GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

Golden Nugget Casino                               Biloxi, Mississippi

March 30, 2015

VOTING MEMBERS
Doug Boyd...............................................Texas
Jason Brand................................................USCG
Dale Diaz (designee for Jamie Miller)..................Mississippi
Dave Donaldson..............................................GSMFC
Campo Matens..............................................Louisiana
Harlon Pearce..............................................Louisiana
Roy Williams................................................Florida

NON-VOTING MEMBERS
Kevin Anson................................................Alabama
Martha Bademan (designee for Nick Wiley)............Florida
Leann Bosarge.............................................Mississippi
Roy Crabtree..........................NMFS, SERO, St. Petersburg, Florida
Pamela Dana................................................Florida
Myron Fischer (designee for Randy Pausina).........Louisiana
John Greene................................................Alabama
Corky Perret..............................................Mississippi
Lance Robinson (designee for Robin Riechers)........Texas
John Sanchez..............................................Florida
Greg Stunz..................................................Texas
David Walker..............................................Alabama

STAFF
Stephen Atran............................................Senior Fishery Biologist
Assane Diagne...............................................Economist
John Froeschke............................................Fishery Biologist/Statistician
Doug Gregory...............................................Executive Director
Karen Hoak..............................................Administrative and Financial Assistant
Ava Lasseter..............................................Anthropologist
Mara Levy.................................................NOAA General Counsel
Cathy Readinger...........................................Administrative Officer
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Charlotte Schiaffo......................................Research & Human Resource Librarian
Bryan Schoonard..........................................GIS Analyst

OTHER PARTICIPANTS
Pam Anderson.............................................Panama City, FL
The Law Enforcement Committee of the Gulf of Mexico Fishery Management Council convened at the Golden Nugget Casino Hotel, Biloxi, Mississippi, Monday morning, March 30, 2015, and was called to order at 10:25 a.m. by Chairman Doug Boyd.

ADOPTION OF AGENDA

APPROVAL MINUTES

ACTION GUIDE AND NEXT STEPS

CHAIRMAN DOUG BOYD: The first thing on the agenda is Adoption of the Agenda. Any additions to the agenda or changes? Hearing none, I would entertain a motion to adopt the agenda.

MR. WILLIAMS: Move to adopt the agenda.

CHAIRMAN BOYD: Do I have a second?

MR. CAMPO MATENS: Second.

CHAIRMAN BOYD: I have a second by Mr. Matens and a motion by Mr. Williams. Any opposition to adoption of the agenda? Hearing none, the agenda is approved. Has everyone read the minutes? I would entertain a motion to adopt the minutes from the last Law Enforcement Committee meeting. We have a motion and a second. Any opposition to adopting the minutes? Hearing none, the minutes are adopted. Action Guide and Next Steps, Mr. Atran.
MR. STEVEN ATRAN: That’s really just there for people to refer to for what’s expected by the committee and basically all we’re doing is going over the report of the Law Enforcement AP.

CHAIRMAN BOYD: All right. Next on the agenda is the Law Enforcement AP Report and Mr. Atran and that is Tab L, Number 4.

LAW ENFORCEMENT AP REPORT

MR. ATRAN: Thank you, Mr. Chairman. Because we are running short on time, it looks like the first two items that are in the Law Enforcement AP Report are enforcement reviews of two of our reef fish amendments that we’re working on, Amendment 39, which is red snapper regional management, and the options paper for South Florida joint management of selected species.

Those are going to be covered tomorrow in the Reef Fish Committee and so what I would like to do is temporarily skip over those items and do the rest of the Law Enforcement AP Report and, if we have time, come back to those items today. If we run out of time, then we can defer those law enforcement summaries to the Reef Fish Committee at the appropriate point in that agenda, if that’s okay with the committee.

CHAIRMAN BOYD: Does the committee have any problem with that? That will save us some time and we will just cover them in that committee. That’s good. Thank you, Steve.

MR. ATRAN: I am going to start, if you have got your Law Enforcement AP Report, on page 5, which is a discussion of illegal, unreported, and unregulated fishing issues and possible council or commission actions.

