

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

273<sup>RD</sup> MEETING

FULL COUNCIL SESSION

IP Casino & Resort

Biloxi, Mississippi

APRIL 3-4, 2019

**[Note: The Law Enforcement Committee met during the Full Council session. These minutes were approved by the Full Council at its June 2019 meeting.]**

**LAW ENFORCEMENT COMMITTEE REPORT**

**MR. BOYD:** Thank you, Mr. Chairman. The Law Enforcement Committee members are Mr. Diaz, Mr. Banks, Mr. Anson, Mr. Donaldson, Mr. Dyskow, and Mr. Robinson and Lieutenant Zanowicz. The first thing on the agenda is to adopt the agenda, and could I have a motion to adopt the agenda with any changes that are necessary? We have a motion and a second, and the agenda is adopted. Approval of the minutes, I will entertain a motion. We have a motion by Mr. Donaldson, and Mr. Dyskow seconds. Dr. Lasseter, if you would go over the Action Guide and the Next Steps.

**DR. AVA LASSETER:** Yes, and thank you, Mr. Boyd. There is really just one item on the action guide, and it will lead us right into the next agenda item, which is the Law Enforcement Technical Committee meeting summary.

We will review the report with you, and there were not other comments. There were not other sections of the LETC report that ended up being discussed elsewhere in the committee. Their primary discussion was to develop recommendations for a possible law enforcement team of the year award, and so that's what we'll spend the most time on, and so I will go on into the meeting summary, if that's okay with the committee.

The summary is located at Tab L, Number 4, and so the LETC met just a couple of weeks ago, and we reviewed the current actions that could have law enforcement implications, and we actually walked them through the council's action schedule as well, showing them where it's located in the briefing book and just kind of connecting them with the council process a little bit more.

One issue that they did have some discussion on, and this is

towards the top of page 2, is the issue of non-permitted vessels taking paying passengers to fish for red snapper in federal waters or illegal charters, as I just discovered that term recently, and so we brought this up because we heard, at the state management public hearings, and our Outreach Officer also has been hearing some complaints, and so the Law Enforcement Committee discussed what they've heard and the fact that some active investigations are going on currently, and they did point out that these are much more complex investigations for them to pursue, and so that does make it more difficult for them to respond to, because it does involve them actually doing an undercover investigation, and they've got to book a trip on one of these vessels, and so it's a little more complex than just doing on-the-water enforcement and checking bag limits and size limits.

The LETC members did strongly advise other for-hire operators, or people in the public, whoever is concerned about this issue, to communicate regularly with their state agencies about these concerns. They said they can't take any action unless they are hearing about it and they're aware of what's going on, and so they did encourage that.

The next item, and this will be the bulk of the report, is the development of a possible team of the year award, and so, as we know, every year, the council recognizes its outstanding officer of the year from somewhere in the Gulf, throughout the Gulf, and this group has been discussing that sometimes there is people that they may want to nominate, but they're a part of an enforcement team, and it could include people that are undercover and that could not be identified, and so they have been talking about this for a little while and wanting to expand this award.

At the end of the report, there is a copy of the council's current Law Enforcement Officer of the Year, and so what the LETC is proposing is that, each year, each state nominates either an officer of the year or a team of the year, and so this could result in the council needing to evaluate some officers and some teams, depending on which states elect to provide which type of nomination.

Another suggestion is that the LETC itself be the group that reviews these nominations and ranks them and provides a recommendation to the council for the top two recommendations or rankings for the top two people, and then, of course, in closed session, the Law Enforcement Committee would evaluate those rankings and ultimately select from the nominees.

What we did in the LETC meeting was walked through this nomination form and made all of the recommended changes that they would like to see made, and primarily it's just editorial, to change this from nominee to the potential for plural nominees, and, if we scroll down a little bit to the award criteria, they did modify this somewhat, and they broke out the teamwork and public outreach, such that the teamwork part would have its own stand-alone one, which is both -- I apologize, and this is on page 5.

They broke out the teamwork and public outreach, the first item under the award criteria, and so now there's a public outreach section, and then there would be a partnership section, just so there is something that more fully reflects the team aspect, and now, if we scroll down to the next page, other recommended changes, proposed changes, we're to the guidelines, and so the LETC is also requesting that, rather than all of these performance reviews and official reports and whatnot be submitted as documentation, that this form itself serve as the primary mechanism for the nominations.

They would ask that the form be converted into a fillable PDF and that each of these previous award criteria, public outreach, partnerships, excellence and innovation, attitude and leadership, and, finally, achievements and accomplishments, be fillable fields on this electronic form, and then the nominating agency would be able to just fill in these spots electronically, providing a letter as well, and then, finally, they have provided a proposed timeline for themselves, and so they have said that they would provide this nomination for either the Officer of the Year or Team of the Year Award by February 1 of each year.

Then the LETC, at its March meeting, would discuss these nominations, and, at that time, rank them and make its recommendations to the council. In the event we had some delay, we would be able to accomplish this through a webinar, and we would have to notice it and whatnot, but, should we not be able to get this done in time for the March meeting, we could get have them convene before your April meeting.

Then we would bring to you, at your April meeting, like now, their report and their nominations, and, in closed session, you would have the opportunity to review those and rank those, and so these are the changes to the form. If we scroll down to just the very, very last page, there is just a comment there, where they recommended modifying the form to be a fillable PDF for the spaces for those reward criteria, and then we also did some editorial changes, on the very, very last page, as far as updating our

address to our new council office, and so you can see all those changes.

The first draft, this is all in track changes. Then, below that, if you keep going down through the report, it's a completely clean copy of what all of this would look like, and then here is all these track changes accepted, so you could take a look and read through it a little more cleanly. I will pause there and see if the committee would like to discuss the LETC's recommendations, and, if we could also go back up to the report, there is a motion specific to this proposal.

