

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT MEETING OF THE GULF COUNCIL LAW ENFORCEMENT COMMITTEE,  
GULF COUNCIL LAW ENFORCEMENT ADVISORY PANEL, AND GULF STATES LAW  
ENFORCEMENT COMMITTEE

Battle House Renaissance Mobile Mobile, Alabama

October 20, 2014

**LAW ENFORCEMENT COMMITTEE VOTING MEMBERS**

Jason Brand.....	USCG
Dale Diaz (designee for Jamie Miller).....	Mississippi
Dave Donaldson.....	GSMFC
John Greene.....	Alabama
Campo Matens.....	Louisiana
Harlon Pearce.....	Louisiana
John Sanchez.....	Florida
Roy Williams.....	Florida

**GMFMC LAW ENFORCEMENT AP AND GSMFC LAW ENFORCEMENT COMMITTEE  
VOTING MEMBERS**

Brandi Reeder.....	TPWD
Scott Bannon.....	ADMR
Rusty Pittman.....	MDMR
Jason Brand.....	USCG
Tracy Dunn.....	NOAA OLE
Cynthia Fenyk.....	NOAA GES
Chad Hebert.....	
Rama Schuster.....	FWC

**NON-VOTING MEMBERS**

Kevin Anson (designee for Chris Blankenship).....	Alabama
Martha Bademan (designee for Nick Wiley).....	Florida
Leann Bosarge.....	Mississippi
Doug Boyd.....	Texas
Pamela Dana.....	Florida
Myron Fischer (designee for Randy Pausina).....	Louisiana
Robin Riechers.....	Texas
Corky Perret.....	Mississippi
Phil Steele (designee for Roy Crabtree).....	NMFS
Greg Stunz.....	Texas
David Walker.....	Alabama

**STAFF**

Stephen Atran.....	Population Dynamics Statistician
John Froeschke.....	Fishery Biologist

1 Doug Gregory.....Executive Director  
 2 Beth Hager.....Financial Assistant/IT Coordinator  
 3 Mara Levy.....NOAA General Counsel  
 4 Charlene Ponce.....Public Information Officer  
 5 Ryan Rindone.....Fishery Biologist/SEDAR Liaison  
 6 Charlotte Schiaffo.....Research & Human Resource Librarian  
 7 Carrie Simmons.....Deputy Executive Director

8

**OTHER PARTICIPANTS**

10 Randy Boggs.....Orange Beach, AL  
 11 Steve Branstetter.....NMFS  
 12 Gregg Bray.....GSMFC  
 13 Gib Brogan.....Oceana  
 14 JP Brooker.....Ocean Conservancy  
 15 Michael Drexler.....Ocean Conservancy  
 16 Benny Gallaway.....LGL Ecological, TX  
 17 Sue Gerhart.....NMFS  
 18 Chad Hanson.....PEW  
 19 Margaret Henderson.....Gulf Seafood Institute  
 20 Mike Jennings.....Freeport, TX  
 21 Robert Jones.....EDF  
 22 Kristen McConnell.....EDF  
 23 Herb Murphy.....  
 24 Bob Perkins.....USCG  
 25 Laurie Picariello.....Audubon Nature Institute  
 26 Bonnie Ponwith.....SEFSC  
 27 Mario Saept.....MDMR  
 28 Steve VanderKooy.....GSMFC

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32 The Joint Gulf Council Law Enforcement Committee, Gulf Council  
 33 Law Enforcement Advisory Panel, and Gulf States Law Enforcement  
 34 Committee convened at the Battle House Renaissance Mobile,  
 35 Mobile, Alabama, Monday morning, October 20, 2014, and was  
 36 called to order at 8:30 a.m. by Chairman Jason Brand.

37

38

**ADOPTION OF AGENDA  
 ACTION GUIDE AND NEXT STEPS**

39

40

41 **CHAIRMAN JASON BRAND:** Good morning. This is Lieutenant  
 42 Commander Jason Brand and I'm going to be acting Chair, since we  
 43 have a vacancy in the Chair for the Gulf Council for the Law  
 44 Enforcement Committee.

