

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 LAW ENFORCEMENT COMMITTEE

4
5 The Tremont House Galveston, Texas

6
7 OCTOBER 23, 2019

8
9 **VOTING MEMBERS**

- 10 Dale Diaz.....Mississippi
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Dave Donaldson.....GSMFC
- 13 Phil Dyskow.....Florida
- 14 Susan Boggs.....Alabama
- 15 Lance Robinson (designee for Robin Riechers).....Texas
- 16 Chris Schieble (designee for Patrick Banks).....Louisiana
- 17 Greg Stunz.....Texas
- 18 Lt. Mark Zanowicz.....USCG

19
20 **NON-VOTING MEMBERS**

- 21 Leann Bosarge.....Mississippi
- 22 Roy Crabtree.....NMFS
- 23 Jonathan Dugas.....Louisiana
- 24 Tom Frazer.....Florida
- 25 Martha Guyas (designee for Jessica McCawley).....Florida
- 26 Paul Mickle (designee for Joe Spraggins).....Mississippi
- 27 John Sanchez.....Florida
- 28 Bob Shipp.....Alabama
- 29 Ed Swindell.....Louisiana
- 30 Troy Williamson.....Texas

31
32 **STAFF**

- 33 Zeenatul Basher.....Coral and Habitat Biologist
- 34 Assane Diagne.....Economist
- 35 John Froeschke.....Deputy Director
- 36 Lisa Hollensead.....Fishery Biologist
- 37 Ava Lasseter.....Anthropologist
- 38 Mara Levy.....NOAA General Counsel
- 39 Jessica Matos.....Document Editor & Administrative Assistant
- 40 Natasha Mendez-Ferrer.....Fishery Biologist
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Carrie Simmons.....Executive Director

45
46 **OTHER PARTICIPANTS**

- 47 Greg Ball.....Galveston, TX
- 48 Assistant Commander Jarrett Barker.....TPWD

1 Terry Bessinger.....
2 Bubba Cochrane.....Galveston, TX
3 Chris Conklin.....SAFMC
4 Katie Fischer.....
5 Troy Frady.....AL
6 Benny Gallaway.....LGL Ecological, Galveston, TX
7 Susan Gerhart.....NMFS
8 Bill Kelly.....FKCFA
9 Max Lee.....Mote Marine Lab, Bradenton, FL
10 John O'Keefe.....
11 Clay Porch.....SEFSC
12 Casey Streeter.....
13 Bob Zales.....Panama City, FL
14 Jesse Zepeda.....Galveston, TX
15
16 - - -
17

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PAGE 32: Motion 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. The motion carried on page 33.

- - -

1 The Law Enforcement Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Tremont House, Galveston,
3 Texas, Wednesday morning, October 23, 2019, and was called to
4 order by Chairman Phil 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 membership of the committee is myself
12 as Chair, Mr. Dyskow is Vice Chair, Mr. Banks, Mr. Anson, Ms.
13 Boggs, Mr. Donaldson, Mr. Robinson, Dr. Stunz, and Lieutenant
14 Zanowicz.

15
16 The first order of the agenda is the Adoption of the Agenda. Is
17 there any changes to the agenda? I would entertain a motion to
18 adopt the agenda.

19
20 **MR. DAVE DONALDSON:** So moved.

21
22 **MR. PHIL DYSKOW:** Second.

23
24 **CHAIRMAN DIAZ:** It's moved by Mr. Donaldson and seconded by Mr.
25 Dyskow. Any opposition to adopting the agenda? The agenda is
26 adopted. The next order of business is the Adoption of the
27 April 2019 Minutes. Is there any additions or changes to the
28 minutes? Seeing none --

29
30 **MR. DYSKOW:** Move to accept.

31
32 **MR. DONALDSON:** Second.

33
34 **CHAIRMAN DIAZ:** Dr. Lasseter.

35
36 **DR. AVA LASSETER:** I apologize, and I did summarize this in the
37 action guide, and so the committee had met during Full Council
38 in April of 2019, rather than as a separate committee. Thus,
39 the committee minutes were approved by the Full Council at its
40 June 2019 meeting, and they've been provided here for this
41 meeting as background, and so they do not need to be approved at
42 this time.

43
44 **MR. DYSKOW:** Move to accept as amended.

45
46 **CHAIRMAN DIAZ:** Thank you. The minutes are adopted. First up
47 on the agenda, we're going to move into the Law Enforcement
48 Technical Committee Meeting Summary, and Dr. Lasseter is going

1 to walk us through that. Dr. Lasseter.

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

4
5 **DR. LASSETER:** Thank you, Mr. Chairman. We're going to cover
6 the other items that the LETC discussed at their meeting in the
7 summary, and I'm going to highlight that the first item
8 addresses IUU fishing, and this is the only item that we're
9 going to pause on for now, because that is a subsequent agenda
10 item that you see on the Law Enforcement Committee, and so we
11 will come back to that one.

12
13 We will go through the remaining items that have not been
14 addressed in other committees, and then, when we come back to
15 the next agenda item, we will cover what the LETC discussed, but
16 we'll begin with short presentations from both Texas and the
17 Coast Guard, in order to provide some context for that as well,
18 and so I just kind of wanted to lay out what we're going to be
19 doing here.

20
21 If we move into the LETC, Law Enforcement Technical Committee,
22 meeting summary, again passing over the IUU, and then we did
23 address the next two sections during the Reef Fish Committee,
24 and so the first subject to cover would be the top of page 3,
25 beginning with the commercial IFQ program modifications,
26 Amendment 36B.

27
28 The council had divided these actions, and the LETC did not
29 review the actions that we discussed for 36B in committee
30 yesterday, because these do not have law enforcement
31 implications. The remaining actions that will be moved into
32 36C, the LETC will not have an opportunity to meet again before
33 the council addresses this, and so we went ahead and took this
34 action to the LETC at that time. We will bring this to you
35 again in January, when we do bring you 36C.

36
37 At the August meeting, the council modified the alternatives for
38 the action that addressed requiring accuracy in the estimated
39 weights and advance landing notifications, and so we took the
40 LETC those new alternatives, and so the LETC members noted that
41 these new alternatives would not address the behavior that they
42 were trying to get at. They were looking to stay within that 10
43 to 20 percent within the estimated weight.

44
45 Therefore, they preferred that this accuracy requirement not be
46 adopted at this time, if it's going to allow for such a larger
47 difference between your estimates and your actual landing
48 weights, and they suggested that Alternative 1 should be

1 suggested at this time, should be adopted at this time, and that
2 they're going to continue to work together to gather the
3 necessary evidence or examples of what they are trying to
4 express, and then they will return to you at that time.

5
6 NOAA OLE added that this was a non-issue for NOAA as well, and
7 then the LETC passed the following motion, to recommend that the
8 council select Alternative 1 for Action 3, estimated weights and
9 advance landing notifications, and, again, we'll have this
10 brought back to you when you do look at this full document
11 again.

12
13 Moving on, they received a short update regarding the
14 implementation of the for-hire electronic monitoring, and they
15 also discussed the action -- It's not a council action
16 currently, but the issue of having a maximum crew size on dual-
17 permitted vessels in federal waters.

18
19 A little background on this is this issue had been requested by
20 a council member to be discussed, I believe it was a couple of
21 meetings ago, and it is not part of an action. The council has
22 been hearing some public testimony of people interested in
23 having this looked at and possibly removed, this maximum crew
24 size removed, and so I had offered to take this to the LETC to
25 bring in front of them and get some of their feedback.

26
27 Although the council is not currently developing the action,
28 they weren't sure how much to comment right now, and they were
29 more interested in taking the issue back to their respective
30 agencies for further discussion, and they will be prepared to
31 provide some guidance, should the council take up this issue in
32 the future.

33
34 The next item regards the exempted fishing permits, EFPs, and
35 state management and enforcement of red snapper seasons, and
36 this item was requested by our Coast Guard representative, as
37 the Coast Guard is now enforcing and monitoring these different
38 state seasons under the EFPs, and there is some concern that, as
39 state management is implemented, states will also be able to
40 modify bag limits, and potentially size limits as well.
41 Therefore, there could be different regulations, and the Coast
42 Guard wants to ensure that they are aware of what are the
43 current regulations for each of the states, and so they're
44 requesting some additional coordination.

