

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 LAW ENFORCEMENT COMMITTEE

4
5 Renaissance Battle House Mobile, Alabama

6
7 October 24, 2018

8
9 **VOTING MEMBERS**

10 Doug Boyd.....Texas
11 Kevin Anson (designee for Scott Bannon).....Alabama
12 Patrick Banks.....Louisiana
13 Dale Diaz.....Mississippi
14 Dave Donaldson.....GSMFC
15 Robin Riechers.....Texas
16 Lt Mark Zanowicz.....USCG

17
18 **NON-VOTING MEMBERS**

19 Susan Boggs.....Alabama
20 Leann Bosarge.....Mississippi
21 Roy Crabtree.....NMFS
22 Jonathan Dugas.....Louisiana
23 Tom Frazer.....Florida
24 Martha Guyas (designee for Jessica McCawley).....Florida
25 Paul Mickle (designee for Joe Spraggins).....Mississippi
26 John Sanchez.....Florida
27 Greg Stunz.....Texas
28 Ed Swindell.....Louisiana

29
30 **STAFF**

31 Assane Diagne.....Economist
32 Matt Freeman.....Economist
33 John Froeschke.....Deputy Director
34 Beth Hager.....Administrative Officer
35 Karen Hoak.....Administrative & Financial Assistant
36 Morgan Kilgour.....Fishery Biologist
37 Ava Lasseter.....Anthropologist
38 Mara Levy.....NOAA General Counsel
39 Emily Muehlstein.....Public Information Officer
40 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
41 Bernadine Roy.....Office Manager
42 Carrie Simmons.....Executive Director

43
44 **OTHER PARTICIPANTS**

45 Luiz Barbieri.....SSC
46 Avery Bates.....Organized Seafood Association of Alabama, AL
47 Jane Black-Lee.....MS
48 Shannon Calay.....SEFSC

1 Bubba Cochran.....Galveston, TX
2 Conner Cochran.....Galveston, TX
3 Richard Cody.....MRIP
4 Michael Drexler.....St. Petersburg, FL
5 Traci Floyd.....MDMR, MS
6 Troy Frady.....AL
7 Chris Garner.....Orange Beach, AL
8 Susan Gerhart.....NMFS
9 Johnny Greene.....Daphne, AL
10 Tim Griner.....SAFMC
11 Chad Hanson.....Pew Charitable Trusts
12 David Krebs.....Destin, FL
13 Rich Malinowski.....NMFS
14 Bart Niquet.....Lynn Haven, FL
15 Clay Porch.....SEFSC
16 David Rainer.....ADCNR
17 Christopher Rhodes.....Biloxi, MS
18 Chris Schieble.....LA
19 Nick Spiliotis.....Houston, TX
20 Tom Steber.....Elberta, AL
21 Jessica Stephen.....NMFS

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24

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1 The Law Enforcement Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Renaissance Battle House,
3 Mobile, Alabama, Wednesday morning, October 24, 2018, and was
4 called to order by Chairman Doug Boyd.

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

10 **CHAIRMAN DOUG BOYD:** We will call together the Law Enforcement
11 Committee. The members, the new members, are Doug Boyd as
12 Chair, Mr. Diaz as Vice Chair, Mr. Banks/Schieble, Bannon and
13 Anson, Zanowicz from the Coast Guard, Donaldson, Phil Dyskow,
14 and Mr. Riechers. I would like to adopt the agenda, and it's a
15 short agenda. Can I have a motion, please, from the committee?
16

17 **MR. DALE DIAZ:** So moved.

18
19 **CHAIRMAN BOYD:** All right. Do we have a second? We have a
20 second by Mr. Donaldson. Dr. Lasseter, could you go over the
21 Next Steps and Action Guide?
22

23 **DR. AVA LASSETER:** Yes, and thank you, Mr. Chairman. The main
24 things we'll be highlighting is we did explain why there is no
25 minutes from the previous meeting. The last time this committee
26 met was entirely in closed session, during the April 2017
27 meeting. Therefore, the minutes from the previous meeting were
28 approved at that time, and there is no minutes to approve from
29 the closed session, and so that's outlined in there.
30

31 Also, I will review the Law Enforcement Technical Committee
32 Meeting Summary, and most of this is just for your information,
33 and some of the items will be addressed in the respective
34 amendments.
35

36 Then we have the operations plan for you to review, and the
37 LETC/LEC has been meeting via webinar, and we'll review their
38 main changes. We have both a red-line draft and the final draft
39 provided for you, and then, finally, if there is anything to add
40 to Other Business, that could be addressed at the end.
41

42 **CHAIRMAN BOYD:** All right. Thank you, Dr. Lasseter. I was not
43 able to attend this meeting, and my Vice Chair went in my place,
44 Mr. Diaz. I was at the National Fish Habitat Board meeting, and
45 so I was having more fun in the floods than you were, and so, at
46 this point, I would like to turn the committee over to Mr. Diaz,
47 since he was there and can give you a first-hand report.
48