45

46 Today, we're also going to have a joint meeting with the Gulf of  
 47 Mexico Fishery Management Council Law Enforcement AP and the  
 48 Gulf States Enforcement Committee. First, we are going to take

1 a roll here and we have Mr. Donaldson, Johnny, Mr. Matens, Mr.  
2 Diaz, Mr. Pearce, John Sanchez, and Mr. Williams. Everyone is  
3 present from our joint AP and committee except for Nick Chavez.  
4 We are going to get started with if I could have a motion to  
5 adopt the agenda.

6

7 **MR. HARLON PEARCE:** So moved.

8

9 **MR. ROY WILLIAMS:** Second.

10

11 **CHAIRMAN BRAND:** The agenda is adopted. Next, we're going to  
12 talk about the Action Guide and Next Steps, Tab H, Number 2.

13

14 **MR. STEVEN ATRAN:** For those of you who are on the AP or the  
15 Gulf States Commission Committee, this is something we do for  
16 our committee meetings. We just put together an action guide  
17 that lists the items that are on the agenda and just a very  
18 brief description of what we're planning to cover and what we're  
19 expecting the committee to do as a whole.

20

21 I am not going to go through it item-by-item, but as we get to  
22 an agenda item and you're not sure what we're trying to do, you  
23 might want to refer to the action guide to get a little bit of  
24 guidance as to where we're going.

25

26 **ELECTION OF GMFMC LAW ENFORCEMENT AP CHAIR AND VICE CHAIR**

27

28 **CHAIRMAN BRAND:** Thanks, Mr. Atran. Those can be found in the  
29 back. They have printed copies in the back. Next, we're going  
30 to move to Agenda Item Number III and we're going to elect the  
31 Gulf Fishery Management Council Law Enforcement AP Chair and  
32 Vice Chair and so if I could have any nominations. We are going  
33 to start with the Chair and if I have any nominations for Chair  
34 for this committee.

35

36 **MR. SCOTT BANNON:** I nominate Rama Schuster.

37

38 **CHAIRMAN BRAND:** We have a nomination for Rama for the Chair.  
39 Any other nominations? We will move to elect via acclamation  
40 for Rama as Chair.

41

42 **MS. BRANDI REEDER:** I make a motion to adopt Rama.

43

44 **CHAIRMAN BRAND:** Any second? Rusty. Rama is the new Chair for  
45 the committee. Next, any nominations for the Vice Chair? We  
46 can have the same person fill Chair and Vice Chair if we don't  
47 have any nominations, unless someone would like to make one.

48

1 **MR. BANNON:** Can you repeat that about the Vice Chair position,  
2 please?

3  
4 **CHAIRMAN BRAND:** We're just looking for nominations for a Vice  
5 Chair. It can be Rama as well or it could be anybody that you  
6 would like to nominate, but it's preferred to have someone else,  
7 so we have someone if he's absent.

8  
9 **MR. BANNON:** I would like to nominate Brandi Reeder.

10  
11 **CHAIRMAN BRAND:** We have a nomination for Brandi as Vice Chair  
12 and do we have any other nominations? I would like to ask for  
13 someone to move to elect via acclamation for Brandi as Vice  
14 Chair.

15  
16 **MR. BANNON:** I move we accept Brandi Reeder as Vice Chair.

17  
18 **CHAIRMAN BRAND:** Do we have a second?

19  
20 **MR. TRACY DUNN:** Second.

21  
22 **CHAIRMAN BRAND:** Tracy seconds. Now we will move to Item Number  
23 IV, Election of the Gulf States Marine Fisheries Commission Law  
24 Enforcement Committee Chair and Vice Chair. This would be the  
25 States LE Committee and do we have a nomination for a Chair?

26  
27 **ELECTION OF GSMFC LAW ENFORCEMENT COMMITTEE CHAIR AND VICE CHAIR**

28  
29 **MR. BANNON:** I would like to nominate Chad Hebert from  
30 Louisiana.