**CHAIRMAN FRAZER:** Mr. Boyd.

**MR. BOYD:** I would just like to say a couple of things about this. The process that we've had over the years for an award for law enforcement has morphed and moved, and we have been developing criteria and procedures over the years, and I have listened to their comments over the years in the Law Enforcement Committee, and I think this is just a refinement of what we've been trying to do for a long time, and it is recommended by them, and I think it's important that we listen.

They have a problem, because they can't award sometimes -- As Dr. Lasseter said, they cannot award to an undercover agent, and usually those things are done with a team of people, either from the federal level or undercover, and so it's hard for them to recognize some of the people that they would like to recognize, and so I think it's important, and I would recommend to the committee that we approve it. This is a committee motion, and so it doesn't need a second, Mr. Chairman.

**CHAIRMAN FRAZER:** Is there a second for that motion? Dale.

**MR. DIAZ:** This is for Ava or for Doug, either one. Does the motion that was on the board just a second ago -- If we were to adopt that motion, would that do everything that they asked for, including the fillable form, and then they would make the top two recommendations to us, and would that do everything, if we accepted that motion as it's written?

**DR. LASSETER:** I guess I would just rephrase it a little bit, to be coming from you rather than from the LETC, and so the one recommendation that the LETC did make is provided in your report, which is that the council expand this Officer of the Year Award to include nominations of either Officer or Team of the Year Award and to accept the proposed changes in the eligibility criteria,

and I think you could make a motion here to just accept the LETC's proposed changes to this award and approve the proposed changes, correct.

**MR. DIAZ:** Based on what they just said, if it's all right, I would like to make that motion. If it's worded wrong, please help me wordsmith it, Ava. **The motion is to recommend to the council --**

**CHAIRMAN FRAZER:** We are in Full Council session, and so just make the motion.

**MR. DIAZ:** Okay. **To expand the Officer of the Year Award to include nominations for either Officer of the Year or Team of the Year Award and accept the proposed changes to the eligibility criteria proposed by the LETC.** The intent of my motion is to accept all of their recommendations. Thank you.

**CHAIRMAN FRAZER:** We have a second by Mr. Swindell. Is there discussion? Kevin Anson.

**MR. ANSON:** Just to be clear, one of their recommendations was that they would review the applications and then provide the top two, as they deem it, and so those would be the only two that would be coming to the council for voting on? Okay.

**MR. DIAZ:** Kevin, what I like about that is I read through all of these things to get ready for the meeting, and you really -- It depends on how good the person writing the recommendation is, and these guys are at least closer to them, and they're a little bit more familiar with them, and I feel like they could probably do a better job at making that selection, and then we'll still have two to choose from once it gets here, but I feel like they are closer to them, and it just would be more effective that way.

**CHAIRMAN FRAZER:** Mr. Anson.

**MR. ANSON:** I think Ava wanted to respond to that.

**CHAIRMAN FRAZER:** Go ahead, Dr. Lasseter.

**DR. LASSETER:** Thank you. We would definitely bring to you all five of the application packages, and we would note which were the ones -- We would note the ranking amongst the five, but we will definitely provide everything that was nominated.

**MR. BOYD:** The discussion in the committee was that they would do the debate among themselves to bring it down from five states to

one state, to one applicant, so that we wouldn't have to go through all of those applicants. They would give us a recommendation of one officer and a team.

**CHAIRMAN FRAZER:** Ava.

**DR. LASSETER:** The way I understood it was that they would evaluate the five, and they would pick the top two, and it could be in one year an officer, a team, and an officer, but they would select from amongst however the assemblage is, and they would rank the top two, but they would provide you, as the deciding body, all of the information that they had available, which would be all five applications, nominations.

**CHAIRMAN FRAZER:** Mr. Swindell.

**MR. SWINDELL:** I think she states what I remember of the meeting, is that they would going to submit at least two from us to choose from.

**MR. BOYD:** Yes, that's what I was trying to say. They wouldn't come with five officer nominations. They would pare that down, and they would come to us with a possible team, and is that correct, Ava?

**CHAIRMAN FRAZER:** Ava.

**DR. LASSETER:** I think this is really probably semantics. There is going to be nominations, and we'll have up to five nominations. Among those nominations, they will rank the top ones that they recommend get the award. We will bring to you all of those nominations with the people identified, or the teams identified, who were the top -- Who they think should get it, but you will have all of the information, including the identified top two ranking nominees. I am saying five, but, of course, NOAA OLE is invited to provide a nomination as well, and so there could be up to six. Excuse me. Also the Coast Guard. Excuse me.

**CHAIRMAN FRAZER:** All right. I think that it's clear at this point. Are there any further questions or discussion? **Seeing none, is there any opposition to this motion? Seeing none, the motion carries.**

**DR. LASSETER:** Okay. That is pretty much the bulk of the report. The Law Enforcement Committee, the Gulf States Commission side, did meet, and they reviewed the usual items, updated in terms of what's going on with the commission profiles for the LETC members,

LEC members, and then, the other major discussion that kind of happened, I believe that Lieutenant Zanowicz is going to provide information that he provided to the LETC to the Full Council shortly, and so I will -- It is provided in your report, but I think we'll be hearing that firsthand here shortly, and that concludes the summary report. Thank you.

**CHAIRMAN FRAZER:** Thank you, Ava, and I appreciate you guys making the time to squeeze this in right before lunch, and, if I look at my clock, we are exactly on schedule at this point, and so thank you, again. Before we go to lunch, Emily Muehlstein has one request. If everybody would, outside those doors, line up for a Full Council picture. This is the first time that we've all been here for a while.

(Whereupon, the meeting recessed for lunch on April 3, 2019.)