

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

Renaissance Battle House Mobile, Alabama

October 24, 2018

**VOTING MEMBERS**

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

**NON-VOTING MEMBERS**

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

**STAFF**

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

**OTHER PARTICIPANTS**

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

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

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23  
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TABLE OF MOTIONS

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

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

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

17 **MR. DALE DIAZ:** So moved.  
18

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26  
27 - - -  
28