31  
32 **CHAIRMAN BRAND:** Nomination for Chad as the Chair. If someone  
33 can move to elect via acclamation.

34  
35 **MS. REEDER:** I move to elect, Mr. Chair.

36  
37 **CHAIRMAN BRAND:** Okay. Any second? I will second it. Chad  
38 Hebert. Can we get a motion for the Gulf States Law Enforcement  
39 Committee Vice Chair?

40  
41 **MR. BANNON:** I would like to nominate Rusty Pittman from  
42 Mississippi, please.

43  
44 **CHAIRMAN BRAND:** We have a nomination for Rusty. Any other  
45 nominations?

46  
47 **MS. REEDER:** I make a motion to accept Rusty.

48

1 **CHAIRMAN BRAND:** We have a motion to elect Rusty Pittman as Vice  
2 Chair and can we get a second?

3  
4 **MR. BANNON:** I second.

5  
6 **CHAIRMAN BRAND:** Second by Scott Bannon. I believe that  
7 finishes our elections and next I would like to -- We're going  
8 to approve two previous minutes that haven't been approved  
9 before. First, we will start off with the Approval of the  
10 October 31, 2012 Law Enforcement Committee Minutes, if I can get  
11 a motion to approve that.

12  
13 **APPROVAL OF OCTOBER 31, 2012 LAW ENFORCEMENT COMMITTEE MINUTES**

14  
15 **MS. REEDER:** I make a motion to approve.

16  
17 **CHAIRMAN BRAND:** Second?

18  
19 **MR. BANNON:** Second.

20  
21 **MR. ATRAN:** Actually, I am looking at this and this actually is  
22 not an LEC/LEAP minutes. This is the council level minutes and  
23 so it should be council members who make a motion to accept and  
24 approve that first section.

25  
26 **CHAIRMAN BRAND:** Harlon makes a motion to accept the 2012  
27 minutes and it's seconded by Mr. Williams. Now we will move on  
28 to the Agenda Item Number VI, the Approval of the March 18, 2014  
29 Joint LEC/LEAP Minutes. Can I get approval to accept those  
30 minutes?

31  
32 **APPROVAL OF MARCH 18, 2014 LEC/LEAP MINUTES**

33  
34 **MS. REEDER:** Make a motion to approve.

35  
36 **CHAIRMAN BRAND:** Brandi makes a motion to accept those minutes  
37 and can I get a second?

38  
39 **MR. RUSTY PITTMAN:** Second.

40  
41 **CHAIRMAN BRAND:** Rusty seconds. If there is no objection, we  
42 will complete that section of the agenda and move on. We are  
43 going to start off with Item Number VII, Gulf Fishery Management  
44 Council items. The first item for business is Usefulness of  
45 Charter-For-Hire Decals.

46  
47 **MR. DALE DIAZ:** Jason, can I back up for just a minute? I want  
48 to apologize. You are doing an efficient job running the

1 meeting and for Adoption of the Agenda, I wanted to add  
2 something to Other Business, but I was too late jumping in. Is  
3 it all right if I add something for Other Business at this time?  
4

5 **CHAIRMAN BRAND:** Yes, go ahead.  
6

7 **MR. DIAZ:** During Other Business, I wanted to add a discussion  
8 on setting up an officer of the year program during Other  
9 Business. Thank you, Mr. Chair.  
10

11 **CHAIRMAN BRAND:** If there is no objection, we'll add that to  
12 Other Business and proceed with the already motion for approving  
13 the agenda. Do we need to approve the agenda again? With no  
14 objections, we will maintain the agenda approved and move on to  
15 Item Number VII and we'll add the officer of the year program to  
16 Other Business at the end.  
17

18 **USEFULNESS OF CHARTER-FOR-HIRE DECALS**  
19

20 **MR. ATRAN:** This is Tab H, Number 5 and this has to deal with  
21 the requirement for decals on permitted vessels. By the way,  
22 just to let you know, the way we decided we're going to operate  
23 on any motions during this discussion is that the group as a  
24 whole will discuss the issues, but if any motions are made, the  
25 Law Enforcement AP should make a motion and then decide if they  
26 want to pass it and then the council members can make their own  
27 motion and pass it, rather than do the votes as a whole.  
28

