

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 LAW ENFORCEMENT COMMITTEE

4
5 Beau Rivage Resort & Casino Biloxi, Mississippi

6
7 October 24, 2021

8
9 **VOTING MEMBERS**

- 10 Joe Spraggins.....Mississippi
- 11 Kevin Anson (designee for Scott Bannon).....Alabama
- 12 Susan Boggs.....Alabama
- 13 Billy Broussard.....Louisiana
- 14 Dave Donaldson.....GSMFC
- 15 Jonathan Dugas.....Louisiana
- 16 Phil Dyskow.....Florida
- 17 Dakus Geeslin (designee for Robin Riechers).....Texas
- 18 Lisa Motoi.....USCG
- 19 Bob Shipp.....Alabama

20
21 **NON-VOTING MEMBERS**

- 22 Dale Diaz.....Mississippi
- 23 Tom Frazer.....Florida
- 24 Bob Gill.....Florida
- 25 Michael McDermott.....Mississippi
- 26 Chris Schieble (designee for Patrick Banks).....Louisiana
- 27 Andy Strelcheck.....NMFS
- 28 Greg Stunz.....Texas
- 29 C.J. Sweetman (designee for Jessica McCawley).....Florida
- 30 Troy Williamson.....Texas

31
32 **STAFF**

- 33 Matt Freeman.....Economist
- 34 John Froeschke.....Deputy Director
- 35 Beth Hager.....Administrative Officer
- 36 Lisa Hollensead.....Fishery Biologist
- 37 Ava Lasseter.....Anthropologist
- 38 Mary Levy.....NOAA General Counsel
- 39 Jessica Matos.....Administrative and Accounting Technician
- 40 Natasha Mendez-Ferrer.....Fishery Biologist
- 41 Emily Muehlstein.....Public Information Officer
- 42 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- 43 Bernadine Roy.....Office Manager
- 44 Carrie Simmons.....Executive Director
- 45 Carly Somerset.....Fisheries Outreach Specialist

46
47 **OTHER PARTICIPANTS**

- 48 Chester Brewer.....SAFMC

1 John Walter.....SEFSC

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PAGE 9: Motion that the Law Enforcement Committee concurs with the LETC's request to allow the Operations and Strategic Plans to expire and only be updated as needed in the future. The motion carried on page 10.

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1 The Law Enforcement Committee of the Gulf of Mexico Fishery
2 Management Council convened at the Beau Rivage Resort & Casino
3 in Biloxi, Mississippi on Monday afternoon, October 24, 2022,
4 and was called to order by Chairman Joe Spraggins.
5

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

10 **MR. DALE DIAZ:** I am going to read out the membership of the Law
11 Enforcement Committee, before I turn it over to General
12 Spraggins, and so the Chair of the Law Enforcement Committee is
13 General Spraggins, and the Vice Chair is Mr. Dyskow, Mr. Anson,
14 Ms. Boggs, Mr. Broussard, Mr. Donaldson, Mr. Dugas, Lieutenant
15 Commander Motoi, Mr. Geeslin, and Dr. Shipp. General Spraggins.
16

17 **CHAIRMAN JOE SPRAGGINS:** Thank you very much, Mr. Chairman, and
18 I would like to call the meeting of Law Enforcement to order.
19 The first action would be to adopt the agenda. Can I get a
20 motion to adopt the agenda?
21

22 **MR. DAVE DONALDSON:** So moved.
23

24 **MR. BOB GILL:** Second.
25

26 **CHAIRMAN SPRAGGINS:** Any discussion? Is there anyone opposed?
27 All right. It's adopted. Now we need the approval of the
28 August 20021 minutes. Is there any changes or anything that we
29 could do that anyone sees that would need to be done on that?
30 If not, could I get a motion?
31

32 **MR. GILL:** So moved.
33

34 **CHAIRMAN SPRAGGINS:** Could I get a second?
35

36 **MR. DONALDSON:** Second.
37

38 **CHAIRMAN SPRAGGINS:** Any discussion? All right. Any opposed?
39 All right. The motion carries. Now I'm going to turn it over
40 to Dr. Lasseter.
41

42 **LETC SUMMARY FROM OCTOBER 2022 MEETING**
43

44 **DR. AVA LASSETER:** Okay, and so the action guide and next steps
45 is very short and simple. We have one main agenda item for this
46 committee, and it is the Law Enforcement Technical Committee,
47 LETC, meeting summary, and I'm just going to review that summary

1 and note the recommendations that are going to be provided in
2 other committees, because they relate to other actions. If we
3 could go ahead and bring up the meeting summary, and it was
4 emailed to council members.

5
6 The meeting was just last week, and the LETC met in San Antonio,
7 and, if you were familiar with the agenda beforehand, we did
8 switch and put, after the closed session, put "LETC Items"
9 before "LEC Items", so that the report is a little out of order
10 from the agenda, due to the needs of staff to attend other
11 sessions.