Lieutenant Commander Brand gave a presentation on the Mexican lancha issues. It was basically the same presentation that he gave to the council at the last council meeting. There were a few differences, but it was essentially the same presentation.

One of the things that was pointed out that I don’t think actually came up at the council meeting is that the estimate of the total take of red snapper by these lanchas is about one-and-a-half million pounds over two years and that’s greater than the entire recreational take of red snapper that’s reported from Texas landings and so that is a pretty significant amount of red snapper that are being taken.

He also discussed some of the international issues with trying
to prosecute Mexicans who are arrested. Essentially they are held and then eventually deported back to Mexico. Because of the issues with trying to enforce IUU fishing, and in particular the Mexican issues, the Gulf States Marine Fisheries Commission is in the process of drafting a letter requesting additional funding to address the state’s challenges in combating IUU fishing in all the Gulf states in a significant, meaningful way. I am not quite sure who that is being addressed to. Dave might be able to answer that and that letter is still in the drafting stage right now.

MR. DAVE DONALDSON: It’s out for comment from our commissioners and it’s being sent to Penny Pritzker of the Department of Commerce and should be sent shortly and once it’s finalized, I will make sure Steven gets a copy.

MR. HARLON PEARCE: Dave, in that letter, are they discussing any changes to legislation to help imprison some of these guys that are being caught or the use of the equipment or whatever?

MR. DONALDSON: I don’t believe there is legislative recommendations, but it’s putting more resources and using the JEAs to make sure more resources are put towards this issue and addressing it and making sure to help curtail it, but I don’t believe there was any recommendations for legislation.

MR. PEARCE: As a follow-up, Mr. Chairman, I know at the last meeting we discussed at length, I think, the fact that there is a million-and-a-half pounds of fishing being wasted, first off, and that we should have some HASP plans developed or something for the agents so that we can properly utilize that fish in the supply chain.

Secondly, the ability to slow down these lanchas by arresting and putting in jail some of these guys that we can’t do and we’ve got to send them back and the third thing was the ability for our fishermen to utilize some of the equipment that was in pretty good shape that we could auction off to help pay for enforcement or whatever. I think that at some level we’ve still got to consider those changes somewhere to help us make a positive change in the Gulf.

LCDR JASON BRAND: I have one update from the last presentation I gave. We have a Memorandum of Agreement that we’re working on to donate the snapper to non-profits, the feed the turtle rehabilitation farms, or research facilities in the South Padre Island area. It hasn’t been approved yet at our higher headquarters, but it’s looking good to do that and so we do have
a plan in place for some of the catch that we’re bringing back to shore, the illegal catch.

Like I discussed last time, the catch isn’t being held in a safe enough manner for human consumption and so we’re just looking at alternatives, such as the turtles or the research-type non-profit entities.

MR. ATRAN: One other thing, as Jason mentioned, is the fish -- They are not properly held according to the regulations that our commercial fishermen have to go through and they are not considered fit for human consumption, but during the AP meeting, there was a lot of concern expressed that those fish that do make it back to Mexico end up being exported right back to the U.S.

One of the problems we have, aside from the illegal fishing, is that fish that by our standards would not be fit for human consumption might be entering our commerce and that’s another issue. It’s not the council’s issue and it’s FDA’s issue, but it’s still a problem with those fish.

MR. MATENS: I would hate to see a You Tube of red snapper being used for crab bait. I am interested here in the footnote that Jason -- A panel member explained, after the meeting, and I was there and I remember this, that the boats are being held for retrieval and that they could possibly be recovered. Are any of them recovered?

LCDR BRAND: No, since we started this program, no boats have been recovered from Mexico.

CHAIRMAN BOYD: Steve, go ahead.

MR. ATRAN: Thank you. There was an agenda item on the Law Enforcement AP to discuss language on the proposed Magnuson-Stevens reauthorization, but I think the thought was that the Congress was going to be further along than they are on that bill and we don’t -- We didn’t really have any language to discuss and so that agenda item was postponed until there is something to actually discuss.