29 This first item, as I said, deals with the requirement that  
30 there be a decal in place on charter vessels. During the last  
31 council meeting, a question was brought up of whether or not  
32 these decals are still performing any useful function.  
33

34 Apparently they are difficult to read from a distance and they  
35 tend to peel off and permits are transferrable and so if they  
36 are transferred, then that decal has to be peeled off and a  
37 decal placed on the new vessel.  
38

39 As I said, there was questions of whether or not it was still  
40 worthwhile to require these decals. This was brought up by Roy  
41 Crabtree from NMFS and, Mara, you had a couple of other things  
42 that you had brought up, if you could explain what we were  
43 talking about earlier.  
44

45 **MS. MARA LEVY:** I think you accurately captured it. I just  
46 think that it's become an issue for the administration of the  
47 Permits Office. When folks want to transfer their charter  
48 headboat permits, especially if they have both and they want to

1 transfer one these come as one sticker and so there's no  
2 mechanism, at least right now, to give someone like just a CMP  
3 charter headboat decal. They would have both and so they would  
4 have to remove them both and the Permits Office would have to  
5 send them another one with just that one permit on it.

6  
7 It's just if it's not serving the purpose that it was intended  
8 to from a law enforcement perspective, if it's not useful, if  
9 there is no real reason to have them, then NMFS would prefer  
10 just to not send them out. They cost money and time and so I  
11 guess we wanted your feedback on whether the enforcement  
12 community thought that there was any useful purpose to them.

13  
14 **CHAIRMAN BRAND:** Any discussion? We can have discussion from  
15 the Gulf of Mexico Fishery Management Council Committee or the  
16 States Committee. We can both discuss and then if we want to  
17 have separate motions or one motion on this, we can do that.

18  
19 **MR. PEARCE:** I would like to hear some discussion from the law  
20 enforcement in the room about whether they would like it or not  
21 one more time and whoever wants to start, that would be great,  
22 so we understand your problems or no problems with it.

23  
24 **MR. BANNON:** From my perspective, I don't think the decals are  
25 going to make a difference about how we approach vessels and how  
26 we board vessels. I mean if somebody were to have one, you may  
27 understand who they are, but we're still going to check permits  
28 and we're still going to check management requirements and all  
29 those other things and so it doesn't make a difference in  
30 Alabama on how we're going to act on the enforcement side if  
31 they have them or they do not have them.

32  
33 **CHAIRMAN BRAND:** Anybody else? Louisiana or Florida, do you  
34 guys have anything to add to that or Mississippi?

35  
36 **MR. CHAD HEBERT:** I agree with Scott. We're still going to  
37 handle it the same way we always do, with or without the  
38 sticker.

39  
40 **MR. RAMA SCHUSTER:** We also agree and the same thing applies in  
41 Florida.

42  
43 **MR. PITTMAN:** The same. We agree with Scott.

44  
45 **CHAIRMAN BRAND:** So it sounds like we're all in concurrence and  
46 if anybody would like to make a motion to stop the requirement  
47 for carrying these decals on charter-for-hire, that would be  
48 great.

1  
2 **MR. WILLIAMS:** I would be prepared to make a motion. I would  
3 move then that we eliminate the requirement for a charter  
4 headboat decal requirement.

5  
6 **CHAIRMAN BRAND:** Can we get a second from the Gulf Council? We  
7 have a second. I think we need another motion from the state  
8 folks.

9  
10 **MR. ATRAN:** First of all, see if there's any objection to this.

11  
12 **CHAIRMAN BRAND:** Any objections to this motion? **No objections.**  
13 Do the states want to make a similar motion?

14  
15 **MS. REEDER:** I will make a motion to eliminate the requirement  
16 for decals for the charter-for-hire vessels.