45
46 The states talked about -- The state representatives of the LETC
47 discussed their respective approaches for establishing the new
48 regulations, and we're also -- Lieutenant Zanolowicz is also

1 interested in perhaps using the NOAA Fishery bulletins to become
2 aware of and maintain awareness of what are the current
3 regulations, but I think there's still a little further
4 communication and coordination that may be requested, and I
5 would like to pause there for a moment and see if you would like
6 to contribute anything additional, Mark.

7
8 **LT. MARK ZANOWICZ:** No, but thanks for including that. As Ava
9 mentioned, it's definitely going to be a challenge for us, come
10 next season, if Amendment 50 gets approved to enforce possibly
11 five different types of regulations in federal waters, and so I
12 definitely think that close coordination is going to be
13 important.

14
15 We typically, right now, get notified of new regulations via
16 NOAA Fisheries Bulletins, and so that would be ideal, if they're
17 all consolidated in that location, and so we're working offline
18 to try to work that out, but, if state agencies could keep us
19 apprised as well of any foreseen seasons and season changes and
20 bag limits and size limits and all of that, that would be
21 helpful as well.

22
23 **CHAIRMAN DIAZ:** I would just like to add that, during the
24 Education and Outreach Committee earlier in the week, I did
25 mention to Ms. Muehlstein that possibly having these seasons
26 listed on Fish Rules would be a good thing also, and so thank
27 you. Mr. Anson.

28
29 **MR. KEVIN ANSON:** Just to make it a little bit more widespread
30 and accessible, I was wondering maybe if either the council's
31 website -- If they could have a page that could consolidate all
32 of that information, in addition to Fish Rules, or if NOAA,
33 and/or if NOAA, would be interested in supplying that
34 information, because they currently have an EFP page that
35 provides updated information that the states provide, and so
36 maybe just creating a new page, or adding on to that page, and
37 renaming it to red snapper state management might be an
38 additional thing that could be done as well, just to kind of
39 help make sure that we cover as many bases as possible.

40
41 **CHAIRMAN DIAZ:** Ms. Gerhart.

42
43 **MS. SUSAN GERHART:** Yes, we can definitely do a webpage like
44 that, similar to what we do for the EFP. As far as the Fishery
45 Bulletins, that might be a little more difficult, because we
46 don't always get the information from the states in enough time
47 that we would be able to do that, and everybody is doing things
48 at different times. Certainly, at the beginning of the year, we

1 can put out what we know, but, throughout the year, it's a
2 little bit more difficult.

3

4 **CHAIRMAN DIAZ:** Dr. Lasseter.

5

6 **DR. LASSETER:** If I can add that I remember that one of the
7 specific examples was when a season is reopened, and it's making
8 sure -- Like they may know -- The Coast Guard is probably aware,
9 at the beginning of the season, what everybody is planning to
10 do, but, in the event that there is remaining quota and it's
11 determined that it's sufficient to reopen a season, I think
12 ensuring that the Coast Guard is aware of those types of
13 occasions would be very important.

14

15 Moving on, the final item was that we did notify the LETC that
16 the council had approved their recommendations for modifying the
17 Officer of the Year Award to be an Officer or Team of the Year
18 Award, and so we updated the LETC for that, and we let them know
19 that the nominations will be due by February 1, 2020. They will
20 be discussing those at their March meeting at the commission.

21

22 The remaining items are covered by the Gulf States Commission's
23 Law Enforcement Committee, and so these are more the state-level
24 items, and you're welcome to read through those. I guess the
25 one that I would kind of highlight is that this group is having
26 an ongoing kind of informal discussion regarding the status of
27 state-water FADs, and that seems to be an interesting discussion
28 going on, and so everybody may want to kind of keep an eye on
29 that. Those are the rest of the items from the LETC meeting
30 summary. Should I move on into the next item?

31

32 **CHAIRMAN DIAZ:** Yes, please proceed.

33

34 **DR. LASSETER:** Okay. Thank you.

35

36 **CHAIRMAN DIAZ:** Wait. Mr. Anson.

37

38 **MR. ANSON:** Ava, I just wanted to make sure -- You talked about
39 the IFQ program modification for estimated weights and advance
40 landing notifications, and you brought up their motion. I just
41 wanted to make sure that they are going to be -- The state folks
42 are going to be going back and kind of compiling some
43 information, because they still feel that there is a need for
44 having some sort of limit on there, as far as the advance
45 notification, and is that correct?

46

47 **DR. LASSETER:** Yes, and we do have Assistant Commander Barker,
48 who could speak to that as well, here in the audience, but, yes,

1 they did not -- They were not comfortable with the expanded
2 alternatives that were now 50, 75 percent, and 100 percent.
3 They were wanting to stay within the 10 to 20 percent, and so
4 they felt that adopting a regulation that was broader than what
5 they were really looking for wasn't going to get them there, and
6 so they preferred to hold off there, and they wanted to go back
7 amongst themselves and work on documenting what it is that they
8 are concerned about and collecting the evidence.

9
10 **CHAIRMAN DIAZ:** Mr. Anson.

11
12 **MR. ANSON:** Was there a sense that they would have that
13 information compiled for their next meeting, or there was no
14 discussion on timeline for that?

15
16 **DR. LASSETER:** There was not discussion. I could defer to
17 Assistant Commander Barker.

18
19 **ASSISTANT COMMANDER JARRET BARKER:** Good morning. To answer
20 your question, I guess we left the meeting, as a committee,
21 feeling like we had adequately spoke about the subject and kind
22 of make the request. The position of NOAA OLE is that it's not
23 an issue. Essentially, that component of the fishery is a
24 federally-managed deal, and so, given that, if the council
25 didn't feel like it was an issue, and NOAA OLE didn't feel like
26 it was an issue, we were willing to table the topic.

27
28 In the event that we did come across some specific examples,
29 each state didn't have a specific plan to prepare documentation,
30 but it was something that we were going to just track
31 internally. If the issue came back up, we would be prepared to
32 demonstrate what we had observed.

33
34 **CHAIRMAN DIAZ:** Mr. Anson.

35
36 **MR. ANSON:** But I guess, to understand the flavor of the
37 conversations that were going on prior to making that motion,
38 since you all enforce in federal waters the fisheries there, and
39 you're acting in partnership with the federal law enforcement --
40 I mean, is there a sense that there is a problem and need?

41
42 I mean, that's what the council had put into the document, was a
43 motion, or an action item, to address that issue, because there
44 was -- As I understand it, there was a perception and a need
45 amongst the state law enforcement officers to address maybe some
46 overreporting, or underreporting, issues, as the case may be.

47
48 **ASSISTANT COMMANDER BARKER:** Well, we felt that every state,

1 when we originally discussed it, had experienced violations
2 where either boats were completely failing to make the three-
3 hour notification, and they were going to land illegally a large
4 number of fish, or there were examples of making the three-hour
5 notification and then off-loading inaccurate amounts, and so
6 there would be smaller portions of fish that are going under the
7 table.

8
9 Within the business model framework that you have for that IFQ
10 landing, it seemed very reasonable to close the window of
11 inaccuracies there, so that the boat owner knew that, if he was
12 checked after making a hail-out, he needed to be within a range
13 of accuracy.

14
15 We felt that was reasonable enough, and it was easy to do,
16 knowing -- If you have a boat with the volume that the capacity
17 of your boat is, and based upon what it's carrying at that time,
18 you could do this, and so, without creating an undue,
19 unreasonable request, we could close that window, but it was our
20 feeling that OLE didn't think it was a big area of exploitation,
21 and the council didn't appear to really feel that it was, and so
22 we're comfortable doing the work as it is. It's just what is
23 the comfort level of these management agencies that are
24 overseeing that fishery.

25
26 **MR. ANSON:** Thank you.