The next item that was on the agenda was -- I was trying to be overly ambitious, I think, and I was trying to come up with a list of possible actions that either the council or the commission could take to help make the enforcement easier for the law enforcement folks.
I had this idea that I was going to have this huge list that the AP could go down and say that is or is not a good idea. The only thing I could come up with though was to sponsor development of a smartphone app for reporting fishery violations.

All of the states, and I think NMFS also, have toll-free telephone numbers that people can call, but having an app on a smartphone might be an easier way for somebody to report a violation, particularly if they wanted to be anonymous. Also, the idea was that there would be some central repository to receive those reports who could then send out the reports to the appropriate agency, whether it’s a state agency or the Coast Guard or NOAA Fisheries.

The panel members thought that this idea was worth considering and I think a lot of the states do have smart apps for violations or it’s part of their overall app for fish regulations, but they are specific to that particular state.

Some other ideas that came up that were suggested by AP members was one AP member suggested that we try to establish a working relationship with the oil companies that have the offshore oil rigs to try to help report violations around the offshore rigs. I am not sure if the oil companies would really want to make that a priority.

Then another idea was to develop a procedure for fishermen to report violations via VHF radio. I know the Coast Guard does monitor VHF communications on I think it’s Channel 16 all the time, but some procedure for reporting violations might be helpful.

They discussed what to do with these fish that currently have to be dumped at sea. We just discussed that. They can’t be sold for human consumption and as Lieutenant Commander Brand just mentioned, the Coast Guard is looking into possibly a program for donating the fish to some of the sea turtle rehabilitation programs or possibly donating them to researchers who can use the fish in their research. We then went into the discussion of the Officer of the Year Award Program.

MR. DALE DIAZ: Steve, you’re talking about this app and I know the Gulf Council currently has an app and is it feasible that there could be a button added to the Gulf Council app that would just be to report a violation and that could go to some central location? I mean I don’t know and it might make it too busy or it might be complicated, but is that something that might be
doable?

MR. ATRAN: Yes, I think so. It could be either a stand-alone app or an addition to our app, but like I said, one of the things that the AP thought might make this more useful than some of the apps that are currently out there is that ability to -- Regardless of what the violation is, the person observing the violation wouldn’t have to figure out who do I report this to. It would go to some central repository and they would decide who the appropriate agency is and forward it to them.

If we wanted to proceed with that, we could look into integrating it into our existing app or developing it as a stand-alone app.

MR. DIAZ: Do we know how many people are using our existing app now?

MR. ATRAN: I don’t have that information. Charlene might be able to let us know. She is the one who is responsible for overseeing the app, but I am not sure what statistics she gets on how many times it’s accessed or how many times it’s been downloaded.

MR. DIAZ: I actually think this is a pretty good idea if it’s doable. I mean I think it could probably be done fairly inexpensively. There is twenty-four-hour dispatches around and that’s already there and it could be forwarded to one of them that could make a decision on where to send the violation and so I think we ought to try to keep this idea alive and explore it a little bit more and make another easy way for somebody to report a violation.

LCDR BRAND: Mr. Atran, are you going to get into the report from Jim Landon at the end or are you going to talk about -- Do you want to quickly discuss that now?

MR. ATRAN: I am not sure where it is in my report. If you want to discuss it now, that would be appropriate.

LCDR BRAND: Okay. First, I just wanted to give one update on the numbers of lanchas intercepted this year. I didn’t provide that at my last meeting, but as of last night, we got another one and we have twenty-two seized so far this year and we do our seizures based on the fiscal year and so we’re not quite through half the fiscal year and we have seized twenty-two of these lanchas and we have exceeded the record number of sightings already, halfway through the year. The problem is still going
I wanted to kind of point you to page 9. It’s Attachment A. Mr. Jim Landon attended the meeting at our AP and provided us a very interesting report to Congress. Since our last meeting, NOAA sent their annual report to Congress on IUU fishing under the Moratorium Protection Act and they certified or listed six countries in the world of being IUU fishing in the U.S. EEZ.