17  
18 **CHAIRMAN BRAND:** We have the same motion from the State Law  
19 Enforcement Committee and can we get a second?

20  
21 **MR. PITTMAN:** I will second.

22  
23 **CHAIRMAN BRAND:** Second by Mr. Pittman. **Any objections? No**  
24 **objections.** We are going to move to Item VIII, Review of Draft  
25 Definition of Charter Fishing. I think Dr. Simmons is going to  
26 speak to that.

27  
28 **DR. CARRIE SIMMONS:** Thank you, Mr. Chairman. If you could just  
29 slow down a little bit. We're trying to get some of the motions  
30 up and checked to make sure that the motions are accurate before  
31 we vote on them. We're struggling hearing a little bit in here  
32 and I think it's the echo and so just give us a moment to make  
33 sure the motions are up correctly and maybe give everybody a  
34 chance to look at it and read it again and then take your vote,  
35 because I am not sure -- We were struggling to get some of those  
36 last motions down and just take a look at it and make sure  
37 that's correct.

38  
39 **MR. ATRAN:** Carrie or whoever is doing the motion, you might  
40 want to note that first motion was a council committee motion  
41 and the second one was an LEAP motion.

42  
43 **DR. SIMMONS:** So I guess are we covered without putting  
44 headboats in there, because I think the original motion included  
45 headboats. The charter-for-hire vessels were covered there?

46  
47 **MR. ATRAN:** It says charter-for-hire and so I would imagine that  
48 would cover both headboats and charter boats.

1  
2 **MR. JOHNNY GREENE:** In the regulations, the definition between a  
3 charter boat and a headboat are different, carrying six  
4 passengers or less or seven or more. It is different in the  
5 regulations.

6  
7 **MS. LEVY:** You might want to use the language in the regulations  
8 and so charter vessels -- To eliminate the requirement to carry  
9 decals for vessels with charter/headboat permits or something,  
10 so that you're indicating that it's related to the permit and  
11 not the type of vessel.

12  
13 **CHAIRMAN BRAND:** Do we need to make a substitute motion?

14  
15 **MR. ATRAN:** Technically, you need to reconsider the motion, but  
16 I think somebody could --

17  
18 **MR. PEARCE:** I will make that motion, that we move to  
19 reconsider.

20  
21 **CHAIRMAN BRAND:** From the council committee, we have a move to  
22 reconsider and can I get a second?

23  
24 **MR. GREENE:** Second.

25  
26 **CHAIRMAN BRAND:** Can we get a similar motion to reconsider the  
27 LEAP motion?

28  
29 **MS. REEDER:** I make a motion to reconsider.

30  
31 **CHAIRMAN BRAND:** Can we get a second?

32  
33 **MR. BANNON:** I will second.

34  
35 **CHAIRMAN BRAND:** Any objections to the motions to reconsider?

36  
37 **MR. WILLIAMS:** Mara, does this -- We should have the word  
38 "permit" on that first motion behind -- I guess for both of  
39 them, but "permit" just before the period at the end of the  
40 sentence. **To eliminate the requirement to carry decals for**  
41 **vessels with charter-for-hire/headboat permits.** Does that meet  
42 it, Mara? Does that sound okay to you? Okay. **I will move this**  
43 **then, what you see before you.**

44  
45 **MR. ATRAN:** Actually, it says "charter-for-hire/headboats" and I  
46 think that should be "charter vessels/headboats".

47  
48 **MR. WILLIAMS:** For the record, that will be my motion then, what

1 you see before you, to eliminate the requirement to carry decals  
2 for vessels with charter vessel/headboat permits.

3  
4 **MR. PEARCE:** I will still second it.

5  
6 **CHAIRMAN BRAND:** We have a second by Harlon to accept the change  
7 by the council and can we get another motion to reconsider from  
8 the LEAP?

9  
10 **MR. WILLIAMS:** They already did it.

11  
12 **CHAIRMAN BRAND:** Any objections to the new language in the  
13 motion? No objections. I think we're caught up now and so  
14 we'll move to Agenda Number VIII, Review of Draft Definition of  
15 Charter Fishing.

