

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

The Tremont House

Galveston, Texas

OCTOBER 23, 2019

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

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

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

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

TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Table of Motions.....4
6
7 Adoption of Agenda and Approval of Minutes.....5
8
9 Action Guide and Next Steps.....5
10
11 Law Enforcement Technical Committee Meeting Summary.....6
12
13 Illegal, Unreported, and Unregulated (IUU) Fishing Report.....11
14
15 Adjournment.....33
16
17 - - -
18

TABLE OF MOTIONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

[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 as
12 Chair, Mr. Dyskow is Vice Chair, Mr. Banks, Mr. Anson, Ms. Boggs,
13 Mr. Donaldson, Mr. Robinson, Dr. Stunz, and Lieutenant Zanowicz.

14
15 The first order of the agenda is the Adoption of the Agenda. Is
16 there any changes to the agenda? I would entertain a motion to
17 adopt the agenda.

18
19 **MR. DAVE DONALDSON:** So moved.

20
21 **MR. PHIL DYSKOW:** Second.

22
23 **CHAIRMAN DIAZ:** It's moved by Mr. Donaldson and seconded by Mr.
24 Dyskow. Any opposition to adopting the agenda? The agenda is
25 adopted. The next order of business is the Adoption of the April
26 2019 Minutes. Is there any additions or changes to the minutes?
27 Seeing none --

28
29 **MR. DYSKOW:** Move to accept.

30
31 **MR. DONALDSON:** Second.

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

34
35 **DR. AVA LASSETER:** I apologize, and I did summarize this in the
36 action guide, and so the committee had met during Full Council in
37 April of 2019, rather than as a separate committee. Thus, the
38 committee minutes were approved by the Full Council at its June
39 2019 meeting, and they've been provided here for this meeting as
40 background, and so they do not need to be approved at this time.

41
42 **MR. DYSKOW:** Move to accept as amended.

43
44 **CHAIRMAN DIAZ:** Thank you. The minutes are adopted. First up on
45 the agenda, we're going to move into the Law Enforcement
46 Technical Committee Meeting Summary, and Dr. Lasseter is going to
47 walk us through that. Dr. Lasseter.

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

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

10
11 We will go through the remaining items that have not been
12 addressed in other committees, and then, when we come back to the
13 next agenda item, we will cover what the LETC discussed, but
14 we'll begin with short presentations from both Texas and the
15 Coast Guard, in order to provide some context for that as well,
16 and so I just kind of wanted to lay out what we're going to be
17 doing here.

18
19 If we move into the LETC, Law Enforcement Technical Committee,
20 meeting summary, again passing over the IUU, and then we did
21 address the next two sections during the Reef Fish Committee, and
22 so the first subject to cover would be the top of page 3,
23 beginning with the commercial IFQ program modifications,
24 Amendment 36B.

25
26 The council had divided these actions, and the LETC did not
27 review the actions that we discussed for 36B in committee
28 yesterday, because these do not have law enforcement
29 implications. The remaining actions that will be moved into 36C,
30 the LETC will not have an opportunity to meet again before the
31 council addresses this, and so we went ahead and took this action
32 to the LETC at that time. We will bring this to you again in
33 January, when we do bring you 36C.

34
35 At the August meeting, the council modified the alternatives for
36 the action that addressed requiring accuracy in the estimated
37 weights and advance landing notifications, and so we took the
38 LETC those new alternatives, and so the LETC members noted that
39 these new alternatives would not address the behavior that they
40 were trying to get at. They were looking to stay within that 10
41 to 20 percent within the estimated weight.

42
43 Therefore, they preferred that this accuracy requirement not be
44 adopted at this time, if it's going to allow for such a larger
45 difference between your estimates and your actual landing
46 weights, and they suggested that Alternative 1 should be
47 suggested at this time, should be adopted at this time, and that
48 they're going to continue to work together to gather the

1 necessary evidence or examples of what they are trying to
2 express, and then they will return to you at that time.

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

9
10 Moving on, they received a short update regarding the
11 implementation of the for-hire electronic monitoring, and they
12 also discussed the action -- It's not a council action currently,
13 but the issue of having a maximum crew size on dual-permitted
14 vessels in federal waters.

15
16 A little background on this is this issue had been requested by a
17 council member to be discussed, I believe it was a couple of
18 meetings ago, and it is not part of an action. The council has
19 been hearing some public testimony of people interested in having
20 this looked at and possibly removed, this maximum crew size
21 removed, and so I had offered to take this to the LETC to bring
22 in front of them and get some of their feedback.

23
24 Although the council is not currently developing the action, they
25 weren't sure how much to comment right now, and they were more
26 interested in taking the issue back to their respective agencies
27 for further discussion, and they will be prepared to provide some
28 guidance, should the council take up this issue in the future.

29
30 The next item regards the exempted fishing permits, EFPs, and
31 state management and enforcement of red snapper seasons, and this
32 item was requested by our Coast Guard representative, as the
33 Coast Guard is now enforcing and monitoring these different state
34 seasons under the EFPs, and there is some concern that, as state
35 management is implemented, states will also be able to modify bag
36 limits, and potentially size limits as well. Therefore, there
37 could be different regulations, and the Coast Guard wants to
38 ensure that they are aware of what are the current regulations
39 for each of the states, and so they're requesting some additional
40 coordination.

41
42 The states talked about -- The state representatives of the LETC
43 discussed their respective approaches for establishing the new
44 regulations, and we're also -- Lieutenant Zanowicz is also
45 interested in perhaps using the NOAA Fishery bulletins to become
46 aware of and maintain awareness of what are the current
47 regulations, but I think there's still a little further
48 communication and coordination that may be requested, and I would

1 like to pause there for a moment and see if you would like to
2 contribute anything additional, Mark.

3
4 **LT. MARK ZANOWICZ:** No, but thanks for including that. As Ava
5 mentioned, it's definitely going to be a challenge for us, come
6 next season, if Amendment 50 gets approved to enforce possibly
7 five different types of regulations in federal waters, and so I
8 definitely think that close coordination is going to be
9 important.

10
11 We typically, right now, get notified of new regulations via NOAA
12 Fisheries Bulletins, and so that would be ideal, if they're all
13 consolidated in that location, and so we're working offline to
14 try to work that out, but, if state agencies could keep us
15 apprised as well of any foreseen seasons and season changes and
16 bag limits and size limits and all of that, that would be helpful
17 as well.

18
19 **CHAIRMAN DIAZ:** I would just like to add that, during the
20 Education and Outreach Committee earlier in the week, I did
21 mention to Ms. Muehlstein that possibly having these seasons
22 listed on Fish Rules would be a good thing also, and so thank
23 you. Mr. Anson.

24
25 **MR. KEVIN ANSON:** Just to make it a little bit more widespread
26 and accessible, I was wondering maybe if either the council's
27 website -- If they could have a page that could consolidate all
28 of that information, in addition to Fish Rules, or if NOAA,
29 and/or if NOAA, would be interested in supplying that
30 information, because they currently have an EFP page that
31 provides updated information that the states provide, and so
32 maybe just creating a new page, or adding on to that page, and
33 renaming it to red snapper state management might be an
34 additional thing that could be done as well, just to kind of help
35 make sure that we cover as many bases as possible.