1 **LAW ENFORCEMENT TECHNICAL COMMITTEE MEETING SUMMARY**
2

3 **MR. DALE DIAZ:** Thank you, Mr. Boyd. You were missed. Ava is
4 going to mostly go through everything on the committee, but I
5 will tell you that we have a very good Law Enforcement
6 Committee. I was impressed with their professionalism. It's a
7 very vocal group, and everybody chimed in, and there was a lot
8 of input, and it was a good experience for me. I think I
9 learned a lot at the meeting, and I really appreciate how hard
10 the guys worked at being prepared when they walked into that
11 meeting. I may weigh-in some more as Ava goes through her
12 report and on things that were discussed. Dr. Lasseter.
13

14 **DR. LASSETER:** Okay. Thank you. I believe a revised report has
15 been sent, has just been sent, and I will address what we
16 changed in just a moment. There was a little misunderstanding.
17

18 The Law Enforcement Technical Committee did meet just last week,
19 which is why it's taken us until now to get the meeting summary
20 put together and sent out to you, and we met with the
21 commission, and they did decide to join together the LETC and
22 LEC and only have one shared chair and vice chair. In the past,
23 they have had separate chairs and vice chairs of each group, and
24 so they have elected new membership.
25

26 I want to stop for just a moment and say this was my first time
27 taking the meeting over for Steven Atran, who recently retired,
28 and so I was new, and most of the committee members as well were
29 also new, and so it was kind of a learning process for all of us
30 to be going through this together.
31

32 Going through the report that you might have available, the LETC
33 session first reviewed current actions that the council is
34 considering. I did cover, yesterday, the state management
35 amendments, the committee's comments on that.
36

37 The next topic that they addressed was the commercial IFQ
38 program modifications, the advance landing notification issue,
39 which they had previously discussed, at their March meeting.
40 They provided quite a lengthy consensus statement, which is
41 provided in the report, and I think that the committee would
42 like to discuss this further, I believe the Reef Fish Committee
43 would like to discuss this further.
44

45 However, Amendment 36B is not currently on the agenda, and so I
46 would like to propose that we put this back on the agenda for
47 the January meeting, when we are also bringing that document,
48 and then we will go through the consensus statement and have

1 further discussion then, if that's acceptable to everybody.
2 Okay.

3
4 Moving on, they had requested just an update on what had
5 happened with final action on the Coral 9 and establishing the
6 HAPCs, and so we provided them a summary of the council's final
7 preferred alternatives, just in a document summarizing all the
8 preferred alternatives for them.

9
10 They did comment that, although these new HAPCs in the sanctuary
11 are located quite far offshore, in tandem with the progress
12 that's been made on expanding the Flower Garden Banks Sanctuary,
13 they just wanted to point out that this is quite an additional
14 burden on enforcement from establishing all these new protected
15 areas, and so they just made that comment.

16
17 We did bring up with them that the council has a new app for
18 fishery regulations, called Fish Rules, and I was all prepared
19 to show off the new app and demonstrating it, and I was new to
20 it myself, and, actually, they were all familiar with it and had
21 it downloaded, and they were more familiar with it than I was,
22 and they also commented that, due to the availability of having
23 electronic regulations, the app, that they didn't feel the need
24 for the commission to continue printing copies of the regulatory
25 pocket guide that they have. They did make a motion about that,
26 which I will come back to in just a moment, in one of the joint
27 items.

28
29 Moving on, the Enforcement Team of the Year Award, and so there
30 was a little bit of a misunderstanding here, on my part. When
31 this was on the agenda, this was meant for them to further
32 discuss, but, with myself being new, and a lot of new members, I
33 mistakenly thought that the award had already been created, and,
34 in fact, the LETC is going to continue discussing this award,
35 and so, for now, we will carry on with the Officer of the Year
36 Award, and we'll put this back on the agenda for March of 2019
37 for the LETC to continue discussing the guidelines and the
38 nomination process for Team of the Year Award, with the idea
39 being that many officers work as a group for an enforcement
40 action, and there could be somebody that's say undercover and
41 couldn't have their identity revealed, and so having a team
42 award would allow this kind of a group to be recognized, while
43 still maintaining the anonymity of the specific officer. We
44 will come back to that after the March meeting. I am going to
45 pause there for a moment.

46
47 **MR. DIAZ:** This is a question, and I apologize for not knowing,
48 and, if you don't know, that's fine too, and so, in the past,

1 the council has voted to have an Officer of the Year Award, and
2 that's something that this council has said that we want to do.
3 Has the council ever voted to say that we are willing to do the
4 Team of the Year Award?