16  
17 **REVIEW OF DRAFT DEFINITION OF CHARTER FISHING**

18  
19 **MR. ATRAN:** I am going to turn this over to Carrie in just a  
20 second, since she's the lead staff working on this item, but  
21 just a little background and the reason why this is coming back,  
22 I believe for the third time now, to the Law Enforcement AP.

23  
24 The last time the Law Enforcement AP reviewed this framework  
25 action, they felt that it wasn't necessary. However, a couple  
26 of years ago, it was the Law Enforcement AP itself that  
27 requested this action and so we believe what happened was over  
28 the last few years that all of the federal people who were on  
29 the Law Enforcement AP have been replaced and so there seems to  
30 have been some change in attitudes or perhaps an understanding  
31 of what the issue is and so we wanted to bring this back and get  
32 some clarification from the Law Enforcement AP as to exactly  
33 what your position is and whether or not you feel we need to  
34 proceed with this. With that, I will let Carrie take over or I  
35 guess she turned it over to John Froeschke.

36  
37 **DR. JOHN FROESCHKE:** Good morning. Just a refresher on this.  
38 We've been working on this document off and on for almost three  
39 years, I think, and the genesis of this, in my understanding,  
40 came from vessels that were taking passengers out on a for-hire  
41 trip based on the premise that they were providing -- The  
42 customers were paying for real estate advice and then, as a  
43 consequence of that, they got a free trip to go for-hire  
44 fishing.

45  
46 This would be called quid pro quo and so the question is, one,  
47 is this is a problem relative to other things that needs to be  
48 addressed and so the guidance that we got at that time was that

1 it was and so we've been working on a definition that's provided  
2 in this document.

3  
4 Once we had done this, there were some personnel changes and  
5 things and the impetus for this wasn't as clear anymore and the  
6 questions before us today are is this a problem, relative to  
7 other things in law enforcement? If it a problem, is the  
8 proposed definition in here adequate to address the problem? If  
9 it isn't, what could we do to change this, if the council wants  
10 us to move forward? I am hoping that Tracy Dunn can provide  
11 some background and his thoughts on this.

12  
13 **MR. DUNN:** I just felt those bus wheels go over the top of me.  
14 So much has happened since then that it's hard to kind of get  
15 back to the root of it. I do recall the situation and I think  
16 it was that enforcement was asked what they could do to address  
17 that and it was going to take a lot of effort to determine if a  
18 violation really occurred.

19  
20 I think the proposal was let's change the definition and make  
21 that a little bit clearer so it wouldn't require so much on the  
22 part of enforcement to try to enforce any permit issues.

23  
24 As always, we advise the council and so if the council feels  
25 that this is a minor issue relative to the big picture and  
26 everything like that, then enforcement will address it as it  
27 needs to, based on the regulations given us.

28  
29 If you are asking do I feel it's a necessity, having a little  
30 bit of time to see how that developed -- I think our concern at  
31 the time was that, as with all different new approaches to  
32 things, that that will catch some ground and we'll see more and  
33 more of it and I don't think that panned out this last time.

34  
35 They have a new way of addressing those issues and so the  
36 question is, is it a necessity to go through all the rigmarole  
37 to make that sort of change to help enforcement enforce the  
38 regulations passed by the council and I phrased it that way on  
39 purpose, because I don't want this to be an enforcement  
40 initiative.

41  
42 We are just trying to better enforce those regulations that are  
43 passed by the council body and so if the council body feels that  
44 this is just a lot of effort for very little return, then  
45 enforcement will do what we can with what we're given.

46  
47 **DR. FROESCHKE:** Tracy, do you have any information if this is an  
48 ongoing problem or at least a recurring activity?