One of those six was Mexico and it was specifically listed for their lancha incursions in the U.S. EEZ in the southwest border and so this is the first time that we’ve ever listed Mexico as a country of IUU fishing and the bottom line of this report is that they have two years to come up with different programs that satisfies the U.S. or NOAA that they’re going to take steps to solve this problem from their government side of the house. If they don’t, they could face different sanctions.

I think, like we discussed earlier, they import several million pounds of red snapper to the U.S. each year and so that could be an example of something that could be sanctioned, but it’s a very good step and I think it’s the first time they’ve been certified for this action ever, because Jim Landon made some progress in changing some of the definitions of IUU fishing to now include this specific lancha fishery. This is a very good and helpful tool that we haven’t had before and so I wanted to make sure you all were aware of that.

MR. CORKY PERRET: Jason, it just hit me that that’s quite a volume of fish and is there any biological data that’s being obtained from any of those confiscated fish? If not, it seems to me this could be an opportunity to at least pick up some information from samples of those fish that are being taken, but if they are already doing it, so be it, but what’s the answer to that?

LCDR BRAND: We do weigh all the fish. We weigh it in a big -- We have a big industrial scale and we put all the fish in a big fish hold and weigh it and so we get an average weight of the fish and we take pictures of them and take pictures of the sharks and that’s all the biological information we do.

Many times, these come in in the middle of the night and so there is nobody around to take any more data, but just for clarification, we don’t actually bring in one-and-a-half million pounds of fish to the station. That’s what the model estimates is coming in based on everything that we’ve seen over the past two years.
MR. PERRET: We are always looking for fish for biological information and it seems to me this would be a great opportunity for the Center, the scientists in Texas, Lance, Texas Parks and Wildlife, and so on. I mean I know a million-and-a-half pounds are not coming to the dock, but certainly whatever the amount that comes in would be a good source of biological data and so it might be something that we could try and work on in the future. Thank you.

CHAIRMAN BOYD: Steve, go ahead.

MR. ATRAN: Just one more point to that. Aside from red snapper, I guess sharks are the other primary target by these Mexican lanchas and as I recall, the Coast Guard is counting or weighing how many sharks are brought in, but not really separating them out by species and so for the HMS folks, there could be an issue there with not exactly knowing what’s being taken on a species-by-species basis.

The next item on the Law Enforcement AP Report was the proposed Officer of the Year Program and I reviewed the proposal that the council has come up with. The proposal calls for obtaining nominees from the various agencies and then it says that the Joint Law Enforcement AP and Law Enforcement Committee of the Gulf States Commission would go through these applications and select the top three.

At the time, during the AP meeting, I was thinking that because they would be reviewing personnel items that that’s something that would have to be done in a closed session. Steve VanderKooy, who is my counterpart on the Gulf States Commission staff, said that the Gulf States Commission committees are not authorized to do closed-door sessions. Ours would be if it met the proper requirements.

The panel passed a motion suggesting that the language for the Officer of the Program review be modified so that the Gulf States Marine Fisheries Commission’s Law Enforcement Committee and review of nominations be removed from the program description.

Earlier today, I was asking Mara her legal opinion on this and she feels that that would not have to be done in closed session and so if it’s something that could be done in open session, there would be no need to remove the Gulf States Commission Law Enforcement Committee from that program.
Another item that the Law Enforcement AP discussed was the fact that the program, as proposed, is only an award for an individual and they said that they would like to be able to recognize teams that worked towards enforcement objectives.

A lot of time on a team it’s not really possible to single out just a single person, but there is also the question of trying to mix consideration of a team with consideration of individuals and so they also recommended that there be two awards, one for an individual officer of the year and one for a team enforcement of the year award.

That concluded the agenda items that covered the Gulf Council business. Under Other Business, there was some discussion of -- Excuse me. I have a question.

MR. DIAZ: Steve, at this point, does anything need to be done -- I would like for us to keep moving down the road towards creating an Officer of the Year Program and I am okay with the Team of the Year Program, but I mean I don’t know -- I mean Officer of the Year, we probably at some point we’re going to be bringing some officers to a meeting to give them an award and I don’t know what kind of budget or travel concerns we would have and how large these teams could potentially be and how we would handle that as far as giving out awards to teams.