27
28 **CHAIRMAN DIAZ:** You can proceed, Dr. Lasseter.

29
30 **ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING REPORT**

31
32 **DR. LASSETER:** Thank you, Mr. Chairman. Moving into our next
33 agenda item, this is regarding IUU fishing, which IUU stands for
34 illegal, unreported, and unregulated fishing. If we could call
35 up this slide, and I sent a short slide yesterday that I think
36 is much more clear than the action guide kind of laid it out.

37
38 There are a couple of acts that pertain to IUU fishing at the
39 federal level, and there's been various modifications to these,
40 and where we're at now, and this is the simplest way that I
41 could kind of put it together, is there's a biennial report that
42 comes to Congress, that's a report to Congress, and there's been
43 three of these reports so far, 2015, 2017, and 2019.

44
45 In each of those three reports, negative has been identified as
46 -- Mexico has gotten a negative identification. In the 2019
47 report, they did receive another negative identification.
48 However, also in this 2019 report, they received a positive

1 certification determination for their negative identification in
2 that 2017 report, and so, in this report, they received a
3 positive determination saying, okay, we have seen some progress
4 in various efforts by Mexican nationals and Mexican enforcement
5 officials, and yet there are still ongoing problems.

6
7 The additional part, we did talk about a year ago, and there was
8 an addendum to the report to Congress that came out in April of
9 2018, and that provided the positive certification to Mexico for
10 their initial 2015 negative identification.

11
12 Where we're at now, with this report that just came out, is our
13 government said that basically Mexico, yes, has made some
14 progress in regard to this previous determination, but they are,
15 once again, being negatively identified, and so the LETC has
16 talked about this, and the council has talked about this, and I
17 understand that this is an issue that people are very concerned
18 about.

19
20 Before I go into the LETC's discussion, we wanted to go ahead
21 and provide an opportunity for both the Coast Guard and TPWD,
22 using their respective presentations that would normally be
23 discussed later in the agenda, to kind of provide some context
24 for the current situation, and so I will pause there.

25
26 **CHAIRMAN DIAZ:** Thank you, Dr. Lasseter. We're going to get
27 these presentations by Lieutenant Zanowicz and Assistant
28 Commander Barker. Lieutenant Zanowicz, are you ready to go
29 first?

30
31 **LT. ZANOWICZ:** Yes. Thank you. I'm ready. When I noticed that
32 IUU fishing was on the agenda, I realized that it had been a
33 little bit of time since I had done a formal presentation for
34 the council discussing the issue at-large, and so, while I've
35 definitely tried to provide regular updates to the council on
36 what we're seeing, I haven't really provided a comprehensive
37 look at the issue to the council in a while, and I know we have
38 some new council members since the last time it was done, and so
39 I thought it was prudent just to provide some context to the
40 issue. A lot of this information will probably be review for
41 some of the council members, but hopefully it will be good
42 information for everyone.

43
44 Just as a quick overview to the IUU fishing and Mexican lancha
45 threat in the Gulf of Mexico, these vessels typically operate
46 out of Playa Baghdad, Mexico, which is just south of the
47 U.S./Mexico border. They are known to operate north of the
48 maritime boundary line in the U.S. Exclusive Economic Zone on a

1 regular basis. They are primarily conducting illegal fishing,
2 although we occasionally see them involved in drug smuggling as
3 well.

4
5 We call these vessels lanchas, which I believe is Spanish for
6 speedboat, and the vessels are twenty to thirty feet long, with
7 a single seventy-five to 200 horsepower outboard engine,
8 fiberglass or wooden hulls. They are typically crewed by -- It
9 says two to four individuals, and we've actually seen as many as
10 five onboard, and they usually fish with either longline or
11 gillnet gear. Longline gear is a lot more common, though we do
12 see them with gillnet gear occasionally.

13
14 Typically, these vessels are targeting red snapper and shark.
15 Red snapper is their preferred fishery. Roughly 80 percent of
16 their catch is red snapper, and the other 20 percent is shark,
17 and then a handful of other species we caught as well. Their
18 typical operating procedure is they will depart from Playa
19 Baghdad, Mexico and transit northbound into the U.S. Exclusive
20 Economic Zone.

21
22 They will deploy their gear and mark it on their GPS and transit
23 back southbound and let their gear soak for five to six hours,
24 and then they'll come back north and recover it with the catch,
25 and then they will return south.

26
27 If they do encounter an LE presence north of the maritime
28 boundary line, either before or after deploying their gear, they
29 might just not recover it and just leave it out there floating,
30 or, if there's inclement weather, that obviously impacts the
31 behavior as well.

32
33 One thing to note is that there really are four stages of when
34 we can interdict them, when they are transiting northbound to
35 deploy their gear, when they're transiting southbound after
36 their gear has been deployed, when they are transiting
37 northbound to recover their gear, and then when they're
38 transiting southbound after their gear has been recovered with
39 catch onboard, and, of those four stages, only one of them they
40 will actually have catch onboard, and that will play into what
41 I'll be talking about here in a minute.

42
43 This graph here shows the number of detections and seizures by
44 the U.S. Coast Guard over the last ten years, and you can see
45 Fiscal Year 2019, which just ended on September 30, was a record
46 year for us, in terms of interdictions. We interdicted seventy-
47 four Mexican lanchas, as compared to 2018, which was our
48 previous record of sixty Mexican lanchas.

1
2 Right around 2010, you can see this problem really started
3 increasing, and, since then, in the last few years, we have been
4 detecting roughly 180 per year. That dip in 2017, we actually
5 don't believe that is due to a decrease in lancha activity.
6 There was some shifting priorities around that time, and so
7 there weren't as many Coast Guard overflights, and the Coast
8 Guard overflights weren't occurring at the same time as they are
9 now, and so we think that was actually due to a difference in
10 enforcement behavior rather than lancha behavior.

11
12 This slide here shows the catch on the seized lanchas, in terms
13 of the number of fish, and so you can see that, last year, we
14 had 4,354 red snapper and 453 sharks, which was comparable to
15 Fiscal Year 2018.

16
17 This breaks down the catch by pounds. Starting in Fiscal Year
18 2019, as many council members know, we started separating the
19 catch and weighing it separately, and so the total for Fiscal
20 Year 2019 was 21,405 pounds of red snapper and 3,481 pounds of
21 shark, totaling 24,886 pounds of catch.

22
23 Important to note, as I mentioned, is this isn't necessarily
24 indicative of the total catch by lanchas, by any means, and we
25 interdict them at all stages of their transit, and so only one
26 of those four stages will they have catch onboard, and, as I
27 will talk in more detail here about in a second, they -- As you
28 saw in the previous slide, we only interdict roughly a third of
29 the lanchas we actually detect, and, based on our best
30 information right now, we only detect roughly 5 to 15 percent of
31 the total lanchas that are out there, and so, in terms of the
32 amount that we actually detect, it's a small fraction, and, in
33 terms of the amount of fish they actually catch, we don't know,
34 but it's probably considerably more than we actually seize.

35
36 This just talks about lancha case disposition, and so, after the
37 lanchas are seized by the Coast Guard, if they're not reclaimed
38 by Mexico, they are destroyed after forty-five days.
39 Historically, we have not had any requests from Mexico to
40 reclaim these vessels.

41
42 We record the catch, in terms of the amounts and weights, and
43 then we dispose of the catch at-sea. The crew is transferred to
44 Customs and Border Patrol for deportation to Mexico. Due to
45 international law, they are unable to be incarcerated strictly
46 for fishing violations. However, we do put a case package
47 together, which we send to Mexico via Coast Guard Headquarters,
48 for them to prosecute.

1
2 This differs from how we typically issue violations if we have a
3 domestic case. We will typically put that case package together
4 and send it to NOAA for prosecution, but, because these are
5 foreign citizens, we send it to Mexico.

6
7 We keep a repeat offender log of the individuals we're seeing,
8 which indicates that some fishermen have been interdicted more
9 than twenty times, and, as you saw from the graph of historic
10 interdictions and detections, it definitely does not appear that
11 this problem is going away, and there is no sign that lancha
12 activity is decreasing on the maritime boundary line. That
13 concludes my presentation, pending any questions.