36
37 **CHAIRMAN DIAZ:** Ms. Gerhart.

38
39 **MS. SUSAN GERHART:** Yes, we can definitely do a webpage like
40 that, similar to what we do for the EFP. As far as the Fishery
41 Bulletins, that might be a little more difficult, because we
42 don't always get the information from the states in enough time
43 that we would be able to do that, and everybody is doing things
44 at different times. Certainly, at the beginning of the year, we
45 can put out what we know, but, throughout the year, it's a little
46 bit more difficult.

47
48 **CHAIRMAN DIAZ:** Dr. Lasseter.

1
2 **DR. LASSETER:** If I can add that I remember that one of the
3 specific examples was when a season is reopened, and it's making
4 sure -- Like they may know -- The Coast Guard is probably aware,
5 at the beginning of the season, what everybody is planning to do,
6 but, in the event that there is remaining quota and it's
7 determined that it's sufficient to reopen a season, I think
8 ensuring that the Coast Guard is aware of those types of
9 occasions would be very important.

10
11 Moving on, the final item was that we did notify the LETC that
12 the council had approved their recommendations for modifying the
13 Officer of the Year Award to be an Officer or Team of the Year
14 Award, and so we updated the LETC for that, and we let them know
15 that the nominations will be due by February 1, 2020. They will
16 be discussing those at their March meeting at the commission.

17
18 The remaining items are covered by the Gulf States Commission's
19 Law Enforcement Committee, and so these are more the state-level
20 items, and you're welcome to read through those. I guess the one
21 that I would kind of highlight is that this group is having an
22 ongoing kind of informal discussion regarding the status of
23 state-water FADs, and that seems to be an interesting discussion
24 going on, and so everybody may want to kind of keep an eye on
25 that. Those are the rest of the items from the LETC meeting
26 summary. Should I move on into the next item?

27
28 **CHAIRMAN DIAZ:** Yes, please proceed.

29
30 **DR. LASSETER:** Okay. Thank you.

31
32 **CHAIRMAN DIAZ:** Wait. Mr. Anson.

33
34 **MR. ANSON:** Ava, I just wanted to make sure -- You talked about
35 the IFQ program modification for estimated weights and advance
36 landing notifications, and you brought up their motion. I just
37 wanted to make sure that they are going to be -- The state folks
38 are going to be going back and kind of compiling some
39 information, because they still feel that there is a need for
40 having some sort of limit on there, as far as the advance
41 notification, and is that correct?

42
43 **DR. LASSETER:** Yes, and we do have Assistant Commander Barker,
44 who could speak to that as well, here in the audience, but, yes,
45 they did not -- They were not comfortable with the expanded
46 alternatives that were now 50, 75 percent, and 100 percent. They
47 were wanting to stay within the 10 to 20 percent, and so they
48 felt that adopting a regulation that was broader than what they

1 were really looking for wasn't going to get them there, and so
2 they preferred to hold off there, and they wanted to go back
3 amongst themselves and work on documenting what it is that they
4 are concerned about and collecting the evidence.

5
6 **CHAIRMAN DIAZ:** Mr. Anson.

7
8 **MR. ANSON:** Was there a sense that they would have that
9 information compiled for their next meeting, or there was no
10 discussion on timeline for that?

11
12 **DR. LASSETER:** There was not discussion. I could defer to
13 Assistant Commander Barker.

14
15 **ASSISTANT COMMANDER JARRET BARKER:** Good morning. To answer your
16 question, I guess we left the meeting, as a committee, feeling
17 like we had adequately spoke about the subject and kind of make
18 the request. The position of NOAA OLE is that it's not an issue.
19 Essentially, that component of the fishery is a federally-managed
20 deal, and so, given that, if the council didn't feel like it was
21 an issue, and NOAA OLE didn't feel like it was an issue, we were
22 willing to table the topic.

23
24 In the event that we did come across some specific examples, each
25 state didn't have a specific plan to prepare documentation, but
26 it was something that we were going to just track internally. If
27 the issue came back up, we would be prepared to demonstrate what
28 we had observed.

29
30 **CHAIRMAN DIAZ:** Mr. Anson.

31
32 **MR. ANSON:** But I guess, to understand the flavor of the
33 conversations that were going on prior to making that motion,
34 since you all enforce in federal waters the fisheries there, and
35 you're acting in partnership with the federal law enforcement --
36 I mean, is there a sense that there is a problem and need?

37
38 I mean, that's what the council had put into the document, was a
39 motion, or an action item, to address that issue, because there
40 was -- As I understand it, there was a perception and a need
41 amongst the state law enforcement officers to address maybe some
42 overreporting, or underreporting, issues, as the case may be.

43
44 **ASSISTANT COMMANDER BARKER:** Well, we felt that every state, when
45 we originally discussed it, had experienced violations where
46 either boats were completely failing to make the three-hour
47 notification, and they were going to land illegally a large
48 number of fish, or there were examples of making the three-hour

1 notification and then off-loading inaccurate amounts, and so
2 there would be smaller portions of fish that are going under the
3 table.

4
5 Within the business model framework that you have for that IFQ
6 landing, it seemed very reasonable to close the window of
7 inaccuracies there, so that the boat owner knew that, if he was
8 checked after making a hail-out, he needed to be within a range
9 of accuracy.

10
11 We felt that was reasonable enough, and it was easy to do,
12 knowing -- If you have a boat with the volume that the capacity
13 of your boat is, and based upon what it's carrying at that time,
14 you could do this, and so, without creating an undue,
15 unreasonable request, we could close that window, but it was our
16 feeling that OLE didn't think it was a big area of exploitation,
17 and the council didn't appear to really feel that it was, and so
18 we're comfortable doing the work as it is. It's just what is the
19 comfort level of these management agencies that are overseeing
20 that fishery.

21
22 **MR. ANSON:** Thank you.

23
24 **CHAIRMAN DIAZ:** You can proceed, Dr. Lasseter.

25
26 **ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING REPORT**

27
28 **DR. LASSETER:** Thank you, Mr. Chairman. Moving into our next
29 agenda item, this is regarding IUU fishing, which IUU stands for
30 illegal, unreported, and unregulated fishing. If we could call
31 up this slide, and I sent a short slide yesterday that I think is
32 much more clear than the action guide kind of laid it out.

33
34 There are a couple of acts that pertain to IUU fishing at the
35 federal level, and there's been various modifications to these,
36 and where we're at now, and this is the simplest way that I could
37 kind of put it together, is there's a biennial report that comes
38 to Congress, that's a report to Congress, and there's been three
39 of these reports so far, 2015, 2017, and 2019.

40
41 In each of those three reports, negative has been identified as -
42 - Mexico has gotten a negative identification. In the 2019
43 report, they did receive another negative identification.
44 However, also in this 2019 report, they received a positive
45 certification determination for their negative identification in
46 that 2017 report, and so, in this report, they received a
47 positive determination saying, okay, we have seen some progress
48 in various efforts by Mexican nationals and Mexican enforcement

1 officials, and yet there are still ongoing problems.

2
3 The additional part, we did talk about a year ago, and there was
4 an addendum to the report to Congress that came out in April of
5 2018, and that provided the positive certification to Mexico for
6 their initial 2015 negative identification.

