which is the Summary of
48 the Law Enforcement Technical Committee Discussion on Red

1 Snapper Individual Fishing Quota Advanced Landings
2 Notifications. Dr. Diagne.

3
4 **SUMMARY OF LAW ENFORCEMENT TECHNICAL COMMITTEE (LETC) DISCUSSION**
5 **ON RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) ADVANCED LANDINGS**
6 **NOTIFICATIONS**
7

8 **DR. DIAGNE:** Thank you, and, Bernie, if you would, if you could
9 scroll down and just have the council's motion. Thank you. As
10 you recall, the council approved the motion that requested that
11 the LETC, at the October meeting, October of last year, research
12 all IFQ red snapper advanced landing notifications from 2022,
13 and amongst all five Gulf states, and formulate a comparison
14 report of the proportion of inspected versus non-inspected
15 landings notifications, and also evaluate the proportion of
16 reports that were subsequently amended.

17
18 The motion also requested that the LETC look at the relationship
19 between the fishermen and the dealer, in particular evaluating
20 whether they were the same entity or not, and so the full text
21 of the motion is in front of you here.

22
23 As requested, the LETC took on this agenda item and had a very
24 detailed and thorough discussion on IFQ landings notification
25 for red snapper. Before I go any further, I will note that
26 Major Dean Aucoin is here in the room with us, and so, if need
27 be, he would add to the points that we make here, and, should
28 the committee have questions for him, he will be available to
29 answer those. Mr. Schieble also attended the meeting and
30 participated. The chair and vice chair were also in attendance
31 during that discussion, and it was here in New Orleans.

32
33 At the beginning, after discussing the council's motion, each
34 state representative gave their perspective, in terms of the
35 data availability and in terms of what it is that the council
36 was requesting of them. Now I'm going to just highlight some of
37 the points that were made during the discussions and from the
38 perspective of the different states.

39
40 One of the things that was said was that the data needed to
41 fulfill the council's request may not be available, or at least
42 it would not be possible to collate it and compile it
43 automatically, and it was said that some of the Gulf states may
44 capture a portion of the data, but sufficient information in the
45 aggregate would not be available to exactly meet the council's
46 demand.

47
48 In terms of the types of advance landings notifications, the

1 group noted that many IFQ participants can underestimate
2 landings, and there is rationale for that, and it is an
3 administrative one, because it is easier, or simpler, if you
4 would, to amend a report with underestimated landings than to
5 have all the deducted IFQ annual allocations replaced in one's
6 account, and so, for that reason, then folks would tend to
7 underestimate.

8
9 The group, meaning the representatives, felt, and expressed the
10 fact, that landings notifications in general do not appear to
11 constitute a major issue.

12
13 The committee then asked whether the presence of an officer
14 during offload constituted a determining factor in the poundage
15 adjustment, and the response was that the same reporting pattern
16 was noted whether an officer was present or not, and so it did
17 not have an effect, essentially, in either case.

18
19 It was also noted that, for IFQ cases and pending
20 investigations, all required information was provided by NMFS
21 by, you know, the IFQ side of things, upon request, and, in
22 discussing that, it was noted that the provided information
23 requires a manual pull, and let's say the IFQ system, staff,
24 somebody would be dedicated to manually pulling the information
25 requested, and one of the examples that was given, actually, was
26 for the State of Louisiana, who made the request, and Dr.
27 Stephen, from SERO, and her staff provided the information, and
28 it took some time, because somebody needed to be assigned to
29 collect that and provide it to the group.

30
31 In response to a question relative to quota overages, or the
32 question was where would quota overages be located on the IFQ
33 website, and Dr. Stephen indicated that the IFQ system does not
34 allow aggregate quota overages, and the group was reminded, and
35 discussed the fact, that only for the last trip would a
36 shareholder, with shares, be allowed a 10 percent overage on
37 that last trip, and, of course, that overage would be deducted
38 on the first of the year, before they receive their annual
39 allocation.

40
41 These are some of the main points that were discussed by the
42 group, and they offered a resolution, which was unanimously
43 approved, and, Bernie, if you would, please scroll down to the
44 resolution. Thank you.