14
15 **CHAIRMAN DIAZ:** Are there questions for the Lieutenant? Dr.
16 Stunz.

17
18 **DR. STUNZ:** Thanks, Lieutenant, for the informative
19 presentation. I've got a couple of questions for you. One is
20 you showed a picture of a lot of sharks, hundreds of sharks, on
21 the dock there in one of your things, and I was looking at the
22 numbers that you have for sharks, and it seems kind of low,
23 because I hear local reports on a real frequent basis of
24 gillnets that have thousands of sharks in a single net that are
25 recovered, and so is that Texas Parks and Wildlife, or are those
26 numbers are not in here? I am trying to figure out why the --

27
28 **LT. ZANOWICZ:** The catch numbers that I showed were strictly
29 Coast Guard.

30
31 **CHAIRMAN DIAZ:** Dr. Stunz.

32
33 **DR. STUNZ:** Sort of a follow-up or next question to that, and
34 you talked about making positive enforcement efforts there in
35 Playa Baghdad, but I have heard, from others, that there is
36 basically no local enforcement there, because they can't even --
37 The local, on-ground, I guess, enforcement can't even get into
38 that area, because it's so heavily controlled by the cartel and
39 that sort of thing, and so, if you guys aren't getting them,
40 there is no hope that they're going to be getting them in
41 Mexico, but is that true?

42
43 **LT. ZANOWICZ:** I would say that's an accurate statement. I
44 guess we'll talk a little more about the specifics when we get
45 to the LETC summary, but it definitely seems as though -- When
46 the LETC discussed this, I think there was concern that, despite
47 claims that Mexico is making, it doesn't seem that we're seeing
48 any decrease in activity, and we are still seeing large numbers

1 of repeat offenders, sometimes more than twenty times.

2
3 **CHAIRMAN DIAZ:** Dr. Shipp.

4
5 **DR. BOB SHIPP:** Could you go over one more time what the
6 disposition is of the seized lanchas with outboard motors and
7 all the rest of it? It seems to me that those are pretty
8 valuable assets, and so --

9
10 **LT. ZANOWICZ:** We have an international agreement with Mexico
11 that was signed about fifteen years ago, and that specifies
12 exactly what we have agreed to do with the lanchas after we
13 seize them, and so what we'll do is we'll tow them back to our
14 Station South Padre Island, and we'll keep them in -- We call it
15 the lancha boneyard, and it's essentially a vacant lot there,
16 guarded by the Coast Guard.

17
18 We keep them for forty-five days there, to give Mexico a chance
19 to reclaim them, if they desire. We have never had a request
20 for the owner to reclaim them. Then, after that forty-five-day
21 period is lapsed, then we process them for destruction. Just
22 due to both the agreement and concerns with liability, we can't
23 donate them or do anything else with them.

24
25 **CHAIRMAN DIAZ:** Ms. Bosarge.

26
27 **MS. LEANN BOSARGE:** Thanks for the presentation. For some
28 reason, I guess, in the past, mainly we have focused, kind of
29 like what Dr. Stunz was saying, on the gillnet side of the
30 house, and I was reading this report that they put in our
31 briefing book, the report to Congress on all of this, and I was
32 surprised that longline is actually the predominant gear type,
33 and that's what is mainly used.

34
35 It made me think a little more about the endangered species that
36 you encounter with longlines, and it made me think about
37 turtles, and then, as I read further through that, a lot of
38 these lancha camps are actually right there in the same area
39 where our turtle nesting beaches are in Mexico for Kemp's
40 ridley, and we're seeing some changes in that, and I just
41 wondered -- We do have data on what bycatch looks like in all of
42 our different fleets for those types of gear types, in regard to
43 turtles, and so have you all seen any turtles?

44
45 I guess, usually, the catch is already onboard, and you're not
46 usually getting it straight out of the water, with a fish or a
47 turtle still on the hook, but what are you seeing in that
48 regard?

1
2 **LT. ZANOWICZ:** Onboard lanchas, I can't recall any cases where
3 we have had turtles. We do recover gear from the water, when we
4 find it, and I cannot recall any cases in that regard either
5 where we have found turtles onboard. However, I know there have
6 been cases where there have been turtle wash-ups in Texas, and
7 that is dead turtles coming onto the beach, with gear that seems
8 to be of the same sort that we find out in the water.

9
10 **CHAIRMAN DIAZ:** Dr. Stunz.

11
12 **DR. STUNZ:** I have a different comment, but, to follow-up on the
13 turtles, our office gets calls all the time about -- There is
14 seventy miles of remote seashore there, and turtles washing up
15 that clearly have evidence of being caught in -- There are hooks
16 still in their mouth that have been cut off and that sort of
17 thing, and so I don't know that they retain them. They probably
18 just cut them off, but they wash up on the beach routinely
19 there, and maybe our local enforcement would, obviously, know a
20 lot more than that.

21
22 My comment that I wanted to make had to do with the
23 certification, and, at the next meeting, I will give a better
24 report. I represent us now on the ICCAT committee, and, by the
25 way, this IUU is a tiny drop in the bucket, in terms of what is
26 happening broadly, which is sort of sad, but, nevertheless, it's
27 very important to us here, with the snapper thing, but the
28 certification --

29
30 So Mexico was recertified, which people were hoping that
31 wouldn't happen, because obviously that would have affected
32 their ability to trade and that sort of thing, but there is this
33 sort of middle ground, and so you can be recertified, but you go
34 on the naughty list or whatever, and so you're still there, and
35 you have to do a variety of things, which I will get the details
36 of that for my report next time, but you're monitored, and you
37 have to communicate with NMFS about what you're doing and all
38 sorts of things, but they will be certified then until the next
39 reporting, which is like 2020 or 2021, and I don't remember
40 offhand.

41
42 The problem is I don't see this going down, and then I'm hearing
43 reports of even -- So Mexico writes a letter that they're doing
44 things, but then I hear reports on the ground that their local
45 wardens can't even get in there to enforce anything, because of
46 the cartel control and that sort of thing, and so I don't know
47 if this is just a paperwork kind of thing, or is anything really
48 happening, and, according to what you say, Lieutenant, it's not

1 headed in the right direction. I am just frustrated at things
2 that we -- It just seems like we just can't really do anything
3 here to curb this problem.

4
5 **CHAIRMAN DIAZ:** Okay. Next up, we're going to have Assistant
6 Commander Barker is going to give a presentation from the Texas
7 point of view.

8
9 **ASSISTANT COMMANDER BARKER:** This presentation really showcases
10 our partnership with National Marine Fisheries and NOAA OLE, as
11 far as our participation and role in the federal enforcement.
12 Then it highlights or will touch upon some of the IUU fishing
13 and some of the other aspects, to just kind of show, again,
14 where there is a little bit of an exposure to the loss of
15 resources.

16
17 I wanted to set up the framework for really how we do our
18 business as a state agency, because I really think that's a good
19 awareness for all of you as you are contemplating laws and
20 writing statutes that are enforced by a state agency, to a large
21 degree, be it Texas or Mississippi or Alabama or Florida, any
22 location.

23
24 This is really what our state effort looks like when we're
25 checking recreational fishermen. You have the gentleman there
26 on the left of the slide, and he is actively fishing, and we
27 don't really check too many vessels that are actively fishing.
28 It's not a popular aspect for the fishermen to have a law
29 enforcement vessel motor in to where he is set up adrift and
30 then we run through a check and then we motor out. It detaches
31 from their experience of the day, when we are checking them mid-
32 trip, during that fishing experience.

33
34 Typically, what we do is in that middle slide, and we'll set up
35 at funnels, where vessels are returning from a trip,
36 recreational and commercial or whatever, but the guys there on
37 the right are where we like to make contact with a vessel. They
38 have either completed their trip, or they're in transit, and
39 we're not going to disrupt their activity right there at that
40 time, and so it's -- That is really how we set up our patrol
41 models.

