

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

Webinar

OCTOBER 26, 2020

VOTING MEMBERS

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

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 John Sanchez.....Florida
 27 Bob Shipp.....Alabama
 28 Joe Spraggins.....Mississippi
 29 Ed Swindell.....Louisiana
 30 Troy Williamson.....Texas

STAFF

33 Matt Freeman.....Economist
 34 John Froeschke.....Deputy Director
 35 Beth Hager.....Administrative Officer
 36 Karen Hoak.....Administrative & Financial Assistant
 37 Lisa Hollensead.....Fishery Biologist
 38 Ava Lasseter.....Anthropologist
 39 Mara Levy.....NOAA General Counsel
 40 Jessica Matos.....Document Editor & Administrative Assistant
 41 Natasha Mendez-Ferrer.....Fishery Biologist
 42 Emily Muehlstein.....Public Information Officer
 43 Kathy Pereira.....Meeting Planner & Travel Coordinator
 44 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
 45 Bernadine Roy.....Office Manager
 46 Charlotte Schiaffo.....Administrative & Human Resources Assistant
 47 Camilla Shireman.....Administrative & Communications Assistant
 48 Carrie Simmons.....Executive Director

1 Carly Somerset.....Fisheries Outreach Specialist

2

3 **OTHER PARTICIPANTS**

4 Peter Hood.....NMFS

5 Tim Griner.....SAFMC

6 Clay Porch.....SEFSC

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1 The Law Enforcement Committee of the Gulf of Mexico Fishery
2 Management Council convened via webinar on Monday afternoon,
3 October 26, 2020, and was called to order by Chairman Dale Diaz.

4
5 **ADOPTION OF AGENDA**
6 **APPROVAL OF MINUTES**
7 **ACTION GUIDE AND NEXT STEPS**
8

9 **CHAIRMAN DALE DIAZ:** I would like to call the Law Enforcement
10 Committee to order. Members of the committee are myself as
11 Chair, Mr. Dyskow as Vice Chair, Mr. Schieble, Mr. Anson, Ms.
12 Boggs, Mr. Donaldson, Lieutenant Giancola, Mr. Riechers, and Dr.
13 Stunz.

14
15 First up for the committee is the Adoption of the Agenda. Do I
16 hear any modifications to the agenda, or does anybody have any
17 other business they would like to add to this agenda? I am not
18 seeing any hands, or hearing anybody saying anything, and the
19 agenda is adopted. Next up on the agenda is the Approval of the
20 October 2019 Meeting Minutes. Is there any edits or additions
21 or changes to the minutes? If there are no edits, can I get
22 somebody to give me a motion to approve the minutes from the
23 October 2019 meeting?

24
25 **MR. ROBIN RIECHERS:** I move to approve the minutes from the
26 October -- You just said it, and I don't have the date, Dale.

27
28 **CHAIRMAN DIAZ:** October 2019.

29
30 **MR. RIECHERS:** The October 2019 minutes.

31
32 **MR. DAVE DONALDSON:** I second.

33
34 **CHAIRMAN DIAZ:** We have a motion and a second. Is there any
35 opposition to the motion? Hearing none, the minutes are
36 approved. Item Number III on the agenda is the Action Guide and
37 Next Steps, and Item Number 4 is the Law Enforcement Technical
38 Committee Meeting Summary. Dr. Lasseter is handling both of
39 them, and so, Dr. Lasseter, can you take care of the Action
40 Guide and go ahead and move right on into the Agenda Item Number
41 IV?

42
43 **LAW ENFORCEMENT TECHNICAL COMMITTEE MEETING SUMMARY**
44

45 **DR. AVA LASSETER:** Sounds good. Good afternoon, everybody. We
46 have a very short committee agenda today, and we have one item
47 for you to cover, which will be reviewing the full LETC meeting
48 summary from this past March. We have already summarized for

1 you and provided the recommendations that pertain to actions
2 that you have taken action on, which included the MPA action.

3
4 Just to let you know that the October 2020 LETC meeting was
5 cancelled, and that was right as the hurricanes were about to
6 hit the coast, and so we did just have the remaining 2019 items,
7 and so we can go ahead and bring that document up, which is L-4.

8
9 I will just highlight a couple of the other -- There's only one
10 recommendation to go over, but some of the other discussion
11 points from the LETC is that they are now in the process of
12 reviewing their own nominations for the Officer or Team of the
13 Year Award, and they did do that for the first time this past
14 March meeting, and it went very smoothly, and we'll be sending
15 out the call for nominations for this year's award to them
16 before the end of the year.

17
18 We touched base with them on the IUU fishing report that came
19 out, and, again, you'll be having a presentation from the
20 Director of the Office of International Affairs on Wednesday
21 morning, and we updated them on some other council actions.
22 Then, if we scroll down, and this is the bottom of page 1, we'll
23 come to the one recommendation.

24
25 This is an issue that the council has been hearing some about,
26 and law enforcement officers are all familiar with this issue,
27 and we're hearing from charter captains coming to us, and Mr.
28 Diaz wanted to bring this up for discussion, and this concerns
29 state permitted, or maybe even not permitted, but basically
30 vessels without a federal for-hire permit taking paying
31 passengers into federal waters to fish, and so illegal charters.

32
33 Our FWC representative, Scott Pearce, spoke to the issue for
34 Florida, really highlighting how this is a very difficult thing
35 to enforce, and this does require conducting a covert
36 investigation, and so funding for very involved investigations
37 like that gets very costly, and so, through discussion, the LETC
38 proposed that -- They requested that the council recommend that
39 NOAA modify its JEA priorities to allow them to include these
40 more in-depth investigations. Then we have the LETC
41 recommendation there in bold for you, and I will read that out.