45
46 The LETC considered the council's request and is unable to
47 comply, for various reasons, including a lack of standardization
48 in reporting among the five Gulf states and NMFS, and the lack

1 of manpower to perform the manual analysis the request would
2 entail. Further, the LETC believes the information requested is
3 unlikely to provide any useful information to law enforcement or
4 the council, and the information necessary for investigations is
5 already being provided on a case-by-case basis, when requested.

6
7 Again, this resolution was unanimously approved, and so, in
8 summary, the group discussed thoroughly the request from the
9 council, and, for the following reasons, indicated that, at this
10 time, they are not in a position to fulfill it, for the reasons
11 here. Thank you. I'm going to stop here, and, should we have
12 questions, we will try to answer, or Major Aucoin would also
13 contribute to that discussion. Thank you.

14
15 **CHAIRMAN DIAZ:** Do we have questions for Dr. Diagne? Mr.
16 Schieble.

17
18 **MR. CHRIS SCHIEBLE:** Not really a question, but I guess more a
19 statement. Since I'm the one that asked for the original motion
20 to be put in place, and to go through this, first, I would like
21 to thank the Law Enforcement Committee for the work they did on
22 this. I sat in the meeting, during the Gulf States Enforcement
23 Committee, and they put a lot of thought into this, and
24 consideration, and some of the states were able to pull some
25 data, to bring it to the meeting for us to review and look at
26 the entire process and what is involved in order to even try to
27 get to what we're asking in this motion, and it's very involved,
28 as Dr. Diagne said.

29
30 It also gets to the core of the issue that was requested in the
31 motion, and that is the data that would seem to be available is
32 not available to ask these questions, and so, going down the
33 road, it might be something that I think, as a council, we may
34 want to further pursue, as to how to get to this data to assist
35 law enforcement, and it seems like it would make their job a
36 whole lot easier if they were able to have this data in the
37 first place.

38
39 As far as the quota question that I had posed during the
40 meeting, it still doesn't really make sense to me, if there is a
41 case that takes place, like the example that I used during the
42 council meeting, and there was twelve-hundred-and-something
43 pounds that was unaccounted for, because there was an underage
44 in the estimate, and where does that overage -- Where is that
45 accounted for in the system? That's the question that I still
46 have, especially if someone leases shares. If they don't own
47 allocation, where it could come out of their allocation in the
48 next year as a payback, and how is that handled?

1
2 We talked about, in our objectives for the IFQ system, that one
3 of those is transparency, and it has to do with transparency of
4 transactions, and I understand that, but it could also reflect
5 on this, as to better transparency within the system to show us
6 where those overages are accounted for, and I'm sure they are,
7 but we just can't see that from the outside, as council members.

8
9 Looking down the road, I think a different approach to this, to
10 try to work on the data system improvement, might be the next
11 best solution, and so, again, I thank the Enforcement Committee
12 for what they've done, the hard work they've put behind this,
13 and I'm open to suggestions, and comments, for anything going
14 forward. Thank you.

15
16 **CHAIRMAN DIAZ:** Dr. Diagne.

17
18 **DR. DIAGNE:** Thank you, Mr. Chair. To this point that Mr.
19 Schieble just made, we discussed it with the representatives
20 during the meeting there, and, in terms of the changes,
21 potential changes, going forward, as the group did mention, one
22 of the major things would be perhaps to look at potential
23 standardization down the line in the way in which the reporting
24 is made amongst the states.

25
26 That is perhaps a prerequisite to any future, I guess, changes
27 to how the IFQ system collects information, because you need to
28 have, essentially, standards, quote, unquote, so that the whole
29 thing would be consistent, and I think the group did really
30 emphasize consistency, to be able to have usable, quote,
31 unquote, datasets down the line, and so that is perhaps
32 something that, in the future, could be thought about, but, that
33 being said, the group did mention that each state has a
34 reporting and data collection process that is specific to the
35 particular state and works well for them as it is today, and so
36 the reporting works well, and any information they would need,
37 up to this point, when they have cases, or pending
38 investigations, and that has been provided by the IFQ system to-
39 date.

40
41 I mean, the issue is that, for the council's request, that would
42 be to take something that took many, let's say, manhours to
43 compile for a specific case to be done, you know, as a blanket,
44 I guess, way, on a holistic way, going forward.