42
43 Then, moving into -- As we get closer to touching on these
44 federal issues and the federal enforcement, we're making these
45 stops for water safety inspections. The vessel is underway, and
46 they are not actually fishing, but we're doing a water safety
47 inspection.

48

1 During that course of that inspection, we engage them in
2 conversation, and we're looking at what resources they have
3 onboard, and so that allows us to check for the proper license.
4 Most things are federally permitted, when they're coming back in
5 through the jetties, and so we'll look at their permits and see
6 what kind of activities, and then, again, we're doing bag limit
7 checks at that point.

8
9 This is kind of what that looks like as they're coming in. We
10 really like these jetty inspections, because there is a reduced
11 chance of vessel damage, either for our patrol boat or for the
12 compliance inspection that we're doing on the other. We're not
13 going to damage their vessel, and we can do a more thorough
14 inspection.

15
16 They have, again, completed their activities, and so we know
17 exactly what their intent was to retain, and we don't have any
18 arguments of, well, I just caught that, and I was going to turn
19 it loose or anything like that. The vessels come back in, and
20 they have it, and the resources are on ice, and it allows for a
21 good inspection.

22
23 Again, we can actually, dollar for dollar -- Patrols are very
24 expensive, but we, on any given day, probably check 90 percent
25 of the vessels that went out that day, and they have to come
26 right back to the same jetty, and so we're going to be able to
27 do more vessel checks.

28
29 Then we have cell service there, and we have radio service, for
30 verification of identities. A lot of times, people don't have
31 the required paperwork and stuff onboard, and then one problem
32 to this is there is a little bit less of a check that goes
33 towards federal compliance, because, at this point, they are in
34 state waters, and they we have to prove where the activity took
35 place, if we suspect that there is a federal violation.

36
37 Recently, we have -- In these locations, this is kind of what we
38 see when we come across a bag limit violation. What you're
39 looking at is the charge filed was probably headed and tailed
40 fish, but clearly they intended to violate the bag limit for red
41 snapper, and so what they will have is their limit of fish on
42 ice in a compartment, and they're hoping that that's the extent
43 of what you check, but, when you look at the other coolers and
44 things that are onboard, often you discover filleted fish, and
45 so these anglers clearly intended to violate the bag limit for
46 red snapper.

47
48 Again, these are very successful patrols, and they don't

1 directly -- Do we know how many of those fish came from federal
2 waters or how many of the fish came from state waters? It's
3 really a moot point. I mean, they're over the limit, and
4 they're going to get a violation, whether it be state or
5 federal. We're able to address the bag limit violations there.

6
7 On the Gulf open water, you do get some different aspects to
8 some of those inspections, and we're able to check specifically
9 for what the angler is fishing for, and so some of the hook
10 violations, if you're going for non-offset, non-stainless-steel
11 hooks and different things, we're able to really kind of
12 pinpoint what is somebody using and what they have onboard for
13 gear inspections.

14
15 Then, under our JEA -- I will touch on that in additional slides
16 down the way, but, anyway, this reduces the number of checks per
17 patrol. We don't have to hunt these vessels down one-by-one,
18 and, with radar and technology that we have today, we can find
19 them and locate them, but you're talking about hundreds of miles
20 to locate these individuals as you move from different rig and
21 reef locations, and there is a little bit higher risk of damage
22 and injury to the vessel and the officers and different people
23 as you're boarding from one vessel and going across to another
24 boat, and then they're very expensive, when you have the fuel
25 run for these.

26
27 This is what one of those patrols looks like, just recently. It
28 was a JEA patrol that went out, and they targeted the white
29 squares, which represent either an artificial reef or a rig
30 location there off of Matagorda Bay. They went to the first two
31 locations, and they did not locate any vessels. They got to the
32 third location and located two vessels, and the bubble in red
33 was the result of a violation that they located, and so it was a
34 successful patrol. We successfully checked, in this instance,
35 for a season closure for red snapper, but you can see that we
36 only encountered two vessels on the patrol.

37
38 Under our Gulf enforcement contract, we are targeting turtle
39 excluder device inspections on shrimp vessels, and we have a
40 reef fish enforcement component, and we have an HMS coastal
41 pelagics component. We have an IFQ enforcement component and
42 the IUU enforcement component at the border crossings only.
43 We're not doing any IUU direct enforcement on the water. That
44 is not something that is currently funded under this federal
45 agreement.

46
47 In our turtle excluder device, there is 367 miles of coastline,
48 and we're checking vessels inshore and offshore. There is both

1 and state and federal prosecution for violations that are
2 discovered for that fishery. Really, ultimately, what we're
3 trying to do is reduce the number of turtle strandings. We see
4 a high level of compliance from the shrimp industry on our
5 inspections for turtle excluder devices, but this was last
6 year's, last spring's, turtle strandings on the Texas coast.
7 You can see there in the blue were the May strandings, and then
8 the April strandings.

9
10 If you notice, the lower coast there, where it kind of coincides
11 where some of the IUU fishing takes place and the Mexican fleet
12 frequently fishes and sets gear off of the Texas coast, and you
13 see a higher number of turtle strandings. I would note, also,
14 that time of the year, that state waters for shrimping is
15 closed, and so there are no shrimp boats there, and so you can't
16 point the finger directly at the lancha fleet, but you certainly
17 couldn't point it at the shrimp fleet at that time.

18
19 Anyway, it's just kind of setting the stage for that IUU fishing
20 in the Gulf does have a pretty significant impact on the
21 resources, and many of those turtles that wash up do have
22 gillnet entanglement signs on them, and they also have hooks,
23 where they have been on the longline and they cut them. From
24 our experience at the state level, the lanchas that we have
25 encountered -- Typically, when the Coast Guard catches one, we
26 will go to the station and kind of view jointly what they have
27 onboard, but they don't retain the turtles. They are not
28 marketing them. They are just incidental catch from the use of
29 the gear.

30
31 Again, for this reef fish enforcement -- We're kind of done
32 talking about the turtle stuff, but, for the reef fish component
33 under the JEA, we're checking vessels offshore and verifying
34 their catch and verifying their location and documenting the
35 vessel and the people onboard, and then we're creating a case
36 report that is then turned over to National Marine Fisheries, or
37 NOAA OLE, actually.

38
39 Under this, I guess I would touch on the idea that we are moving
40 to state management, and so the state sets the seasons and bag
41 limits, and then we inspect and enforce that, but there's no
42 state court that has jurisdiction to enforce those regulations
43 fifteen miles offshore.

44
45 The courts' authority, in the State of Texas, stops at nine
46 nautical miles, and so we will have to refer those cases and
47 violations, even though it was a season and bag limit set by the
48 State of Texas -- We still have to refer that case to federal

1 prosecution for follow-up if it occurred or if we documented the
2 violation in federal waters, and so it's kind of an extra little
3 layer in there that maybe wasn't completely seen in this, but
4 we're able to accomplish the enforcement of all of this.

5
6 The reef fish inspections, they really target the recreational
7 fleet, and that's the idea under this JEA component, is that
8 we're going to go check these recreational fishing fleets that
9 are out there, and that means that -- Most of those boats leave
10 at six in the morning, and sometimes at noon, and they're coming
11 back at six in the evening, or ten o'clock in the evening, just
12 after dark in the summertime, but it really doesn't put us out
13 there to interact with the lancha fleet.

14
15 By the time we're coming in and our patrols are ending, that's
16 when the lancha fleet is starting, at dark, and they're making
17 the run north to begin fishing and setting gear, and so they
18 will set their gear, and then they move off away from the gear,
19 and they'll free float and let the gear soak, and then they will
20 go back and pick it up, and so, again, we're not really out
21 there to interdict and come into these under this JEA contract,
22 as it stands, and it's a good contract, but this is the focus
23 point of it on the recreational fleet.