12
13 We did begin with a closed session. We convened it in closed
14 session, and we have drafted the reports to provide it to Full
15 Council, and we wanted the law enforcement officers to be able
16 to discuss the issue of fishing violations in private, like they
17 did do, and we had them review your changes to the SOPPs in
18 regard to fishing violations, and, through their discussion, we
19 do have some further recommendations.

20
21 If we remember, recently, you made some changes, and so we
22 presented them with the revised language of the SOPPs pertaining
23 to fishing violations that you had, that the council had,
24 approved at your August meeting to the LETC, and they reviewed
25 it, and they discussed this issue of written warnings, and it
26 seems that there is a difference between a federal written
27 warning and a state written warning.

28
29 A federal written warning does entail a process by which the
30 person cited can appeal, and, with a state written warning, the
31 warning is logged, and is recorded, of course, but there is no
32 process, or there is no due process, thereafter. In light of
33 this, the LETC thought that this difference should be reflected
34 in the text, based on their understanding of what the council
35 was interested in considering.

36
37 Their suggestion is the little bit of blue text here that's in
38 the middle. If we reorganize those -- It previously said,
39 "i.e., written warning, civil fine, and criminal conviction".
40 If we switch it around and just specify that the written warning
41 is federal only, and that this would not apply to a state
42 written warning, the LETC feels that that would be more
43 consistent with the council's intent, and we do have two members
44 of the LETC available for further discussion, and I will pause
45 there for discussion.

46
47 **CHAIRMAN SPRAGGINS:** Go ahead, Mara.

1
2 **MS. MARA LEVY:** Thanks. I just had a question. The states are
3 the ones that provide the information about -- I mean, to the
4 extent it's a state action, right, and do they normally provide
5 you information about state warnings? I guess I'm just curious.
6

7 **DR. LASSETER:** I don't believe so, and that's why I feel like,
8 because there was some confusion before, and it would not have
9 been an issue -- Where the state warning would not have been an
10 issue before, and then, here, the language had been modified to
11 reflect a federal warning, and there was some concern that it
12 could be misunderstood that the language, as adopted from the
13 August meeting could allow, or could be requesting, state
14 warnings as well, and so to make it more clear, but I do not
15 believe that the states are asked to provide warnings.
16

17 **CHAIRMAN SPRAGGINS:** They are not, and I think, in the
18 conversation the other day, if they were asked, they will not,
19 most of the time, because they're not going to provide --
20 Because it is not considered. We're looking at a federal
21 offense here, basically, is what they're looking at, some kind
22 of federal violation, you know, for this council, and so that's
23 part of it, but the other part is the states are done different.
24 In other words, if you issue that, it basically just stays
25 there, and it doesn't say anything, and it doesn't give you
26 anything.
27

28 under your federal, you can go ahead and do some type of -- As a
29 matter of a fact, you can even appeal it under the federal, but
30 you can't appeal one under the state, is my understanding, and
31 is that correct, and so that was the big issue, and I just know
32 of several states that we don't even look at our warnings and
33 give them to anybody, and so I think the idea was to change the
34 wording to say if it's a federal warning, because that is the
35 same thing, and there's still a process that it can go through
36 yet, and is that right, Ava?
37

38 **DR. LASSETER:** Yes. Correct. Okay. If there's no further
39 discussion on this, I will get with Dr. Simmons, and I don't
40 believe that there's a council motion, but I feel like you may
41 want, the council may want, thereafter to take this up in a
42 separate committee, and I'm not sure how to handle this.
43

44 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** I was hoping we could, maybe
45 at Full Council, if this committee was in agreement, go ahead
46 and recommend, at Full Council, that we modify the SOPPs to
47 reflect these changes. If the council feels this needs to come

1 back before the Admin/Budget Committee, we could wait on that,
2 and so I would defer to council leadership on what they would
3 like to do. I don't see this as a huge change from the
4 council's intent.

5
6 **CHAIRMAN SPRAGGINS:** So are we suggesting to table this until we
7 have another meeting?

8
9 **DR. LASSETER:** I don't believe there's anything to table. This
10 is just a report from the LETC, but I'm just not sure where and
11 when and what context the council responds to it, because it
12 would be the Admin/Policy is where you change the SOPPs, and so
13 I think Carrie and Dale are just --

14
15 **MR. DIAZ:** My preference would be not to table it, but, the next
16 time that we meet the Administrative/Budget Committee, to have
17 that on the agenda, provided that that's what this committee
18 wants to do. If this committee wants to accept this change, and
19 put it into our SOPPs, the next time we meet the
20 Administrative/Budget Committee, we could put this on that
21 agenda and deal with it then, if that's the will of this
22 committee.