45
46 **CHAIRMAN DIAZ:** Mr. Strelcheck.

47
48 **MR. ANDY STRELCHECK:** I'm not on the committee, but I just

1 wanted to provide a little clarity, because I've heard, a couple
2 of times, mentioned that the data doesn't exist, but, to be
3 clear, it does exist, and it's just not in a form that's readily
4 available, and it would take a lot of time to compile, right,
5 and so the point is well taken, in terms of standardization,
6 but, when you're working across five state resource law
7 enforcement agencies, as well as any sort of dockside port
8 sampling, it becomes complicated very quickly, in terms of how
9 that's done.

10
11 Ideally, what the IFQ system does is, you know, it has a start-
12 of-the-trip and finish-of-the-trip loop, so that we can
13 validate, audit, review data and make sure that what's being
14 reported is accounted for in the system, and so that's,
15 obviously, our goal.

16
17 This issue of prelanding notifications, and the weights, has
18 come up any number of times, and I'm appreciative of, I guess,
19 the Law Enforcement AP's recommendations, or comments, because
20 it does sound like, one, it is a challenge, obviously, to
21 compile this data, but, two, they're not necessarily seeing it
22 as a problem, or, if there is a problem, they're following up on
23 bad actors, and others, that, obviously, enforcement needs to
24 pursue, but, you know, I think the bottom line, from the
25 Fisheries Service standpoint, is we do feel like there's very
26 good checks-and-balances, in terms of the IFQ system, and we can
27 certainly go back to our Office of Law Enforcement to find out
28 if there's any ways that we could improve standardization of
29 reporting, especially through our JEA agreements.

30
31 **CHAIRMAN DIAZ:** Any further questions? I want to make a comment
32 or two. Assane said two things that jumped out at me. There's
33 an incentive to underestimate, and we've kind of built the
34 system where we encourage them to underestimate, and I'm not
35 sure that the original intent was to provide estimates, and I
36 think, in my mind, we probably wanted to, originally, get
37 accurate estimates, for various reasons, but that's the way it
38 is. I'm not sure it's something that we need to change, but I
39 doubt it's working the way it was intended. Dr. Diagne.

40
41 **DR. DIAGNE:** Yes, Mr. Chair, and, I mean, rather than an
42 incentive, it would be more, let's say, you know,
43 administrative, because one needs to report an accurate, you
44 know, poundage, right, but, if one has to err, you would rather
45 err on the side of, quote, unquote, caution and do what would be
46 administratively the easier of, let's say, adjustment, and, as
47 it said here, it takes more doing to have your poundage put back
48 in your account, once it has been deducted, and so that's just,

1 I guess, you know, a fact, if you would, and so, rather than
2 deal with that, if you are close to a certain poundage in your
3 head, you would just underreport, and then you submit an
4 amendment down the line, and that's all.

5
6 I mean, during the meeting, it was discussed, and the law
7 enforcement representatives did not express that this was an
8 issue that needed to be dealt with.

9
10 **CHAIRMAN DIAZ:** Thank you for that, Dr. Diagne. My other
11 comment is that I think what got this whole ball rolling was the
12 particular instance where a fisherman is also the dealer, and,
13 to me, that's a place where there is opportunity, and incentive,
14 to -- I mean, I don't know, and I think that's where law
15 enforcement efforts should be focused, more than where it's the
16 opposite situation, where the fisherman is not the dealer,
17 because there is a pretty good incentive.

18
19 If some fish go on the black market, and you don't have to use
20 your quota for that, and so you could potentially catch more
21 fish in the future than the quota that you have, or you could
22 use your quota to lease out, and so, I mean, there's a dollar
23 incentive to circumvent that quota, and so I would think that
24 would be law enforcement's highest priority, out of the
25 situations that I'm aware of anyway. Go ahead, Mr. Schieble.

26
27 **MR. SCHIEBLE:** Just a comment to your first statement with the
28 advanced landings notifications, and we worked on this, as a
29 council, back under I think 36C, and we had certain percentages
30 in the back of that, and it was like one of the last actions in
31 the document, and it was like a 10 percent allowance, or a 20
32 percent allowance, and I can't remember exactly how it went, but
33 we, as a council, voted that down, and removed that, and so, had
34 we had something like that in those documents, then it would
35 cover a proportion, if you will, over 10 percent, in your
36 advance landing notification, and there would be a penalty
37 involved. Right now, there's no penalty to incur, and so you're
38 right that underreporting is the most efficient way to deal with
39 it, as Dr. Diagne said, because it's hard to put the allocation
40 back if you overdo it, right?