I am not necessarily against that, but I just don’t know how expensive that might be and if that’s a consideration we need to think about, but at this point, do we need to do anything to keep this moving along or is it moving along without a motion?

EXECUTIVE DIRECTOR DOUG GREGORY: It’s moving along. We’re working with the Gulf States and it’s going slowly. If we would do the team or even with the Officer of the Year, we would probably do it, if they were in a team, in the individual state when the council met in that state during that year. We wouldn’t do it every January or every March, but it would be whenever we meet in that particular state where the awardee lives and so travel costs would be, I would hope, minimal.

MR. PERRET: But the Officer of the Year could be completely different than the Team of the Year and so -- Under a certain chairman, we seem to be meeting in one state a whole lot. We’re not meeting in some states, but I am kind of like Dale and I am all for the Officer of the Year thing, but getting to the team, I don’t know. What are we talking about, a football team or a baseball team or a doubles in tennis? That’s a whole different issue.
I 100 percent support the Officer of the Year Program, but getting into the team thing is something we need a lot more discussion on.

MR. ATRAN: One thing that we were talking about on staff is that perhaps we should move forward with the person of the year, the individual of the year, award and once we get the kinks worked out of that, then consider adding a team of the year award.

Also, there was briefly some discussion about what the award would be. The AP members said that they really weren’t that concerned with whether there is a monetary award, but it’s the recognition that they are actually looking for and so if it’s a plaque or trophy of some sort, that would be great, although I’m sure they would like the money too, if there’s a monetary award.

Under Other Business, right now the Law Enforcement Committee and Law Enforcement AP are meeting as half-day meetings, most of the time in conjunction with the Gulf States Marine Fisheries Commission.

Last October, we had them meet jointly with our Law Enforcement Committee. It ended up going smoothly, but in the background, it was kind of a logistical nightmare to try to get all those committees together.

They would like to go back to having a full-day meeting. We used to do a full-day meeting with our Law Enforcement AP issues in the morning and the Gulf States Commission issues in the afternoon, or vice versa.

Now we are trying to get them more involved in the amendments that we’re working on and some of the other issues that we’re working on. We’re starting to get more materials for them to review and so there might be enough materials to justify a full-day meeting.

The next meeting is scheduled the week of November 3rd, but if that’s held in conjunction with the Gulf States Marine Fisheries Commission meeting, the Gulf States Commission is going to be meeting jointly with the Atlantic States Commission in St. Augustine, Florida. If we want to meet jointly with all the various law enforcement APs from all of the councils on the Atlantic coast, that may end up being a logistical nightmare.

I think we’re going to have to have some discussions about how
we want to organize the meeting in October or if we might want
to even skip it, at least our participation in it, and wait
until we’re dealing solely with the Gulf States Commission again
the following spring. That’s something we can work out later,
but I just wanted to let you know about that.

It looks like we have about ten minutes left and so if you want,
I can start going over the comments from the reef fish
amendments for whatever time we have left.

CHAIRMAN BOYD: Steve, I think we’re over. We’re supposed to
run until 10:45.

MR. ATRAN: Okay. We are a little bit over.

CHAIRMAN BOYD: Yes, we’re a little bit over.

MR. ATRAN: What we can do is I didn’t want to do it, because we
have a full schedule on the Reef Fish Committee tomorrow, but we
can defer the Law Enforcement AP comments on those two
amendments to the Reef Fish Committee and go over them when we
cover those amendments at Reef Fish.

CHAIRMAN BOYD: Committee, are you all okay with that?
Everybody all right with that? Nods of heads yes and so okay.
Anything else, Steve?

MR. ATRAN: No, that concludes my Law Enforcement AP summary.

CHAIRMAN BOYD: All right. Anything from the committee members,
the Law Enforcement Committee members? Hearing none, we are
adjourned.

(Whereupon, the meeting adjourned at 10:52 a.m., March 30,
2015.)

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