23
24 **CHAIRMAN SPRAGGINS:** Yes, Ms. Boggs.

25
26 **MS. SUSAN BOGGS:** So would it be appropriate for this committee
27 to make a motion that this go before -- Okay. **I would like to**
28 **make a motion that this recommended change by the LETC be**
29 **brought before the Admin/Budget Committee for review and**
30 **approval.**

31
32 **CHAIRMAN SPRAGGINS:** Okay. Can I get a second?

33
34 **DR. BOB SHIPP:** Second.

35
36 **CHAIRMAN SPRAGGINS:** Any discussion? All right. Is there
37 anyone opposed to this motion?

38
39 **DR. LASSETER:** Can we pause just a moment and get the motion on
40 the board? Thank you.

41
42 **CHAIRMAN SPRAGGINS:** Yes, sir.

43
44 **DR. TOM FRAZER:** I'm not on the committee, but I just wanted to
45 say that I appreciated the Law Enforcement Committee bringing
46 this up and clarifying the language, as we move forward. I just
47 think it's a step in the right direction, with regard to

1 transparency and understanding, you know, what, in a federal
2 sense -- When they issue you a warning, they actually issue you
3 a case file, right, and so you need to be keeping track of that
4 and don't just ignore it.

5

6 **CHAIRMAN SPRAGGINS:** Yes, and I learned a lot at the meeting in
7 Texas with the law enforcement, because they're very detailed
8 about what they were looking at, and we always have that caveat
9 at the end, too. One thing says that we as a committee can go
10 back and look at anyone after they -- You know, if they have
11 some type of violation, we can look at it at that point, even
12 after they've been appointed. Ava, are you okay?

13

14 **DR. LASSETER:** I am. I think we're -- Let's see if we have the
15 motion. I think we have the motion on the board now.

16

17 **CHAIRMAN SPRAGGINS:** Are you good? Okay, and so we have the
18 motion that is recommending that the changes made to the
19 fisheries violation section of the SOPPs be brought to the
20 Administrative/Budget Committee for discussion and approval at
21 their next meeting. we have a motion made by Ms. Boggs, and it
22 was seconded by Dr. Shipp. All right. Is there any other
23 discussion on this? **If not, does anyone oppose this? If not,**
24 **then the motion carries.** Dr. Lasseter.

25

26 **DR. LASSETER:** Thank you very much, and, okay, and so that was
27 the closed session, and so we're moving into the LEC section of
28 the report, and most of this part -- This is what the commission
29 covers. If we scroll down to where it says, "LEC Section" at
30 the top.

31

32 The LEC, which is the commission side of the LETC, followed up
33 on the future of the Strategic and Operations Plans, and so, for
34 those of you who have been on the council for many years, you
35 probably remember going through the Law Enforcement Committee
36 and going through those red-line versions as you approve the
37 changes in these two plans for the law enforcement.

38

39 They have decided that they're going to do away with one of them
40 and that they will retain the other one, to make changes as
41 needed, and so they did make a recommendation, both to the
42 commission, and then they would like to carry it over to the
43 council here as well, for your approval for this plan.

44

45 They're going to discontinue the Operations Plan, and the
46 Strategic Plan will remain there as needed, as reference, and
47 they will change it if they need to use it for the future, and

1 so there is a motion that we could use that the LETC is
2 requesting the council's approval.

3

4 **CHAIRMAN SPRAGGINS:** Okay. We do need a motion on this, and
5 could I get approval for the motion?

6

7 **MR. DONALDSON:** So moved.

8

9 **CHAIRMAN SPRAGGINS:** Is there a second? All right. Is there
10 any discussion on this? **If not, is there any opposed to this**
11 **motion?**

12

13 **MR. DONALDSON:** Just a comment that the commission did approve
14 their motion last week, just FYI.

15

16 **CHAIRMAN SPRAGGINS:** Okay.

17

18 **DR. LASSETER:** Right, and so I would say the council concurs
19 with the LEC's request to do this, or the committee. We're in
20 committee.

21

22 **CHAIRMAN SPRAGGINS:** Okay. Do we need to add something in there
23 to basically -- Do we have to put with the Gulf States
24 Commission's approval, because that's who made the approval.
25 When we say request that the committee concur with the LETC's
26 request, that was approved by the Gulf Council approval,
27 committee, and would that be the right wording for it? I guess
28 what I'm asking is, if we're going to add something in there
29 about the Gulf States, then we need to put -- If that's the
30 thing that we're looking at.

31

32 **DR. LASSETER:** I think this is fine. I think the commission has
33 approved discontinuing it, and Dave has just provided that on
34 the record, and so this body here could concur with the LETC's
35 request to allow the Operations and Strategic Plans to expire
36 and only be updated as needed in the future, and I think that
37 will work for this group.