5
6 **DR. LASSETER:** No, they have not, and the LETC is going to
7 continue discussing it. Then, when they have additional
8 guidelines, specifics, for it, then I will bring that back to
9 the council and present it to you, and then the committee could
10 then recommend adopting this award, and then other decisions
11 could be do you want to replace it, do you want to alternate
12 years, and so there is several decisions left to make, and, when
13 we have a little more guidance from the LETC, we can bring that
14 back to the council to discuss.

15
16 **MR. DIAZ:** Thank you, Ava. I will discuss that more whenever we
17 take this up after the March meeting, but they did do a very
18 good presentation, the Texas law enforcement folks did, about
19 some operations that they're running down in Texas, and, just
20 from looking at their presentation -- I mean, this is a
21 coordinated team effort to run some of these operations, and
22 they have some substantial problems, and so I could see where a
23 Team of the Year Award is something that we could consider, and
24 I'm sure other states have similar problems, but it drove it
25 home to me during their presentation that tackling some of these
26 big issues and making a major dent -- I mean, they have
27 collected many, many miles, and I don't remember the number, but
28 it's a massive amount of miles of gear, of longline and
29 gillnets, and, I mean, it's a big undertaking, and so one
30 individual can't take on big things like this, and so we'll take
31 it back up in March. Thank you, Ava.

32
33 **DR. LASSETER:** Great. Thank you. Yes, this is the section that
34 has been revised from the previous version you had, to now
35 reflect that it has not been created, the award has not yet been
36 created.

37
38 Okay, and so, moving on to the Joint LEC, Law Enforcement
39 Committee, and LETC items, we have the 2019/2020 operations
40 plan, and this is also the next agenda item on your committee,
41 and so we'll be getting into this in a little more detail at
42 that time, but Steve VanderKooy reviewed the operations plan,
43 and we've had a couple of webinars in which the members have --
44 We have gone through and specifically made line-by-line changes.

45
46 I provided some recommendations regarding one of the objectives
47 for better cooperation and input between the council and the
48 LEC, where I am going to be sending emails to the LEC prior to

1 the council meeting highlighting any issues or documents or
2 whatnot that may be of interest to them. Then, after the
3 meeting, I will send them a follow-up email highlighting any of
4 the motions that might be something that they want to pay
5 attention to. In this way, we think we'll be able to keep them
6 in the loop.

7
8 Yes, we went through the operations plan, and then here is where
9 we had the motion from the group to discontinue the commission's
10 printing of the pocket guide, and so they're quite happy with
11 having the app, and they don't feel the need to have this
12 printed anymore, and that motion passed unanimously.

13
14 Moving on, the overview of current IUU fishing issues, we got a
15 great presentation from Texas and the Coast Guard on the IUU
16 fishing issues in Texas and along the border. The council did
17 recently see this same presentation, at the last meeting, but
18 Les Castleman provided us some additional cases as well.

19
20 Moving on to the Gulf States Commission LEC session, the members
21 discussed the future of the JEA and the JEA funding. Under fish
22 attracting devices, FADs, this was an issue that this group, by
23 having new members, may continue to discuss in the future.

24
25 They did note that, yes, it seems to be a problem, and it seems
26 to be a growing problem, and they kind of discussed some
27 examples and some stories that they have heard, and Steve
28 VanderKooy encouraged everyone to talk with people in their
29 state, with their biologists and whatnot, and kind of further
30 the discussion in subsequent meetings about whether this is
31 something that they should highlight and look at potentially
32 regulating.

33
34 Under the IJF program activity, there was some updates provided
35 on the cobia profile, and Steve also provided the group with a
36 list of how the law enforcement rotation works on task forces,
37 and Florida is going to be the next law enforcement
38 representative for the next species.

39
40 For state report highlights, the state reports had been
41 submitted by each of the states prior to the meeting, and they
42 were accepted, and then that summarizes pretty much the main
43 points that happened at the meeting, and I will turn it over
44 there for any questions or discussion.

45
46 **MR. DIAZ:** Seeing no discussion, would you proceed with the next
47 agenda item, Dr. Lassetter?
48

1 **APPROVAL OF THE 2019/2020 OPERATIONS PLAN**
2

3 **DR. LASSETER:** Okay. Great. Thank you. The next agenda item
4 is the Approval of the 2019/2020 Operations Plan, and there is
5 two agenda items in your briefing book, Numbers 4(a) and 4(b),
6 and let's take a look at 4(a).

7
8 4(a) is basically a red-line version of the changes that are
9 proposed that were developed by the Law Enforcement Committee,
10 and then 4(b) is a clean version, and I just have a little
11 summary that I will go through on the significant changes, and
12 then, if you would like to go through the red-line version, we
13 can do so, but I think you have the opportunity to look at them
14 in your briefing book, and I can just kind of call out some of
15 the changes.