7
8 Where we're at now, with this report that just came out, is our
9 government said that basically Mexico, yes, has made some
10 progress in regard to this previous determination, but they are,
11 once again, being negatively identified, and so the LETC has
12 talked about this, and the council has talked about this, and I
13 understand that this is an issue that people are very concerned
14 about.

15
16 Before I go into the LETC's discussion, we wanted to go ahead and
17 provide an opportunity for both the Coast Guard and TPWD, using
18 their respective presentations that would normally be discussed
19 later in the agenda, to kind of provide some context for the
20 current situation, and so I will pause there.

21
22 **CHAIRMAN DIAZ:** Thank you, Dr. Lasseter. We're going to get
23 these presentations by Lieutenant Zanolowicz and Assistant
24 Commander Barker. Lieutenant Zanolowicz, are you ready to go
25 first?

26
27 **LT. ZANOWICZ:** Yes. Thank you. I'm ready. When I noticed that
28 IUU fishing was on the agenda, I realized that it had been a
29 little bit of time since I had done a formal presentation for the
30 council discussing the issue at-large, and so, while I've
31 definitely tried to provide regular updates to the council on
32 what we're seeing, I haven't really provided a comprehensive look
33 at the issue to the council in a while, and I know we have some
34 new council members since the last time it was done, and so I
35 thought it was prudent just to provide some context to the issue.
36 A lot of this information will probably be review for some of the
37 council members, but hopefully it will be good information for
38 everyone.

39
40 Just as a quick overview to the IUU fishing and Mexican lancha
41 threat in the Gulf of Mexico, these vessels typically operate out
42 of Playa Baghdad, Mexico, which is just south of the U.S./Mexico
43 border. They are known to operate north of the maritime boundary
44 line in the U.S. Exclusive Economic Zone on a regular basis.
45 They are primarily conducting illegal fishing, although we
46 occasionally see them involved in drug smuggling as well.

47
48 We call these vessels lanchas, which I believe is Spanish for

1 speedboat, and the vessels are twenty to thirty feet long, with a
2 single seventy-five to 200 horsepower outboard engine, fiberglass
3 or wooden hulls. They are typically crewed by -- It says two to
4 four individuals, and we've actually seen as many as five
5 onboard, and they usually fish with either longline or gillnet
6 gear. Longline gear is a lot more common, though we do see them
7 with gillnet gear occasionally.

8
9 Typically, these vessels are targeting red snapper and shark.
10 Red snapper is their preferred fishery. Roughly 80 percent of
11 their catch is red snapper, and the other 20 percent is shark,
12 and then a handful of other species we caught as well. Their
13 typical operating procedure is they will depart from Playa
14 Baghdad, Mexico and transit northbound into the U.S. Exclusive
15 Economic Zone.

16
17 They will deploy their gear and mark it on their GPS and transit
18 back southbound and let their gear soak for five to six hours,
19 and then they'll come back north and recover it with the catch,
20 and then they will return south.

21
22 If they do encounter an LE presence north of the maritime
23 boundary line, either before or after deploying their gear, they
24 might just not recover it and just leave it out there floating,
25 or, if there's inclement weather, that obviously impacts the
26 behavior as well.

27
28 One thing to note is that there really are four stages of when we
29 can interdict them, when they are transiting northbound to deploy
30 their gear, when they're transiting southbound after their gear
31 has been deployed, when they are transiting northbound to recover
32 their gear, and then when they're transiting southbound after
33 their gear has been recovered with catch onboard, and, of those
34 four stages, only one of them they will actually have catch
35 onboard, and that will play into what I'll be talking about here
36 in a minute.

37
38 This graph here shows the number of detections and seizures by
39 the U.S. Coast Guard over the last ten years, and you can see
40 Fiscal Year 2019, which just ended on September 30, was a record
41 year for us, in terms of interdictions. We interdicted seventy-
42 four Mexican lanchas, as compared to 2018, which was our previous
43 record of sixty Mexican lanchas.

44
45 Right around 2010, you can see this problem really started
46 increasing, and, since then, in the last few years, we have been
47 detecting roughly 180 per year. That dip in 2017, we actually
48 don't believe that is due to a decrease in lancha activity.

1 There was some shifting priorities around that time, and so there
2 weren't as many Coast Guard overflights, and the Coast Guard
3 overflights weren't occurring at the same time as they are now,
4 and so we think that was actually due to a difference in
5 enforcement behavior rather than lancha behavior.

6
7 This slide here shows the catch on the seized lanchas, in terms
8 of the number of fish, and so you can see that, last year, we had
9 4,354 red snapper and 453 sharks, which was comparable to Fiscal
10 Year 2018.

11
12 This breaks down the catch by pounds. Starting in Fiscal Year
13 2019, as many council members know, we started separating the
14 catch and weighing it separately, and so the total for Fiscal
15 Year 2019 was 21,405 pounds of red snapper and 3,481 pounds of
16 shark, totaling 24,886 pounds of catch.

17
18 Important to note, as I mentioned, is this isn't necessarily
19 indicative of the total catch by lanchas, by any means, and we
20 interdict them at all stages of their transit, and so only one of
21 those four stages will they have catch onboard, and, as I will
22 talk in more detail here about in a second, they -- As you saw in
23 the previous slide, we only interdict roughly a third of the
24 lanchas we actually detect, and, based on our best information
25 right now, we only detect roughly 5 to 15 percent of the total
26 lanchas that are out there, and so, in terms of the amount that
27 we actually detect, it's a small fraction, and, in terms of the
28 amount of fish they actually catch, we don't know, but it's
29 probably considerably more than we actually seize.

30
31 This just talks about lancha case disposition, and so, after the
32 lanchas are seized by the Coast Guard, if they're not reclaimed
33 by Mexico, they are destroyed after forty-five days.
34 Historically, we have not had any requests from Mexico to reclaim
35 these vessels.

36
37 We record the catch, in terms of the amounts and weights, and
38 then we dispose of the catch at-sea. The crew is transferred to
39 Customs and Border Patrol for deportation to Mexico. Due to
40 international law, they are unable to be incarcerated strictly
41 for fishing violations. However, we do put a case package
42 together, which we send to Mexico via Coast Guard Headquarters,
43 for them to prosecute.

44
45 This differs from how we typically issue violations if we have a
46 domestic case. We will typically put that case package together
47 and send it to NOAA for prosecution, but, because these are
48 foreign citizens, we send it to Mexico.

1
2 We keep a repeat offender log of the individuals we're seeing,
3 which indicates that some fishermen have been interdicted more
4 than twenty times, and, as you saw from the graph of historic
5 interdictions and detections, it definitely does not appear that
6 this problem is going away, and there is no sign that lancha
7 activity is decreasing on the maritime boundary line. That
8 concludes my presentation, pending any questions.

9
10 **CHAIRMAN DIAZ:** Are there questions for the Lieutenant? Dr.
11 Stunz.

12
13 **DR. STUNZ:** Thanks, Lieutenant, for the informative presentation.
14 I've got a couple of questions for you. One is you showed a
15 picture of a lot of sharks, hundreds of sharks, on the dock there
16 in one of your things, and I was looking at the numbers that you
17 have for sharks, and it seems kind of low, because I hear local
18 reports on a real frequent basis of gillnets that have thousands
19 of sharks in a single net that are recovered, and so is that
20 Texas Parks and Wildlife, or are those numbers are not in here?
21 I am trying to figure out why the --

22
23 **LT. ZANOWICZ:** The catch numbers that I showed were strictly
24 Coast Guard.