42
43 That the council recommend to NOAA that the JEA priorities be
44 expanded to include patrol and investigative efforts for federal
45 charter for-hire permit violations. Along with expanding the JEA
46 priorities, NOAA should establish an intelligence gathering
47 program that will work with their federal for-hire permit holders
48 to identify suspect vessels and to report this information to

1 state law enforcement partners. Then I will pause there for
2 discussion, Mr. Chairman.

3
4 **CHAIRMAN DIAZ:** Thank you, Dr. Lasseter. Just to give a little
5 bit of background, I brought this up at the LETC meeting, and I
6 want to say this on the record. I mean, specifically, I had
7 taken notes in the council meeting that was prior to this LETC
8 meeting, and we had a few people come up at public testimony and
9 talk about these illegal fishing charters, and I just wanted to
10 make sure and bring it up at the LETC meeting, so a discussion
11 could be had.

12
13 I will bring it up here now, because I want to make sure that
14 people know that we do take into consideration things that we
15 hear at public testimony and things that we hear from folks, and
16 so that was my rationale, and, after they had some discussion,
17 this is a motion that they passed at the committee, and so
18 that's just a little bit of background. Ms. Boggs has her hand
19 up. Ms. Boggs.

20
21 **MS. SUSAN BOGGS:** Thank you, Mr. Chair. This is an issue,
22 especially now with the new online booking sites, Fishing
23 Booker, and now there is Fish Anywhere, and I think they've
24 gotten better with it, but you can just go on and put your boat
25 on there and sign-up and start taking people fishing, and I have
26 expressed my lack of support for those on the websites, because
27 it's in direct competition with us here locally, but,
28 nonetheless, I think that's where a lot of it is also spawning
29 from. It's people just being able to go out there and list
30 their vessel and start booking charters.

31
32 I do know that the local enforcement here -- They were by during
33 the summer and spoke to Randy about it, and I know that they are
34 starting to look into it, and I would wholeheartedly support
35 this motion. Thank you.

36
37 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Dr. Crabtree.

38
39 **DR. ROY CRABTREE:** I don't really have a problem with the
40 motion, I guess, but I think we need to recognize that,
41 ultimately, this is a problem with having inconsistent federal
42 and state regulations, and I don't think, twenty years ago, any
43 of us ever envisioned having state-water guide fisheries develop
44 for offshore federally-managed species.

45
46 With some of the changes to state-water boundaries, it has kind
47 of exacerbated the problem, but, like all of these things, we're
48 trying to police a line nine miles offshore, and we're going to

1 always have real problems with that, even if you do make it a
2 JEA priority, and so I just think you need to think about why we
3 really have this, and it's because we have inconsistent
4 regulations, again, and that has plagued us on a lot of these
5 fisheries for many, many years, and I suspect this will continue
6 to be an issue as long as that's the case.

7

8 **CHAIRMAN DIAZ:** Thank you, Dr. Crabtree. Ms. Boggs.

9

10 **MS. BOGGS:** Thank you, and this question I guess is for Dr.
11 Crabtree, because I understood that the state guideboats could
12 not fish outside of the nine miles in the EEZ, and is that not
13 correct?

14

15 **DR. CRABTREE:** It is correct, but the problem is letting the
16 state guideboats do trips for red snapper to begin with. If you
17 said, to do charter trips for reef fish, you have to have a
18 federal permit, even in state waters, you wouldn't have this
19 problem.

20

21 **CHAIRMAN DIAZ:** All right. Go ahead, Ms. Boggs.

22

23 **MS. BOGGS:** I apologize, and I don't mean to belabor this, and
24 so, if state waters are open, the state guideboats can fish out
25 to nine miles, correct, but they can't fish outside of the nine
26 miles unless they have a federal fisheries permit.

27

28 **DR. CRABTREE:** They can't run charter trips for reef fish or
29 coastal migratory pelagics. That's right. If you look at like
30 a commercial reef fish permit, most of the states require that
31 you have the federal permit to fish commercially in state
32 waters, for a lot of these things, but they don't do that with
33 the charter boats, and that is really my point.

34

35 If you really want to stop this, you have got to get the state
36 guideboats out of basically fishing for red snapper. Twenty
37 years ago, there weren't enough red snapper in close that anyone
38 would have thought of this happening, but that has all changed
39 now.

40

41 **CHAIRMAN DIAZ:** Thank you, Dr. Crabtree. Any further comments
42 on the information that's been put forth? Seeing none, is there
43 any interest by anybody on the committee in making a motion
44 related to the law enforcement motion? Seeing none, Dr.
45 Lasseter, can you proceed?

46

47 **DR. LASSETER:** Thank you, Mr. Chairman. That is all I have.
48 The remaining recommendations, again, were for the MPA action,

1 the Madison-Swanson and Steamboat Lumps action, and so you have
2 taken final action, and I believe your preferreds were
3 consistent with the LETC. Then the rest of the items were just
4 for information, and so I can turn it back to you, Mr. Chairman.
5 Thank you.

6
7 **CHAIRMAN DIAZ:** Thank you, Dr. Lasseter. If there is no further
8 comments, and we don't have any other business, and I believe
9 that concludes all of the agenda items for this committee, and
10 so, Mr. Chair, I will turn it back over to you.

11
12 (Whereupon, the meeting adjourned on October 26, 2020.)

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