38

39 **CHAIRMAN SPRAGGINS:** All right, and so we have the motion, and
40 we have a second. Does anybody have discussion? **Is there**
41 **anyone who opposes this motion? If not, that motion carries.**

42

43 **DR. LASSETER:** Okay. Moving right along, the next couple of
44 sections I would suggest just reading at your leisure. This is
45 a summary of that the LETC discovered in regard to commission
46 business, and then we come to the LETC section, right here, and
47 so these are council-related actions.

1
2 The first one is the potential management changes to vermilion
3 snapper and gray triggerfish, and so I just did an overview, for
4 the LETC members, of various actions that had been put on hold
5 and then discussed the commercial trip limit action, and Carly
6 will bring up the LETC's recommendation during Reef Fish, when
7 we come to this action.

8
9 The next section was on IUU enforcement, and I do not see Lisa
10 Motoi, and she's not here yet, but both she and Les Casterline,
11 of TPWD, provided short presentations and just discussed recent
12 enforcement efforts in regard to IUU fishing, and each of their
13 short presentations was posted up on the LETC meeting page,
14 which is still available on our website, if you're interested in
15 looking at those, and I believe Lisa will give her U.S. Coast
16 Guard presentation at the end of this meeting and will be using
17 that same information to share with you all.

18
19 The next section is on IFQ landings transactions discrepancies,
20 and so this was an issue requested by Louisiana, with an issue
21 that they have been seeing with the time period allowed for
22 correcting a landing transaction report discrepancy, and so Dean
23 Aucoin got together with Joe Scarpa, and we also have Duane
24 Smith here of NOAA GC, and so the NOAA guys, and they're
25 discussing, internally, kind of what -- If there's a situation
26 and if there's something that they would like to pursue and
27 bring back in front of you later.

28
29 If we scroll on down, the LETC did talk about the illegal
30 charters, which we've heard about here as well, and they're
31 keeping an eye on that, and then we reviewed some of the other
32 framework actions to change for-hire requirements, and so I
33 updated the LETC with the preferred alternatives that you
34 selected when you took final action in August on the VMS failure
35 framework action, and then we reviewed the draft abbreviated
36 framework action, the modification of for-hire vessel trip
37 declaration requirements, and Carly will present that, again,
38 when we get to the Data Collection Committee.

39
40 Moving on, we did not have -- SERO not have a SEFHIER program
41 update, but we did have the opportunity for discussion, and an
42 Alabama representative, Jason Downey, identified an issue and is
43 working together with the Permits Office to straighten that out.

44
45 We heard from -- We heard about the Return 'Em Right program,
46 again, and he reported on -- Nick Haddad, excuse me, reported on
47 the number of surveys they've completed, the follow-ups, and

1 they are winding-down the program, and he provided some
2 background, and then we touched on the nomination process for
3 next year's Officer or Team of the Year Award, and that is all
4 that I have for the report. Thank you.

5
6 **CHAIRMAN SPRAGGINS:** Okay. Does anyone have any other business
7 that we need to bring up on the Law Enforcement? Does anyone
8 have anything? Mr. Anson.

9
10 **MR. KEVIN ANSON:** Not other business, but just to go back to one
11 of the items that was discussed during the LETC meeting, and
12 that was the potential management changes to vermilion snapper
13 and gray triggerfish, and they just came out with a statement
14 that they supported counting fish, rather than weighing them,
15 for I guess enforcement activities on the water, if they were
16 interdicted, but was there any discussion relative to prior
17 discussions we had regarding trip limits for commercial trips
18 and setting those pounds relative to the IFQ and landings, and
19 did that come up again, or no?

20
21 **DR. LASSETER:** As in the accuracy of the landing notifications?

22
23 **MR. ANSON:** Or accuracy of the -- The ability of the fishermen
24 to be able to monitor that while they're on the water and able
25 to bring those in.

26
27 **DR. LASSETER:** Right. No, they did not, but, when they were
28 talking here about the numbers of fish, he specified that it was
29 something about calibrating the scale for them to be enforcing
30 on the water, that that's why they couldn't be accurate enough
31 to make a legal case, but they didn't discuss the issue of
32 fishermen being able to estimate catches, no.

33
34 **CHAIRMAN SPRAGGINS:** The only other thing on that is there was
35 something that came up talking about some possibility of people
36 owning a boat, the processor, the plant, and everything, and to
37 the fact of whether or not they were actually accounting for all
38 the fish, and I think that was something they're working out,
39 and I think it was more so in one state than the others, and I
40 don't think they had so much issue in the other states as we did
41 one, and so they have got it under control, and I don't think it
42 was something that they needed to elaborate on. Any other --
43 Anything else for the law enforcement? If not, Mr. Chairman, I
44 will turn us back and get us closer to time. Thank you, Dr.
45 Lasseter.

46
47 (Whereupon, the meeting adjourned on October 24, 2022.)