25
26 **CHAIRMAN DIAZ:** Dr. Stunz.

27
28 **DR. STUNZ:** Sort of a follow-up or next question to that, and you
29 talked about making positive enforcement efforts there in Playa
30 Baghdad, but I have heard, from others, that there is basically
31 no local enforcement there, because they can't even -- The local,
32 on-ground, I guess, enforcement can't even get into that area,
33 because it's so heavily controlled by the cartel and that sort of
34 thing, and so, if you guys aren't getting them, there is no hope
35 that they're going to be getting them in Mexico, but is that
36 true?

37
38 **LT. ZANOWICZ:** I would say that's an accurate statement. I guess
39 we'll talk a little more about the specifics when we get to the
40 LETC summary, but it definitely seems as though -- When the LETC
41 discussed this, I think there was concern that, despite claims
42 that Mexico is making, it doesn't seem that we're seeing any
43 decrease in activity, and we are still seeing large numbers of
44 repeat offenders, sometimes more than twenty times.

45
46 **CHAIRMAN DIAZ:** Dr. Shipp.

47
48 **DR. BOB SHIPP:** Could you go over one more time what the

1 disposition is of the seized lanchas with outboard motors and all
2 the rest of it? It seems to me that those are pretty valuable
3 assets, and so --

4
5 **LT. ZANOWICZ:** We have an international agreement with Mexico
6 that was signed about fifteen years ago, and that specifies
7 exactly what we have agreed to do with the lanchas after we seize
8 them, and so what we'll do is we'll tow them back to our Station
9 South Padre Island, and we'll keep them in -- We call it the
10 lancha boneyard, and it's essentially a vacant lot there, guarded
11 by the Coast Guard.

12
13 We keep them for forty-five days there, to give Mexico a chance
14 to reclaim them, if they desire. We have never had a request for
15 the owner to reclaim them. Then, after that forty-five-day
16 period is lapsed, then we process them for destruction. Just due
17 to both the agreement and concerns with liability, we can't
18 donate them or do anything else with them.

19
20 **CHAIRMAN DIAZ:** Ms. Bosarge.

21
22 **MS. LEANN BOSARGE:** Thanks for the presentation. For some
23 reason, I guess, in the past, mainly we have focused, kind of
24 like what Dr. Stunz was saying, on the gillnet side of the house,
25 and I was reading this report that they put in our briefing book,
26 the report to Congress on all of this, and I was surprised that
27 longline is actually the predominant gear type, and that's what
28 is mainly used.

29
30 It made me think a little more about the endangered species that
31 you encounter with longlines, and it made me think about turtles,
32 and then, as I read further through that, a lot of these lancha
33 camps are actually right there in the same area where our turtle
34 nesting beaches are in Mexico for Kemp's ridley, and we're seeing
35 some changes in that, and I just wondered -- We do have data on
36 what bycatch looks like in all of our different fleets for those
37 types of gear types, in regard to turtles, and so have you all
38 seen any turtles?

39
40 I guess, usually, the catch is already onboard, and you're not
41 usually getting it straight out of the water, with a fish or a
42 turtle still on the hook, but what are you seeing in that regard?

43
44 **LT. ZANOWICZ:** Onboard lanchas, I can't recall any cases where we
45 have had turtles. We do recover gear from the water, when we
46 find it, and I cannot recall any cases in that regard either
47 where we have found turtles onboard. However, I know there have
48 been cases where there have been turtle wash-ups in Texas, and

1 that is dead turtles coming onto the beach, with gear that seems
2 to be of the same sort that we find out in the water.

3

4 **CHAIRMAN DIAZ:** Dr. Stunz.

5

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

15

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

23

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

34

35 The problem is I don't see this going down, and then I'm hearing
36 reports of even -- So Mexico writes a letter that they're doing
37 things, but then I hear reports on the ground that their local
38 wardens can't even get in there to enforce anything, because of
39 the cartel control and that sort of thing, and so I don't know if
40 this is just a paperwork kind of thing, or is anything really
41 happening, and, according to what you say, Lieutenant, it's not
42 headed in the right direction. I am just frustrated at things
43 that we -- It just seems like we just can't really do anything
44 here to curb this problem.

45

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

1
2 **ASSISTANT COMMANDER BARKER:** This presentation really showcases
3 our partnership with National Marine Fisheries and NOAA OLE, as
4 far as our participation and role in the federal enforcement.
5 Then it highlights or will touch upon some of the IUU fishing and
6 some of the other aspects, to just kind of show, again, where
7 there is a little bit of an exposure to the loss of resources.
8
9 I wanted to set up the framework for really how we do our
10 business as a state agency, because I really think that's a good
11 awareness for all of you as you are contemplating laws and
12 writing statutes that are enforced by a state agency, to a large
13 degree, be it Texas or Mississippi or Alabama or Florida, any
14 location.
15
16 This is really what our state effort looks like when we're
17 checking recreational fishermen. You have the gentleman there on
18 the left of the slide, and he is actively fishing, and we don't
19 really check too many vessels that are actively fishing. It's
20 not a popular aspect for the fishermen to have a law enforcement
21 vessel motor in to where he is set up adrift and then we run
22 through a check and then we motor out. It detaches from their
23 experience of the day, when we are checking them mid-trip, during
24 that fishing experience.
25
26 Typically, what we do is in that middle slide, and we'll set up
27 at funnels, where vessels are returning from a trip, recreational
28 and commercial or whatever, but the guys there on the right are
29 where we like to make contact with a vessel. They have either
30 completed their trip, or they're in transit, and we're not going
31 to disrupt their activity right there at that time, and so it's -
32 - That is really how we set up our patrol models.
33
34 Then, moving into -- As we get closer to touching on these
35 federal issues and the federal enforcement, we're making these
36 stops for water safety inspections. The vessel is underway, and
37 they are not actually fishing, but we're doing a water safety
38 inspection.
39
40 During that course of that inspection, we engage them in
41 conversation, and we're looking at what resources they have
42 onboard, and so that allows us to check for the proper license.
43 Most things are federally permitted, when they're coming back in
44 through the jetties, and so we'll look at their permits and see
45 what kind of activities, and then, again, we're doing bag limit
46 checks at that point.
47
48 This is kind of what that looks like as they're coming in. We

1 really like these jetty inspections, because there is a reduced
2 chance of vessel damage, either for our patrol boat or for the
3 compliance inspection that we're doing on the other. We're not
4 going to damage their vessel, and we can do a more thorough
5 inspection.

6
7 They have, again, completed their activities, and so we know
8 exactly what their intent was to retain, and we don't have any
9 arguments of, well, I just caught that, and I was going to turn
10 it loose or anything like that. The vessels come back in, and
11 they have it, and the resources are on ice, and it allows for a
12 good inspection.

13
14 Again, we can actually, dollar for dollar -- Patrols are very
15 expensive, but we, on any given day, probably check 90 percent of
16 the vessels that went out that day, and they have to come right
17 back to the same jetty, and so we're going to be able to do more
18 vessel checks.