24
25 Again, these are the guys, and it's the same vessel, and this
26 was a state capture that we brought in there to the Coast Guard
27 station there at South Padre Island. They can store -- The box
28 underneath the fuel cell there will hold anywhere from 500 to
29 1,500 pounds of red snapper, and they put it on ice. Depending
30 upon the time of the year that these guys are fishing, it
31 dictates how much fish that they can bring back, and so they
32 have to keep that catch edible, but they're fishermen, and, just
33 like everybody else, they've got to have it on ice.

34
35 In the summertime, they've got to get it in the box, and then
36 it's co-mingled with the ice that's in there. In the
37 wintertime, overnight, with cool temperatures, they don't need
38 ice, and so they can have heavier catches at different times of
39 the year, because they're going to make a run straight back in
40 and unload it, and so it will make -- On an average night in the
41 Gulf, it might be fifty degrees out there, and so it's plenty
42 cool for that fish to sit.

43
44 Again, that vessel, that's the fish that they had in that box,
45 and so you can see every vessel is a significant number. The
46 table there to the right is the same table that you saw from the
47 Coast Guard's presentation. Just using their numbers from 2018,
48 they apprehended sixty vessels. If you averaged it to 800

1 pounds of red snapper, that's 48,000 pounds of snapper that we
2 know went right back into the Gulf, as far as a wasted resource.
3 Some of it is donated, but, for the most part, that fish is just
4 returned to the sea and goes back into the resource.

5
6 Of the 179 vessels that were detected, if you applied that same
7 800 pounds to it, that represents 143,200 pounds that were
8 removed from the Gulf, or from really the recreational fishery
9 and removed from the commercial fishermen that land this
10 resource legally.

11
12 The Texas recreational allocation is 241,000, and so you can see
13 that just what we know -- Like, from Mark's presentation, they
14 are only detecting around 15 percent, and so, if you were to
15 extrapolate that number to what the true incursion rate would
16 be, the take from that fleet from the United States, from the
17 recreational fishermen and from the commercial fishermen, is
18 extremely significant.

19
20 Essentially, this is the location where those vessels are
21 fishing. They are transiting back to Playa Baghdad there, where
22 the three boats are on the shoreline, but what we observe in
23 Texas, when we do IUU inspections at the port of entry, is a lot
24 of that fish comes right back into the United States through
25 Brownsville, Texas and through McAllen, and it goes from the
26 beach right onto a reefer truck, and it goes to Houston. Then,
27 from there, it's exported all over the country. Once it's
28 imported back in, it's legally introduced into the United States
29 market, and so, essentially, they are taking our fish and then
30 selling them back to us.

31
32 Moving back to the JEA components, we have an HMS component,
33 where we're patrolling and checking vessels for their HMS
34 permits and those species of fish. Again, that component
35 primarily focuses on federal waters. Historically, we have done
36 some dockside inspections for this, but the anglers that you see
37 in that fishery are really kind of the tournament fishermen, and
38 a lot of those folks -- It's a catch-and-release. I would say
39 that most of those fishermen, from what I have observed
40 personally, plus what the officers see, is it's a catch-and-
41 release.

42
43 Some of them do come into the tournaments, where they have
44 killed the fish, but, again, that Mexican lancha fleet that
45 comes out of Mexico has a lot of incidental catches. At one
46 time, the target species, when I first started my career in
47 2002, and I was in the field, and I was stationed there at South
48 Padre Island, and the target species was sharks at that time.

1
2 That was the driving force, and they have since moved to red
3 snapper. Sharks, you see, are more of an incidental catch at
4 this time, but then you also see -- I can't point to everybody's
5 screen, but there is three red drum there. They do take some
6 red drum out of the Gulf. Again, that's not the target species,
7 but it represents some of that incidental catch.

8
9 We have seen a few more gillnets, here recently, show up in
10 state waters, right off of the lower coast, and a lot of times
11 we've seen that, and maybe they're catching mackerel or
12 different things, but, to some degree, they have to catch bait,
13 so that they can have bait for the red snapper fishing, and so
14 some of that is how that's utilized.

15
16 We do some IFQ dockside inspections, and there is three target
17 species that the vessels are landing in Texas. I think we have
18 spoken of our concerns about the underreporting of the
19 commercial harvest, but, again, I don't want to belabor that
20 subject, and I think we have adequately discussed it, and then
21 there's a lot of other issues within the IFQ that you already
22 discussed this week, but we do have that component where we do
23 those inspections under that federal agreement.

24
25 Then we do our IUU inspections. Right now, the contract -- How
26 we pair with NOAA OLE is we do these inspections at the
27 international border locations where resources are imported from
28 other countries, and so there is other IUU countries other than
29 just Mexico.

30
31 There is different resources other than red snapper that are
32 exploited, but we put SAFE measures on to control, but we really
33 like this partnership for these inspections, and we discover a
34 lot of state violations, where, if you -- It's not the best
35 picture in the world, but the truck there with all the bags on
36 the tailgate, those are oysters, gallon bags of oysters, that
37 are being imported from Mexico.

38
39 They don't have an open season in Mexico on the Gulf side, and
40 they don't have any certified shippers or packers, but, once the
41 market and the value of oysters in the United States gets to a
42 certain level, then people are going to try to find a cheaper
43 source, and that's what they're doing in this situation, and so
44 there is no health and safety standards around these oysters.
45 These come in and get introduced into the market.

46
47 If an individual gets sick from one of these foreign oysters,
48 that could shut down the exports from Texas, if you have too

1 many -- If you're not following your disease control measures in
2 the state.

3
4 Then what the OLE is looking at is the packaging and labeling
5 and the imports of different species of fish that come into the
6 United States, and there is labeling rules. This is kind of an
7 accountability measure that's put in place that, if somebody
8 could import a really cheap, less desirable fish, once it gets
9 into the United States, they repackage it and relabel it, and
10 then now it's sold and served as red snapper. It really
11 undercuts our domestic market, and so ensuring quality within
12 the invoicing and within the packaging really kind of helps our
13 local fishermen get the best price that they can for their fish
14 domestically.

15
16 Then part of what you're looking at there is they say that
17 they're importing red snapper, and you have to unload the truck
18 and look under the ice to see what fish are there, and so this
19 is what we're doing in this slide here, and it's time consuming.

20
21 To unload a truck, you have to maintain the ice that's on that
22 truck, and we don't have an ice machine at the point of entry,
23 where we can just dump the box out and then re-ice it for them,
24 and so it's kind of difficult. You have to have a method of
25 putting the fish into a new box and transferring the ice, and it
26 takes a lot of manpower to do those.

27
28 Here you have the IUU circle, and you've the fishermen that are
29 catching the stuff, and they have all kinds of requirements and
30 regulations they have to comply with, and then you have the
31 imports matching it to the invoices, as it comes into the United
32 States, and then is it properly labeled at the point of sale
33 location at HEB, and is it properly labeled at a restaurant, and
34 that's kind of what we're doing there, but it doesn't -- This
35 IUU, a big component of it is it does happen in the Gulf of
36 Mexico.

37
38 Our neighboring country is fishing illegally, and they're
39 underreporting their catch, and they are undermining our
40 fishermen here, and so, from a SAFE standpoint, we would like
41 expand and have more support from our JEA contract to address
42 that. We could transfer and move some resources there, but
43 every agency is tight for funding, and you have to utilize those
44 resources where they're intended, and, right now, they are not
45 directly focusing on that IUU fishing fleet. If you have any
46 questions, I would entertain those now.

47
48 **CHAIRMAN DIAZ:** Are there questions for the Assistant Commander?

1 Dr. Mickle.

2
3 **DR. PAUL MICKLE:** Thank you. That was a great presentation, and
4 it was very informative. My question is I think, to both you
5 and Lieutenant Commander Zanowicz, is it seems like there is
6 evidence, from IUU fishing, of the turtle, I guess, interactions
7 with the IUU gears.

8
9 My question is why aren't they retaining that catch? It sounds
10 like there is evidence that, when you find intercepts of the
11 IUU, that there no turtles onboard there or anything, and so why
12 aren't they retaining the turtles? Is there an ESA platform for
13 arresting the individual if there are turtles intercepted or
14 not? Why are they -- If you're illegally fishing, you might as
15 well go the whole way, right? That's my question.