16
17 The LETC and LEC met jointly on a webinar this past summer to
18 revise the previous two-year operations plan, and so this is the
19 second plan under the current four-year strategic plan, and the
20 broader strategic plan lays out the goals and objectives for
21 regional cooperation by the various marine resource enforcement
22 agencies, and the operations plan provides how the group intends
23 to achieve these goals.

24
25 The majority of edits were simply a matter of moving new tasks
26 that had previously been identified as successfully implemented
27 since then up into the ongoing tasks section, and, in addition,
28 a few new tasks were provided as well for the coming few years,
29 and so, for example, under Goal 1, the LETC and LEC seek to
30 continually improve communication between agencies and between
31 the enforcement community and the Gulf Council and the Gulf
32 Commission.

33
34 As a result of several years of effort, both committees are
35 pleased with the level of participation they have in the process
36 and encourage opportunities to provide enforcement input
37 throughout all the rulemaking processes.

38
39 The council and commission staff are finding new ways to inform
40 the committees and provide timely information on meetings,
41 amendments, and FMP profile development, as I just discussed, in
42 terms of communicating with them about what's going on at the
43 council meetings.

44
45 Throughout this document, we also removed a few items that were
46 outdated, such as those related to improved technology and
47 information transfer. With smartphones now and handheld
48 computers and internet access, many of the previous tasks have

1 been made obsolete, and so these objectives are still included
2 in the current strategic plan, but will be modified when that
3 document is due to be revised in the summer of 2020.

4
5 If we scroll to Goal 5, one of the most important tasks
6 addressed by the group was in Goal 5 to protect the consumer,
7 and so the objective specifically discussed illegal fishing.
8 The group will clarify these objectives in the next strategic
9 plan to address the differences between domestic versus
10 international illegal fishing, and so, while the IUU falls under
11 the first objective, which focuses on the integrity of imports,
12 the second objective, which speaks to the integrity of domestic
13 products, doesn't really address the stealing of resources and
14 selling it back to the U.S. as an imported product.

15
16 Finally, Goal 6 is obtain funds to aid state and federal law
17 enforcement agencies, and this goal may not be a role of the
18 LETC and LEC, and it will be considered for the next strategic
19 plan, and so several of these tasks are tied to ongoing JEA work
20 and requesting funding support for council and commission
21 meetings, and these activities are no longer an issue, and so,
22 again, this speaks to the improvement in communication with the
23 enforcement community and inclusion of the various processes,
24 and so that's kind of a summary of what happened, the
25 significant changes in here, and, if the committee is
26 comfortable with the document and the changes, we would just --
27 If there is nothing further to discuss, we would just request
28 approval of the plan.

29
30 **MR. DIAZ:** All right. Is there any discussion on the review
31 that Dr. Lasseter just did of the operations plan? I would be
32 glad to entertain a motion, if anybody is willing to make a
33 motion to approve the operations plan.

34
35 **MR. DONALDSON:** So moved, Dale.

36
37 **MR. DIAZ:** It's so moved by Mr. Donaldson and seconded by Mr.
38 Boyd. Is there any discussion on the motion? **Seeing none, is**
39 **there any opposition to the motion? Seeing none, the 2019/2020**
40 **operational plan is adopted.** Thank you. Dr. Lasseter.

41
42 **DR. LASSETER:** That is all I have. Thank you very much.

43
44 **MR. DIAZ:** Is there any other business for the Law Enforcement
45 Committee? Lieutenant Commander.

46
47 **LT. MARK ZANOWICZ:** Thank you. I just wanted to provide a few
48 more details on one of the items discussed at the Law

1 Enforcement Technical Committee meeting. For the Coral 9 HAPCs
2 update, there was the comment about the Flower Garden Banks
3 expansion, and so the reason that was brought up at the meeting
4 was that, with that amendment that established the new HAPCs,
5 it's probably going to be implemented right around the same time
6 as the Flower Garden Banks expansion.

7
8 With the proposed Flower Garden Banks expansion, that currently
9 consists of fourteen banks in the Gulf of Mexico, with 150
10 square nautical miles of area. With the HAPCs, you're talking
11 about 200 square nautical miles of area, over thirteen banks,
12 and so there is a potential, within the next two years, of
13 basically twenty-seven new areas in the Gulf of Mexico with new
14 regulations, totally 350 square nautical miles, all in the
15 offshore environment, and so, for the Coast Guard, that's going
16 to be something that we'll have to contend with, and obviously
17 not unenforceable for us by any means, but definitely an
18 additional burden for the Coast Guard, and I just wanted to
19 highlight that.

20
21 **MR. DIAZ:** Thank you, Lieutenant Commander. Any other business
22 to come before the committee? Seeing none, that concludes the
23 Law Enforcement Committee.

24
25 (Whereupon, the meeting adjourned on October 24, 2018.)

26
27 - - -
28