19
20 Then we have cell service there, and we have radio service, for
21 verification of identities. A lot of times, people don't have
22 the required paperwork and stuff onboard, and then one problem to
23 this is there is a little bit less of a check that goes towards
24 federal compliance, because, at this point, they are in state
25 waters, and they we have to prove where the activity took place,
26 if we suspect that there is a federal violation.

27
28 Recently, we have -- In these locations, this is kind of what we
29 see when we come across a bag limit violation. What you're
30 looking at is the charge filed was probably headed and tailed
31 fish, but clearly they intended to violate the bag limit for red
32 snapper, and so what they will have is their limit of fish on ice
33 in a compartment, and they're hoping that that's the extent of
34 what you check, but, when you look at the other coolers and
35 things that are onboard, often you discover filleted fish, and so
36 these anglers clearly intended to violate the bag limit for red
37 snapper.

38
39 Again, these are very successful patrols, and they don't directly
40 -- Do we know how many of those fish came from federal waters or
41 how many of the fish came from state waters? It's really a moot
42 point. I mean, they're over the limit, and they're going to get
43 a violation, whether it be state or federal. We're able to
44 address the bag limit violations there.

45
46 On the Gulf open water, you do get some different aspects to some
47 of those inspections, and we're able to check specifically for
48 what the angler is fishing for, and so some of the hook

1 violations, if you're going for non-offset, non-stainless-steel
2 hooks and different things, we're able to really kind of pinpoint
3 what is somebody using and what they have onboard for gear
4 inspections.

5

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

17

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

28

29 Under our Gulf enforcement contract, we are targeting turtle
30 excluder device inspections on shrimp vessels, and we have a reef
31 fish enforcement component, and we have an HMS coastal pelagics
32 component. We have an IFQ enforcement component and the IUU
33 enforcement component at the border crossings only. We're not
34 doing any IUU direct enforcement on the water. That is not
35 something that is currently funded under this federal agreement.

36

37 In our turtle excluder device, there is 367 miles of coastline,
38 and we're checking vessels inshore and offshore. There is both
39 and state and federal prosecution for violations that are
40 discovered for that fishery. Really, ultimately, what we're
41 trying to do is reduce the number of turtle strandings. We see a
42 high level of compliance from the shrimp industry on our
43 inspections for turtle excluder devices, but this was last
44 year's, last spring's, turtle strandings on the Texas coast. You
45 can see there in the blue were the May strandings, and then the
46 April strandings.

47

48 If you notice, the lower coast there, where it kind of coincides

1 where some of the IUU fishing takes place and the Mexican fleet
2 frequently fishes and sets gear off of the Texas coast, and you
3 see a higher number of turtle strandings. I would note, also,
4 that time of the year, that state waters for shrimping is closed,
5 and so there are no shrimp boats there, and so you can't point
6 the finger directly at the lancha fleet, but you certainly
7 couldn't point it at the shrimp fleet at that time.

8
9 Anyway, it's just kind of setting the stage for that IUU fishing
10 in the Gulf does have a pretty significant impact on the
11 resources, and many of those turtles that wash up do have gillnet
12 entanglement signs on them, and they also have hooks, where they
13 have been on the longline and they cut them. From our experience
14 at the state level, the lanchas that we have encountered --
15 Typically, when the Coast Guard catches one, we will go to the
16 station and kind of view jointly what they have onboard, but they
17 don't retain the turtles. They are not marketing them. They are
18 just incidental catch from the use of the gear.

19
20 Again, for this reef fish enforcement -- We're kind of done
21 talking about the turtle stuff, but, for the reef fish component
22 under the JEA, we're checking vessels offshore and verifying
23 their catch and verifying their location and documenting the
24 vessel and the people onboard, and then we're creating a case
25 report that is then turned over to National Marine Fisheries, or
26 NOAA OLE, actually.

27
28 Under this, I guess I would touch on the idea that we are moving
29 to state management, and so the state sets the seasons and bag
30 limits, and then we inspect and enforce that, but there's no
31 state court that has jurisdiction to enforce those regulations
32 fifteen miles offshore.

33
34 The courts' authority, in the State of Texas, stops at nine
35 nautical miles, and so we will have to refer those cases and
36 violations, even though it was a season and bag limit set by the
37 State of Texas -- We still have to refer that case to federal
38 prosecution for follow-up if it occurred or if we documented the
39 violation in federal waters, and so it's kind of an extra little
40 layer in there that maybe wasn't completely seen in this, but
41 we're able to accomplish the enforcement of all of this.

42
43 The reef fish inspections, they really target the recreational
44 fleet, and that's the idea under this JEA component, is that
45 we're going to go check these recreational fishing fleets that
46 are out there, and that means that -- Most of those boats leave
47 at six in the morning, and sometimes at noon, and they're coming
48 back at six in the evening, or ten o'clock in the evening, just

1 after dark in the summertime, but it really doesn't put us out
2 there to interact with the lancha fleet.

3

4 By the time we're coming in and our patrols are ending, that's
5 when the lancha fleet is starting, at dark, and they're making
6 the run north to begin fishing and setting gear, and so they will
7 set their gear, and then they move off away from the gear, and
8 they'll free float and let the gear soak, and then they will go
9 back and pick it up, and so, again, we're not really out there to
10 interdict and come into these under this JEA contract, as it
11 stands, and it's a good contract, but this is the focus point of
12 it on the recreational fleet.

13

14 Again, these are the guys, and it's the same vessel, and this was
15 a state capture that we brought in there to the Coast Guard
16 station there at South Padre Island. They can store -- The box
17 underneath the fuel cell there will hold anywhere from 500 to
18 1,500 pounds of red snapper, and they put it on ice. Depending
19 upon the time of the year that these guys are fishing, it
20 dictates how much fish that they can bring back, and so they have
21 to keep that catch edible, but they're fishermen, and, just like
22 everybody else, they've got to have it on ice.

23

24 In the summertime, they've got to get it in the box, and then
25 it's co-mingled with the ice that's in there. In the wintertime,
26 overnight, with cool temperatures, they don't need ice, and so
27 they can have heavier catches at different times of the year,
28 because they're going to make a run straight back in and unload
29 it, and so it will make -- On an average night in the Gulf, it
30 might be fifty degrees out there, and so it's plenty cool for
31 that fish to sit.

32

33 Again, that vessel, that's the fish that they had in that box,
34 and so you can see every vessel is a significant number. The
35 table there to the right is the same table that you saw from the
36 Coast Guard's presentation. Just using their numbers from 2018,
37 they apprehended sixty vessels. If you averaged it to 800 pounds
38 of red snapper, that's 48,000 pounds of snapper that we know went
39 right back into the Gulf, as far as a wasted resource. Some of
40 it is donated, but, for the most part, that fish is just returned
41 to the sea and goes back into the resource.

42

43 Of the 179 vessels that were detected, if you applied that same
44 800 pounds to it, that represents 143,200 pounds that were
45 removed from the Gulf, or from really the recreational fishery
46 and removed from the commercial fishermen that land this resource
47 legally.