16
17 **ASSISTANT COMMANDER BARKER:** Well, that's a good question. I
18 don't know that I truly know the answer to it, other than I
19 don't think that there's truly a market right now for turtle
20 flesh or turtle resources, and there may be some one-off unique
21 collectors that might have that stuff, but I don't know that,
22 anywhere here close by, that there's a true market for it, and
23 so the fishermen are just interested in the dollar. The turtle
24 comes up and he's dead, and it stinks, and so they're going to
25 get rid of it, and it could foul, I guess, so to speak, if he
26 was to put it in the box on ice with the fish.

27
28 **CHAIRMAN DIAZ:** Dr. Mickle.

29
30 **DR. MICKLE:** From that answer, it sounds like there is no
31 illegal market for these species, these protected species, and
32 so I would say that's good evidence of that, because you really
33 don't know, because the black market is so convoluted, but it
34 sounds like there is no product and drive for it, which is --

35
36 **ASSISTANT COMMANDER BARKER:** Correct. I don't think there's a
37 direct drive for turtles.

38
39 **DR. MICKLE:** Thank you. That's valuable.

40
41 **CHAIRMAN DIAZ:** Ms. Bosarge.

42
43 **MS. BOSARGE:** It was an excellent presentation, and it was very
44 diverse. You touched on a lot of different things. I was
45 excited to see the border checks and actually with the IUU
46 checking that paper trail. That's very important to us from the
47 shrimp industry, when our government bans -- When they put
48 import alerts on certain companies and certain countries and

1 things like that, and that paper trail is how you tell if
2 something is being trans-shipped, and it's coming from somewhere
3 it's not supposed to and going through Mexico to try and get
4 into this country, and so I appreciate that. Thank you.
5

6 **ASSISTANT COMMANDER BARKER:** Absolutely.
7

8 **CHAIRMAN DIAZ:** Dr. Crabtree.
9

10 **DR. ROY CRABTREE:** Thank you for presenting that this morning.
11 How many vessels do you have that are capable of doing offshore
12 patrols outside of nine miles?
13

14 **ASSISTANT COMMANDER BARKER:** We have thirteen SAFE boats and, on
15 that lower coast, where that IUU fishing is, there is probably
16 six. Roughly about half of the fleet is on the lower coast, and
17 then we have two sixty-five-foot vessels, but they have reached
18 the end of their life.
19

20 We have commissioned the building of a new eighty footer that is
21 supposed to come online, and we're hopefully taking delivery
22 this February, and so that's going to expand this, and that
23 vessel will be put on the lower coast, but we would -- We still
24 have a need for replacing the other vessels, so that -- We would
25 like to, and we see the need, for a presence in the Flower
26 Gardens, a need for the presence in some of these other
27 locations.
28

29 We do have some trips this coming year scheduled to look for
30 compliance at the Flower Gardens, but that means, before we get
31 there, before we ever start that trip, we've got to patrol with
32 that vessel from the lower coast and take it to Galveston, and
33 then we'll start the Flower Garden trip from there. We would
34 like to expand and replace that other vessel, and that will be
35 something that we're looking to do certainly in the near future,
36 because it's close to thirty years old, if not older.
37

38 **DR. CRABTREE:** So you're spread pretty thin.
39

40 **ASSISTANT COMMANDER BARKER:** Very thin.
41

42 **DR. CRABTREE:** You have a big coastline.
43

44 **CHAIRMAN DIAZ:** Dr. Stunz.
45

46 **DR. STUNZ:** Well, thank you for that informative presentation,
47 Commander. I wanted to go back to the snapper and what Mark
48 presented as well and that 179 detection number. I guess you

1 guys, Mark, are detecting, but I was trying to get my head
2 around the magnitude of the problem and the detections. How
3 good are you at detecting these?
4

5 In other words, how many of those come in at night and leave and
6 you just -- I know you may never know, but what's your gut
7 feeling, because, if you look at what the Commander just
8 reported on those numbers, I mean, that's high for what you know
9 about. What we don't know about, I think, is where the real
10 problem lies.
11

12 **LT. ZANOWICZ:** Obviously, the only ones we know for sure about
13 are the ones we see, and that's that 179. However, we have done
14 studies in the past, obviously estimating the total number of
15 incursions, and we did a recent study that -- The draft report
16 was just completed this month, and we'll hopefully have the
17 final results of that to present to the council at the next
18 meeting, but estimates of that are roughly that we detect 15
19 percent of the total lanchas that are out there, and so that 179
20 number is roughly 15 percent, by our best estimates.
21

22 We have had other data sources that indicate that maybe 15
23 percent is a little on the high side, that maybe our actual
24 detection rate is probably more on the 5 percent side, and so I
25 would be comfortable saying between 5 and 15 percent is probably
26 our detection rate of lanchas.
27

28 **ASSISTANT COMMANDER BARKER:** I would like to follow-up with
29 that, if I could. Some of the challenges with detecting these
30 vessels are -- They have some great assets, with flyovers and
31 with eighty-seven-foot vessels with great radar systems, but,
32 given the fog that is on the lower coast, the sea state and
33 different things that come into play, it becomes very
34 challenging to verify -- You may have picked up a target, but it
35 could have been a recreational boat, and so they go to great
36 lengths to -- When they say that they detected 179, that was 179
37 known and verified that that was a lancha and not a mistake in a
38 thirty-foot go-fast that just happened to be fishing.
39

40 **CHAIRMAN DIAZ:** Mr. Swindell.
41

42 **MR. ED SWINDELL:** Thank you very much for your presentation,
43 also. I am looking at you have had a steady increase of lancha
44 detections and seizures, from this bar chart map you have here,
45 since 2008, and you have a chart here from 2008 to 2018, and is
46 it -- Why has there been an increase in this length of time? It
47 seems like a steady increase up to about 2015, and have you
48 always had enough resources to be out there in 2008, or has this

1 just been a great increase suddenly in these years from Mexico?
2

3 **LT. ZANOWICZ:** At least from the Coast Guard side, I would be
4 speculating, in terms of ten years ago, in 2008 and 2009, if the
5 problem was the same as it is now. We definitely had less
6 detections then, but I think, with confidence, I can definitely
7 say that we're not seeing any decrease in the problem.
8

9 **CHAIRMAN DIAZ:** Two more questions, and then we're going to wind
10 it up, so we can get to the next committee. Dr. Porch.
11

12 **DR. CLAY PORCH:** Thank you. Thank you, also, for the
13 presentation. In past years, as you mentioned, the Coast Guard
14 came up with an estimate, and I think it was something around
15 500,000 pounds of red snapper, and, to do that, of course, they
16 had to come up with the probability of intercepting a lancha,
17 and so you looked at the detection range for each of your
18 vessels and aircraft, et cetera.
19

20 Since then, you said that, I think, the Coast Guard is not in
21 the business of catch estimation, and I get that, but is it
22 possible to get that sort of information, and then we could
23 expand up these estimates on a year-to-year basis?
24

25 **LT. ZANOWICZ:** Our data analysis branch just finished up that
26 draft report this month, and I was hoping to present it at this
27 council meeting, but it wasn't ready yet. Once that report is
28 finalized, I can definitely provide that to the Science Center
29 for use, possible use, in future red snapper stock assessments,
30 and that's definitely our intent.
31

32 **CHAIRMAN DIAZ:** Dr. Stunz.
33

34 **DR. STUNZ:** Commander, this is unrelated to what you presented,
35 but, when you were at the podium earlier during this meeting --
36 I was hoping that you could just briefly comment, at least on
37 the Texas perspective, of enforcement of the double limit
38 amendment that we're considering now for the headboats, because
39 my understanding is, at least with that JEA enforcement, that it
40 has to do with at-sea enforcement versus the dock, and then,
41 also, there's some problems that have come to light about day
42 enforcement on an hourly basis versus, for example, exactly when
43 you leave and when you get back versus a daily, a true twenty-
44 four-hour time period kind of thing, and I just was wondering
45 if, just briefly, you could comment on how does that affect your
46 operations, in terms of enforcement.
47

48 **ASSISTANT COMMANDER BARKER:** I am going to advance through a

1 couple of these slides here to kind of help answer that. In my
2 presentation, I said that we typically encounter vessels at two
3 different locations in the trip. Here, they're coming back
4 through the jetties.