41
42 **CHAIRMAN DIAZ:** Mr. Dugas.

43
44 **MR. J.D. DUGAS:** Just to add a little to the conversation, I
45 believe the captain also has fifteen days to go back and fix the
46 trip ticket, if it's wrong, which I think I've said before is
47 pretty extreme.

48

1 **CHAIRMAN DIAZ:** I am not seeing any further comments on this
2 issue. Go ahead, Mr. Walker.

3
4 **MR. ED WALKER:** Just to point out that it makes sense to
5 underestimate. If you only have 500 pounds of allocation in
6 your account, and you call in and say I have 550 pounds in my
7 account, a notification pops up at law enforcement, and, in
8 fact, it pops up either way, and it says sufficient allocation
9 in an account or not, in the law enforcement computer, and so,
10 if you overestimate it, you're flagged before you get to the
11 dock, and so there's incentive to underestimate somewhat, you
12 know, and you never know exactly how many pounds you have in
13 there, and so it's somewhat of a guess, but, if you overdo it,
14 and you don't have that much that quota in your account, which,
15 in my region, a lot of guys don't.

16
17 They go out with 500 pounds of red snapper in their account, and
18 they try and catch it right up to 500 pounds, and so there's an
19 incentive to not want to write 505 pounds, because it will pop
20 right up on the law enforcement radar.

21
22 **CHAIRMAN DIAZ:** Mr. Strelcheck.

23
24 **MR. STRELCHECK:** Ed is exactly right, right, and so that's how
25 the system is tied together, and law enforcement is getting
26 emails, and telling people, obviously, you know, how much is
27 being reported landed and where that person is going to come in
28 and ultimately land those fish.

29
30 Certainly, if people are operating kind of from trip-to-trip, in
31 terms of moving allocation in their account, that would be an
32 issue, right, and, for those that have large allocation
33 holdings, right, and they've dumped it all into their vessel
34 account, it's probably not an issue that's going to come up
35 regularly, because they can just report, obviously, what they
36 want.

37
38 The whole issue, I think, though of underreporting being
39 incentivized I think is an interesting one, and one of the
40 things that we could probably go back and look at in the system,
41 is how much alignment matches one-to-one, in terms of what's
42 reported in the prelanding notification versus actually what's
43 landed with the dealer, and what's the delta, the deviation,
44 from those two, and are we seeing separation, because, the more
45 they're aligning, the more I guess, you know, if there's
46 underreporting then occurring, because it is a guess.

47
48 **CHAIRMAN DIAZ:** Okay. Major Aucoin, I wanted to give you an

1 opportunity, if you wanted to weigh-in, and thank you for being
2 with us here today also, and so, if you have any comments you
3 would like to share for us, we would welcome those.

4
5 **MAJOR DEAN AUCOIN:** Thank you all for having us today. You
6 know, one of the biggest things, I would say, that law
7 enforcement -- That the LETC committee took into play is a lot
8 of these issues that law enforcement finds -- They begin as
9 investigations, and not as cases, and so we're very protective
10 of what resources we put out there that we have access to.

11
12 It's not that we're trying to hide anything, but, if you show
13 your cards before you get to the final product, you're not going
14 to make it, because they're going to be one step ahead of you at
15 a time, and that's kind of on the Louisiana side for sure, and I
16 can talk -- That's one of our concerns, is we're just trying to
17 get ahead of the possibility of what they can do, because we do
18 have a case that we looked at, and so it's not that -- Again, we
19 want to work with everyone, but it's just sometimes the data we
20 have to get through NOAA is specific to a case, and it's not
21 general data, and, if they gave it to me generally, it would
22 take me forever to go through it and give necessarily what
23 you're looking for.