48

1 The Texas recreational allocation is 241,000, and so you can see
2 that just what we know -- Like, from Mark's presentation, they
3 are only detecting around 15 percent, and so, if you were to
4 extrapolate that number to what the true incursion rate would be,
5 the take from that fleet from the United States, from the
6 recreational fishermen and from the commercial fishermen, is
7 extremely significant.

8
9 Essentially, this is the location where those vessels are
10 fishing. They are transiting back to Playa Baghdad there, where
11 the three boats are on the shoreline, but what we observe in
12 Texas, when we do IUU inspections at the port of entry, is a lot
13 of that fish comes right back into the United States through
14 Brownsville, Texas and through McAllen, and it goes from the
15 beach right onto a reefer truck, and it goes to Houston. Then,
16 from there, it's exported all over the country. Once it's
17 imported back in, it's legally introduced into the United States
18 market, and so, essentially, they are taking our fish and then
19 selling them back to us.

20
21 Moving back to the JEA components, we have an HMS component,
22 where we're patrolling and checking vessels for their HMS permits
23 and those species of fish. Again, that component primarily
24 focuses on federal waters. Historically, we have done some
25 dockside inspections for this, but the anglers that you see in
26 that fishery are really kind of the tournament fishermen, and a
27 lot of those folks -- It's a catch-and-release. I would say that
28 most of those fishermen, from what I have observed personally,
29 plus what the officers see, is it's a catch-and-release.

30
31 Some of them do come into the tournaments, where they have killed
32 the fish, but, again, that Mexican lancha fleet that comes out of
33 Mexico has a lot of incidental catches. At one time, the target
34 species, when I first started my career in 2002, and I was in the
35 field, and I was stationed there at South Padre Island, and the
36 target species was sharks at that time.

37
38 That was the driving force, and they have since moved to red
39 snapper. Sharks, you see, are more of an incidental catch at
40 this time, but then you also see -- I can't point to everybody's
41 screen, but there is three red drum there. They do take some red
42 drum out of the Gulf. Again, that's not the target species, but
43 it represents some of that incidental catch.

44
45 We have seen a few more gillnets, here recently, show up in state
46 waters, right off of the lower coast, and a lot of times we've
47 seen that, and maybe they're catching mackerel or different
48 things, but, to some degree, they have to catch bait, so that

1 they can have bait for the red snapper fishing, and so some of
2 that is how that's utilized.

3

4 We do some IFQ dockside inspections, and there is three target
5 species that the vessels are landing in Texas. I think we have
6 spoken of our concerns about the underreporting of the commercial
7 harvest, but, again, I don't want to belabor that subject, and I
8 think we have adequately discussed it, and then there's a lot of
9 other issues within the IFQ that you already discussed this week,
10 but we do have that component where we do those inspections under
11 that federal agreement.

12

13 Then we do our IUU inspections. Right now, the contract -- How
14 we pair with NOAA OLE is we do these inspections at the
15 international border locations where resources are imported from
16 other countries, and so there is other IUU countries other than
17 just Mexico.

18

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

26

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

34

35 If an individual gets sick from one of these foreign oysters,
36 that could shut down the exports from Texas, if you have too many
37 -- If you're not following your disease control measures in the
38 state.

39

40 Then what the OLE is looking at is the packaging and labeling and
41 the imports of different species of fish that come into the
42 United States, and there is labeling rules. This is kind of an
43 accountability measure that's put in place that, if somebody
44 could import a really cheap, less desirable fish, once it gets
45 into the United States, they repackage it and relabel it, and
46 then now it's sold and served as red snapper. It really
47 undercuts our domestic market, and so ensuring quality within the
48 invoicing and within the packaging really kind of helps our local

1 fishermen get the best price that they can for their fish
2 domestically.

3
4 Then part of what you're looking at there is they say that
5 they're importing red snapper, and you have to unload the truck
6 and look under the ice to see what fish are there, and so this is
7 what we're doing in this slide here, and it's time consuming.

8
9 To unload a truck, you have to maintain the ice that's on that
10 truck, and we don't have an ice machine at the point of entry,
11 where we can just dump the box out and then re-ice it for them,
12 and so it's kind of difficult. You have to have a method of
13 putting the fish into a new box and transferring the ice, and it
14 takes a lot of manpower to do those.

15
16 Here you have the IUU circle, and you've the fishermen that are
17 catching the stuff, and they have all kinds of requirements and
18 regulations they have to comply with, and then you have the
19 imports matching it to the invoices, as it comes into the United
20 States, and then is it properly labeled at the point of sale
21 location at HEB, and is it properly labeled at a restaurant, and
22 that's kind of what we're doing there, but it doesn't -- This
23 IUU, a big component of it is it does happen in the Gulf of
24 Mexico.

25
26 Our neighboring country is fishing illegally, and they're
27 underreporting their catch, and they are undermining our
28 fishermen here, and so, from a SAFE standpoint, we would like
29 expand and have more support from our JEA contract to address
30 that. We could transfer and move some resources there, but every
31 agency is tight for funding, and you have to utilize those
32 resources where they're intended, and, right now, they are not
33 directly focusing on that IUU fishing fleet. If you have any
34 questions, I would entertain those now.

35
36 **CHAIRMAN DIAZ:** Are there questions for the Assistant Commander?
37 Dr. Mickle.

38
39 **DR. PAUL MICKLE:** Thank you. That was a great presentation, and
40 it was very informative. My question is I think, to both you and
41 Lieutenant Commander Zanowicz, is it seems like there is
42 evidence, from IUU fishing, of the turtle, I guess, interactions
43 with the IUU gears.

44
45 My question is why aren't they retaining that catch? It sounds
46 like there is evidence that, when you find intercepts of the IUU,
47 that there no turtles onboard there or anything, and so why
48 aren't they retaining the turtles? Is there an ESA platform for

1 arresting the individual if there are turtles intercepted or not?
2 Why are they -- If you're illegally fishing, you might as well go
3 the whole way, right? That's my question.

4
5 **ASSISTANT COMMANDER BARKER:** Well, that's a good question. I
6 don't know that I truly know the answer to it, other than I don't
7 think that there's truly a market right now for turtle flesh or
8 turtle resources, and there may be some one-off unique collectors
9 that might have that stuff, but I don't know that, anywhere here
10 close by, that there's a true market for it, and so the fishermen
11 are just interested in the dollar. The turtle comes up and he's
12 dead, and it stinks, and so they're going to get rid of it, and
13 it could foul, I guess, so to speak, if he was to put it in the
14 box on ice with the fish.

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

17
18 **DR. MICKLE:** From that answer, it sounds like there is no illegal
19 market for these species, these protected species, and so I would
20 say that's good evidence of that, because you really don't know,
21 because the black market is so convoluted, but it sounds like
22 there is no product and drive for it, which is --

23
24 **ASSISTANT COMMANDER BARKER:** Correct. I don't think there's a
25 direct drive for turtles.

26
27 **DR. MICKLE:** Thank you. That's valuable.

28
29 **CHAIRMAN DIAZ:** Ms. Bosarge.

30
31 **MS. BOSARGE:** It was an excellent presentation, and it was very
32 diverse. You touched on a lot of different things. I was
33 excited to see the border checks and actually with the IUU
34 checking that paper trail. That's very important to us from the
35 shrimp industry, when our government bans -- When they put import
36 alerts on certain companies and certain countries and things like
37 that, and that paper trail is how you tell if something is being
38 trans-shipped, and it's coming from somewhere it's not supposed
39 to and going through Mexico to try and get into this country, and
40 so I appreciate that. Thank you.