5
6 Under this proposed consideration that you all have about the
7 thirty-hour and catching the first day's limit in the first day,
8 but it's an overnight trip, to really kind of finalize the
9 inspection of that, and really check for compliance, this needs
10 to happen at the dock, and so that is where the fish are finally
11 being landed, and that's where you're totaling out the thirty
12 hours.

13
14 There will be very little enforcement for that unless you change
15 some of the funding of how we execute the JEA contract, because,
16 typically, we do these inspections on the water, underway, at
17 one location or another, but those dockside inspections, where
18 the vessel comes back and they land, we would have to dedicate
19 some sort of other resource just to do that, and so there is
20 that problem of just how it's executed, but, right here, we
21 wouldn't -- They may be coming in, and who knows at what hour of
22 the trip they're in, and maybe we could verify that, okay,
23 they're at twenty-seven hours out, and it will take them two
24 hours, and we would just give it to them, theoretically.

25
26 The other component of this is where we're checking them at-sea,
27 out there, and you're going to be looking at potentially two
28 days of resources on that first day, if this is when we
29 encountered that vessel, and we're probably never going to come
30 back in touch with that vessel, but, in every one of these
31 instances, we're probably -- If it's a charter boat/headboat,
32 we're probably going to look at it and say, okay, you're allowed
33 two days at this point in your trip, and then, if we verify that
34 you exceeded thirty hours on the backend, then we would initiate
35 some sort of casework writeup.

36
37 I don't know that I can completely articulate that, but there
38 just really won't be much enforcement around that thirty hours,
39 just because every aspect of the traditional patrol model is
40 really set up on, okay, we're checking you right now today, and
41 so you can only have one day's limit. When you're transiting
42 back in, with this, if you articulated that it was a two-day
43 trip, okay, and I see that it was probably a two-day trip, and
44 we're going to give you the possession limit, regardless of
45 where that twenty-four or thirty hours is.

46
47 Now, you will probably get 90 percent compliance out of your
48 recreational -- That charter boat and headboat group, most of

1 them are going to comply with it, just because they are good
2 anglers, but you will have a small fraction that will find a way
3 to exploit it, and that's really, I think, what we were trying
4 to articulate, and it's just how comfortable with that are you
5 and how many people are going to take advantage of the situation
6 and use it properly and how many people would take advantage of
7 it and use it negatively, but it really -- From our law
8 enforcement perspective, it doesn't really fit into our patrol
9 plan. That's just kind of the framework around it that I guess
10 I would articulate. If you had any other questions, I would try
11 to answer them.

12
13 **CHAIRMAN DIAZ:** Thank you. Our committee is running just a
14 little long, and so we're going to wind it up, but I do want to
15 thank Lieutenant Zanowicz and Assistant Commander Barker. They
16 were very good presentations, and I want to especially thank
17 you, Assistant Commander Barker, for being here all week and
18 being willing to come up and give us your perspective on things,
19 and so we really appreciate that. The last thing on the agenda
20 is Other Business. Dr. Lasseter.

21
22 **DR. LASSETER:** Thank you, Mr. Chairman. Just to wrap up the
23 IUU, I feel like both of these presentations really captured the
24 LETC discussion, and so, if you would like to read a little bit
25 more of the LETC summary report, it summarizes their discussion,
26 but it pretty much overlaps with what we just heard.

27
28 They did make one recommendation to the council, which I would
29 like to call up on the board, and it's at the top of page 2 on
30 the LETC summary. They are asking whether the council can
31 provide a letter of support, basically help coordinate with
32 their efforts to address this IUU issue, and so this is the
33 motion.

34
35 The LETC is requesting that the council write a letter to the
36 NOAA Office of International Affairs, and that's the office
37 tasked with providing these biennial reports to Congress, and/or
38 the Assistant Administrator for NOAA Fisheries, to open
39 communication and request an annual report regarding the
40 specific impacts and measures taken by Mexico to address the
41 Mexican IUU fishing issue. It would be important to note in the
42 report the estimated take of red snapper by the illegal fleet
43 and the economic impact that it poses against recreational and
44 commercial fishermen in the U.S. I will pause there for
45 committee discussion.

46
47 **CHAIRMAN DIAZ:** Ms. Bosarge.

48

1 **MS. BOSARGE:** I am not sure that I want to make a motion, but I
2 was thinking, during these presentations, that we have, I think,
3 written letters in the past, and we have talked to the Science
4 Center in the past, but it may be better to get somebody from
5 D.C. that is over a lot of this IUU fishing and have them come
6 to one of our meetings and present, and let's give our feedback
7 directly to them, so they understand how important this is.
8 Look us in the face and let's have a conversation.

9
10 **CHAIRMAN DIAZ:** Dr. Stunz.

11
12 **DR. STUNZ:** We're not helping with the timing on your meeting,
13 Dale, and sorry, but I agree 100 percent with Leann of doing
14 that, and a lot of that came out of that ICCAT meeting, which I
15 will summarize next time, and so I think that's a good idea, to
16 have those folks, but they're also busy with all kinds of other
17 IUU activities going on, and I'm in favor of writing this
18 letter, and so I can make a motion, if you've got time to do
19 that, or do you want to wait until Full Council or something? I
20 don't know what you would prefer.

21
22 I guess -- I'm doing this off the fly here, and so I have to see
23 what was just up there for that letter, Ava, and so is there a
24 way to put it -- Basically, just recraft what they're asking
25 there.

26
27 **I move that the council write a letter to the NOAA Office of**
28 **International Affairs and/or the Assistant Administrator for**
29 **NOAA Fisheries to open communication and request an annual**
30 **report regarding the specific impacts and measures taken by**
31 **Mexico to address the Mexican IUU fishing issue. It would be**
32 **important to note in the report the estimated take of red**
33 **snapper by the illegal fleet and the economic impact that it**
34 **poses against recreational and commercial fishermen in the U.S.**
35 **I will pause there for committee discussion. Mr. Chairman,**
36 **that's my motion.**

37
38 **CHAIRMAN DIAZ:** Is there a second to the motion? It's seconded
39 by Mr. Robinson. I would like to add that, during the
40 discussion during the Law Enforcement Technical Committee, there
41 is no communication between U.S. law enforcement officers and
42 Mexican law enforcement officers, and I don't know if that's
43 even possible, considering the way that some of the cartels have
44 control of some of the areas, but, if there was a way to open up
45 some communication between the law enforcement from each
46 country, it could have positive effects, and maybe that's
47 something that could come out of this. Any other discussion on
48 the motion? Mr. Anson.

1
2 **MR. ANSON:** I don't know if it -- I mean, I agree with the
3 letter, but I am kind of with Leann. To kind of show our
4 interest and to show their respective interest, it would be nice
5 possibly to have somebody from the office to come and make a
6 presentation to the council, in addition to the letter, and so
7 you could have the annual report done, with the details, as
8 provided in the motion, but I just don't know if we want to
9 offer, or need to offer, a substitute motion that would then
10 also, in the same letter, request that an official come down to
11 give a presentation as to what the current status is and what
12 the recent history has been and such.

13
14 **CHAIRMAN DIAZ:** Dr. Frazer.

15
16 **DR. FRAZER:** Kevin, I think that's a good idea, and I think I
17 capture the intent. When we prepare the letter, we will also
18 extend an invitation.

19
20 **CHAIRMAN DIAZ:** Any further discussion? **Seeing none, is there**
21 **any opposition to the motion? Seeing none, the motion carries.**

22
23 Dr. Lasseter, do you have anything else? All right. We have
24 Other Business is the last item on the agenda. Does anybody
25 have any other business to come before this committee? Seeing
26 none, I yield back to the Chair.

27
28 (Whereupon, the meeting adjourned on October 23, 2019.)

29
30 - - -
31