24
25 This particular case, you know, we got the data, and it took us
26 a few weeks to go through it, and that was just one particular
27 case, and so, you know, we're very sensitive about what we allow
28 to get out, because, again, you don't want to show your cards
29 before you make your case, and so if that makes sense, but we'll
30 gladly help, and we're here to support in any way we can.

31
32 **CHAIRMAN DIAZ:** Thank you, Major Aucoin. Okay. I'm not seeing
33 any more hands, or any more discussion on this. Ms. Boggs.

34
35 **MS. SUSAN BOGGS:** Thank you, Mr. Chair, and so I do have a
36 question, and I'm sorry that I don't know the answer to this,
37 but Mr. Dugas made the comment that they have fifteen days to
38 correct a dealer report, and is that something that this council
39 passed, or is that something that's handled with -- I mean,
40 where did that come from?

41
42 **CHAIRMAN DIAZ:** Mr. Schieble.

43
44 **MR. SCHIEBLE:** All I can offer is it's in the Federal Register,
45 and it's written that way, but I don't know where it originated.
46 Maybe Mara would know.

47
48 **MS. MARA LEVY:** I do not know off the top of my head. I mean,

1 we can look back and see what was actually in the amendment that
2 put the IFQ into place, versus what was administratively done in
3 the regulations, but I would have to back and look at those, and
4 I can do that and get back to you.

5
6 **CHAIRMAN DIAZ:** Ms. Boggs.

7
8 **MS. BOGGS:** I mean, I don't know that it's that big of a deal,
9 because, obviously, if they've been intercepted, there's records
10 of what's been done, and so it's not like they can do anything
11 more or less, but it just still is kind of interesting that
12 there's a fifteen-day lag time to correct their logbooks, or
13 their dealer reports. Thanks.

14
15 **CHAIRMAN DIAZ:** Okay. I am not seeing any further discussion,
16 and so, with that, we're going to move on to the next agenda
17 item. Dr. Diagne, will you go back and do the action guide and
18 next steps, and then carry us through that next agenda item,
19 please?

20
21 **SUMMARY OF LETC DISCUSSIONS: ADDITIONAL TOPICS**

22
23 **DR. DIAGNE:** Yes, Mr. Chair. The other items that the LETC
24 discussed during the October 2023 meeting included the sale of
25 recreationally-caught fish and the nomination process for the
26 2023 Officer or Team of the Year. The committee will review the
27 summary presented and provide recommendations, if needed.

28
29 **CHAIRMAN DIAZ:** Okay. Any questions for Dr. Diagne?

30
31 **DR. DIAGNE:** Now we can go over those two items, and it is going
32 to be very short, given that, for the sale of recreationally-
33 caught fish, in short, the committee reemphasized that,
34 essentially, states do have appropriate regulations to address
35 the matter.

36
37 They discussed what the council did relative to the
38 recommendations that were provided by the AP, which the council
39 didn't take up, and also the fact that the council decided to
40 stop work, or remove the framework action, to prohibit the sale
41 of recreationally-caught coxia from its list of proposed
42 actions, because the sale of recreationally-caught coxia is
43 prohibited by the states, and that is a statement from the
44 council, and so, I mean, the group reviewed that and essentially
45 restated that states do have appropriate regulations to address
46 the matter, and that put an end to their discussion on the
47 issue.

1 Concerning the nomination process for Officer or Team of the
2 Year, the committee members stated the process, as laid out,
3 works well and, at this time, doesn't warrant any modifications,
4 and so, as you all know, I mean, notifications are now underway,
5 and the group will discuss that during their March meeting
6 coming up, and so that concludes the summary of the other items
7 that the LETC discussed in October.

8
9 **CHAIRMAN DIAZ:** When will the council see those? Will they see
10 them in April or June?

11
12 **DR. DIAGNE:** I don't recall, and I'm going to look to Emily. In
13 April, I believe.

14
15 **CHAIRMAN DIAZ:** Okay. Any other questions for Dr. Diagne on
16 these last few items? Seeing none, is there any other business
17 to come before the Law Enforcement Committee? Seeing no other
18 business, Mr. Chair, I hate to show up General Spraggins this
19 morning, and he only yielded back thirty-four seconds, and I
20 make a note that we're going to yield back twenty-nine minutes.

21
22 (Whereupon, the meeting adjourned on January 29, 2024.)

23
24

- - -