41
42 **ASSISTANT COMMANDER BARKER:** Absolutely.

43
44 **CHAIRMAN DIAZ:** Dr. Crabtree.

45
46 **DR. ROY CRABTREE:** Thank you for presenting that this morning.
47 How many vessels do you have that are capable of doing offshore
48 patrols outside of nine miles?

1
2 **ASSISTANT COMMANDER BARKER:** We have thirteen SAFE boats and, on
3 that lower coast, where that IUU fishing is, there is probably
4 six. Roughly about half of the fleet is on the lower coast, and
5 then we have two sixty-five-foot vessels, but they have reached
6 the end of their life.
7
8 We have commissioned the building of a new eighty footer that is
9 supposed to come online, and we're hopefully taking delivery this
10 February, and so that's going to expand this, and that vessel
11 will be put on the lower coast, but we would -- We still have a
12 need for replacing the other vessels, so that -- We would like
13 to, and we see the need, for a presence in the Flower Gardens, a
14 need for the presence in some of these other locations.
15
16 We do have some trips this coming year scheduled to look for
17 compliance at the Flower Gardens, but that means, before we get
18 there, before we ever start that trip, we've got to patrol with
19 that vessel from the lower coast and take it to Galveston, and
20 then we'll start the Flower Garden trip from there. We would
21 like to expand and replace that other vessel, and that will be
22 something that we're looking to do certainly in the near future,
23 because it's close to thirty years old, if not older.
24
25 **DR. CRABTREE:** So you're spread pretty thin.
26
27 **ASSISTANT COMMANDER BARKER:** Very thin.
28
29 **DR. CRABTREE:** You have a big coastline.
30
31 **CHAIRMAN DIAZ:** Dr. Stunz.
32
33 **DR. STUNZ:** Well, thank you for that informative presentation,
34 Commander. I wanted to go back to the snapper and what Mark
35 presented as well and that 179 detection number. I guess you
36 guys, Mark, are detecting, but I was trying to get my head around
37 the magnitude of the problem and the detections. How good are
38 you at detecting these?
39
40 In other words, how many of those come in at night and leave and
41 you just -- I know you may never know, but what's your gut
42 feeling, because, if you look at what the Commander just reported
43 on those numbers, I mean, that's high for what you know about.
44 What we don't know about, I think, is where the real problem
45 lies.
46
47 **LT. ZANOWICZ:** Obviously, the only ones we know for sure about
48 are the ones we see, and that's that 179. However, we have done

1 studies in the past, obviously estimating the total number of
2 incursions, and we did a recent study that -- The draft report
3 was just completed this month, and we'll hopefully have the final
4 results of that to present to the council at the next meeting,
5 but estimates of that are roughly that we detect 15 percent of
6 the total lanchas that are out there, and so that 179 number is
7 roughly 15 percent, by our best estimates.

8
9 We have had other data sources that indicate that maybe 15
10 percent is a little on the high side, that maybe our actual
11 detection rate is probably more on the 5 percent side, and so I
12 would be comfortable saying between 5 and 15 percent is probably
13 our detection rate of lanchas.

14
15 **ASSISTANT COMMANDER BARKER:** I would like to follow-up with that,
16 if I could. Some of the challenges with detecting these vessels
17 are -- They have some great assets, with flyovers and with
18 eighty-seven-foot vessels with great radar systems, but, given
19 the fog that is on the lower coast, the sea state and different
20 things that come into play, it becomes very challenging to verify
21 -- You may have picked up a target, but it could have been a
22 recreational boat, and so they go to great lengths to -- When
23 they say that they detected 179, that was 179 known and verified
24 that that was a lancha and not a mistake in a thirty-foot go-fast
25 that just happened to be fishing.

26
27 **CHAIRMAN DIAZ:** Mr. Swindell.

28
29 **MR. ED SWINDELL:** Thank you very much for your presentation,
30 also. I am looking at you have had a steady increase of lancha
31 detections and seizures, from this bar chart map you have here,
32 since 2008, and you have a chart here from 2008 to 2018, and is
33 it -- Why has there been an increase in this length of time? It
34 seems like a steady increase up to about 2015, and have you
35 always had enough resources to be out there in 2008, or has this
36 just been a great increase suddenly in these years from Mexico?

37
38 **LT. ZANOWICZ:** At least from the Coast Guard side, I would be
39 speculating, in terms of ten years ago, in 2008 and 2009, if the
40 problem was the same as it is now. We definitely had less
41 detections then, but I think, with confidence, I can definitely
42 say that we're not seeing any decrease in the problem.

43
44 **CHAIRMAN DIAZ:** Two more questions, and then we're going to wind
45 it up, so we can get to the next committee. Dr. Porch.

46
47 **DR. CLAY PORCH:** Thank you. Thank you, also, for the
48 presentation. In past years, as you mentioned, the Coast Guard

1 came up with an estimate, and I think it was something around
2 500,000 pounds of red snapper, and, to do that, of course, they
3 had to come up with the probability of intercepting a lancha, and
4 so you looked at the detection range for each of your vessels and
5 aircraft, et cetera.

6
7 Since then, you said that, I think, the Coast Guard is not in the
8 business of catch estimation, and I get that, but is it possible
9 to get that sort of information, and then we could expand up
10 these estimates on a year-to-year basis?

11
12 **LT. ZANOWICZ:** Our data analysis branch just finished up that
13 draft report this month, and I was hoping to present it at this
14 council meeting, but it wasn't ready yet. Once that report is
15 finalized, I can definitely provide that to the Science Center
16 for use, possible use, in future red snapper stock assessments,
17 and that's definitely our intent.

18
19 **CHAIRMAN DIAZ:** Dr. Stunz.

20
21 **DR. STUNZ:** Commander, this is unrelated to what you presented,
22 but, when you were at the podium earlier during this meeting -- I
23 was hoping that you could just briefly comment, at least on the
24 Texas perspective, of enforcement of the double limit amendment
25 that we're considering now for the headboats, because my
26 understanding is, at least with that JEA enforcement, that it has
27 to do with at-sea enforcement versus the dock, and then, also,
28 there's some problems that have come to light about day
29 enforcement on an hourly basis versus, for example, exactly when
30 you leave and when you get back versus a daily, a true twenty-
31 four-hour time period kind of thing, and I just was wondering if,
32 just briefly, you could comment on how does that affect your
33 operations, in terms of enforcement.

34
35 **ASSISTANT COMMANDER BARKER:** I am going to advance through a
36 couple of these slides here to kind of help answer that. In my
37 presentation, I said that we typically encounter vessels at two
38 different locations in the trip. Here, they're coming back
39 through the jetties.

40
41 Under this proposed consideration that you all have about the
42 thirty-hour and catching the first day's limit in the first day,
43 but it's an overnight trip, to really kind of finalize the
44 inspection of that, and really check for compliance, this needs
45 to happen at the dock, and so that is where the fish are finally
46 being landed, and that's where you're totaling out the thirty
47 hours.

48

1 There will be very little enforcement for that unless you change
2 some of the funding of how we execute the JEA contract, because,
3 typically, we do these inspections on the water, underway, at one
4 location or another, but those dockside inspections, where the
5 vessel comes back and they land, we would have to dedicate some
6 sort of other resource just to do that, and so there is that
7 problem of just how it's executed, but, right here, we wouldn't -
8 - They may be coming in, and who knows at what hour of the trip
9 they're in, and maybe we could verify that, okay, they're at
10 twenty-seven hours out, and it will take them two hours, and we
11 would just give it to them, theoretically.

12
13 The other component of this is where we're checking them at-sea,
14 out there, and you're going to be looking at potentially two days
15 of resources on that first day, if this is when we encountered
16 that vessel, and we're probably never going to come back in touch
17 with that vessel, but, in every one of these instances, we're
18 probably -- If it's a charter boat/headboat, we're probably going
19 to look at it and say, okay, you're allowed two days at this
20 point in your trip, and then, if we verify that you exceeded
21 thirty hours on the backend, then we would initiate some sort of
22 casework writeup.

23
24 I don't know that I can completely articulate that, but there
25 just really won't be much enforcement around that thirty hours,
26 just because every aspect of the traditional patrol model is
27 really set up on, okay, we're checking you right now today, and
28 so you can only have one day's limit. When you're transiting
29 back in, with this, if you articulated that it was a two-day
30 trip, okay, and I see that it was probably a two-day trip, and
31 we're going to give you the possession limit, regardless of where
32 that twenty-four or thirty hours is.

33
34 Now, you will probably get 90 percent compliance out of your
35 recreational -- That charter boat and headboat group, most of
36 them are going to comply with it, just because they are good
37 anglers, but you will have a small fraction that will find a way
38 to exploit it, and that's really, I think, what we were trying to
39 articulate, and it's just how comfortable with that are you and
40 how many people are going to take advantage of the situation and
41 use it properly and how many people would take advantage of it
42 and use it negatively, but it really -- From our law enforcement
43 perspective, it doesn't really fit into our patrol plan. That's
44 just kind of the framework around it that I guess I would
45 articulate. If you had any other questions, I would try to
46 answer them.

47
48 **CHAIRMAN DIAZ:** Thank you. Our committee is running just a

1 little long, and so we're going to wind it up, but I do want to
2 thank Lieutenant Zanolowicz and Assistant Commander Barker. They
3 were very good presentations, and I want to especially thank you,
4 Assistant Commander Barker, for being here all week and being
5 willing to come up and give us your perspective on things, and so
6 we really appreciate that. The last thing on the agenda is Other
7 Business. Dr. Lasseter.

8
9 **DR. LASSETER:** Thank you, Mr. Chairman. Just to wrap up the IUU,
10 I feel like both of these presentations really captured the LETC
11 discussion, and so, if you would like to read a little bit more
12 of the LETC summary report, it summarizes their discussion, but
13 it pretty much overlaps with what we just heard.

14
15 They did make one recommendation to the council, which I would
16 like to call up on the board, and it's at the top of page 2 on
17 the LETC summary. They are asking whether the council can
18 provide a letter of support, basically help coordinate with their
19 efforts to address this IUU issue, and so this is the motion.

20
21 The LETC is requesting that the council write a letter to the
22 NOAA Office of International Affairs, and that's the office
23 tasked with providing these biennial reports to Congress, and/or
24 the Assistant Administrator for NOAA Fisheries, to open
25 communication and request an annual report regarding the specific
26 impacts and measures taken by Mexico to address the Mexican IUU
27 fishing issue. It would be important to note in the report the
28 estimated take of red snapper by the illegal fleet and the
29 economic impact that it poses against recreational and commercial
30 fishermen in the U.S. I will pause there for committee
31 discussion.

32
33 **CHAIRMAN DIAZ:** Ms. Bosarge.

34
35 **MS. BOSARGE:** I am not sure that I want to make a motion, but I
36 was thinking, during these presentations, that we have, I think,
37 written letters in the past, and we have talked to the Science
38 Center in the past, but it may be better to get somebody from
39 D.C. that is over a lot of this IUU fishing and have them come to
40 one of our meetings and present, and let's give our feedback
41 directly to them, so they understand how important this is. Look
42 us in the face and let's have a conversation.

43
44 **CHAIRMAN DIAZ:** Dr. Stunz.

45
46 **DR. STUNZ:** We're not helping with the timing on your meeting,
47 Dale, and sorry, but I agree 100 percent with Leann of doing
48 that, and a lot of that came out of that ICCAT meeting, which I

1 will summarize next time, and so I think that's a good idea, to
2 have those folks, but they're also busy with all kinds of other
3 IUU activities going on, and I'm in favor of writing this letter,
4 and so I can make a motion, if you've got time to do that, or do
5 you want to wait until Full Council or something? I don't know
6 what you would prefer.

7
8 I guess -- I'm doing this off the fly here, and so I have to see
9 what was just up there for that letter, Ava, and so is there a
10 way to put it -- Basically, just recraft what they're asking
11 there.

12
13 **I move that the council write a letter to the NOAA Office of**
14 **International Affairs and/or the Assistant Administrator for NOAA**
15 **Fisheries to open communication and request an annual report**
16 **regarding the specific impacts and measures taken by Mexico to**
17 **address the Mexican IUU fishing issue. It would be important to**
18 **note in the report the estimated take of red snapper by the**
19 **illegal fleet and the economic impact that it poses against**
20 **recreational and commercial fishermen in the U.S. I will pause**
21 **there for committee discussion. Mr. Chairman, that's my motion.**

22
23 **CHAIRMAN DIAZ:** Is there a second to the motion? It's seconded
24 by Mr. Robinson. I would like to add that, during the discussion
25 during the Law Enforcement Technical Committee, there is no
26 communication between U.S. law enforcement officers and Mexican
27 law enforcement officers, and I don't know if that's even
28 possible, considering the way that some of the cartels have
29 control of some of the areas, but, if there was a way to open up
30 some communication between the law enforcement from each country,
31 it could have positive effects, and maybe that's something that
32 could come out of this. Any other discussion on the motion? Mr.
33 Anson.

34
35 **MR. ANSON:** I don't know if it -- I mean, I agree with the
36 letter, but I am kind of with Leann. To kind of show our
37 interest and to show their respective interest, it would be nice
38 possibly to have somebody from the office to come and make a
39 presentation to the council, in addition to the letter, and so
40 you could have the annual report done, with the details, as
41 provided in the motion, but I just don't know if we want to
42 offer, or need to offer, a substitute motion that would then
43 also, in the same letter, request that an official come down to
44 give a presentation as to what the current status is and what the
45 recent history has been and such.

46
47 **CHAIRMAN DIAZ:** Dr. Frazer.

48

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

4
5 **CHAIRMAN DIAZ:** Any further discussion? **Seeing none, is there**
6 **any opposition to the motion? Seeing none, the motion carries.**

7
8 Dr. Lasseter, do you have anything else? All right. We have
9 Other Business is the last item on the agenda. Does anybody have
10 any other business to come before this committee? Seeing none, I
11 yield back to the Chair.

12
13 (Whereupon, the meeting adjourned on October 23, 2019.)

14
15 - - -
16