1  
2 **MR. DUNN:** No, none. I think at the time we thought we would  
3 see a little bit more of that and as far as I can tell, we  
4 haven't seen anybody try to duplicate that particular scenario.  
5

6 **MS. REEDER:** I know in state waters in Texas, we have had an  
7 issue to where corporations will charter a vessel on behalf of  
8 their clients. Their clients are not actually paying a fee and  
9 so that does actually occur and I don't know how many of them  
10 are doing it and going out in federal waters, but it has been a  
11 problem and so our definition includes for pay, barter, or  
12 exchange. That way, it encapsulates and allows us to pursue  
13 that license on anybody, including somebody that has been paid  
14 by a third party to take folks out.  
15

16 **MR. WILLIAMS:** Couldn't we just change the federal regulations  
17 to do that same thing? Mara, could we do that or Tracy? I mean  
18 is it as simply as that? I mean they're clearly trying to  
19 charter a vessel and now whether the people that are actually on  
20 it actually pay the fee -- Somebody chartered that vessel and it  
21 seems to me that just in the definition somewhere that we ought  
22 to be able to fix that.  
23

24 **MS. LEVY:** I think that's what this document is attempting to  
25 do. I think that one of the issues that's been raised is if you  
26 add something like this, like what the Coast Guard definition  
27 has for consideration, which is much broader than just a fee and  
28 it's a quid-pro-quo type of exchange, that you are potentially  
29 capturing a whole host of activities that you don't capture now  
30 and does the council want to capture every single type of thing  
31 that could be considered a quid-pro-quo exchange or do you want  
32 to have it more limited?  
33

34 One of the exceptions in the Coast Guard regulations, and that's  
35 proposed in this document, is it wouldn't include the sharing of  
36 actual expenses of the voyage and so that wouldn't capture like  
37 friends giving gas money and things like that, but it could  
38 potentially capture some type of business perk that someone  
39 gets.  
40

41 They're working for a business and one of their perks is to get  
42 a fishing trip and so that might be captured if you're going to  
43 have a broader definition and is that what you want to do? If  
44 you do, that's fine, but just know that when you expand the  
45 definition that you're opening up the definition much broader  
46 and will capture a lot more activities.  
47

48 **MR. WILLIAMS:** Are there cases -- I mean it seems to me this

1 applies to charter boats, in the case of where you're talking  
2 about sharing the cost of fuel. Those aren't for-hire vessels  
3 and those are just friends, right? I mean is there ever a case  
4 where a charter boat takes you out and shares the cost of fuel?  
5 That just doesn't seem likely to me.

6  
7 **MS. LEVY:** What I'm saying is that a charter trip is whatever  
8 you define it to be and so you can have a definition, for  
9 example, that says that it means sort of all economic benefit or  
10 inducement or quid-pro-quo exchanges, but does not include  
11 voluntary sharing of expenses. By defining it like that, you  
12 are excluding that type of activity, because you probably really  
13 want to capture that, but you're not excluding everything.

14  
15 All I'm saying is you have to sort of think about how wide a net  
16 you want to throw and I don't know that there is any mechanism  
17 to more narrowly define it to not include things like business  
18 perks and things like that. If you want to include that, that's  
19 fine and we can very easily exclude things like sharing of  
20 expenses. That's easy to do, but once you start saying we want  
21 to include A, B, and C, but we don't want to include D, E, and  
22 F, then you get into trouble, because you have to craft a  
23 definition that does all of that.

24  
25 **MR. WILLIAMS:** It seems to me that if the vessel is a permitted  
26 charter vessel, either under state law or federal law, that we  
27 do want to capture those kinds of exchanges, but if it's not a  
28 permitted vessel and it's just some guys going out for the  
29 weekend fishing, then I don't think we do. I would say we apply  
30 it to somebody that has the federal for-hire permit and it would  
31 apply.

32  
33 **MS. LEVY:** The whole purpose of this is to capture people that  
34 don't have the permit. So you don't have a permit, but you are  
35 going on a trip because you sold \$10,000 worth of real estate  
36 and your boss is giving you a fishing trip. Is that something  
37 that you want to say people need to go on a licensed, permitted  
38 charter vessel for?

39  
40 **MR. WILLIAMS:** I am sorry, but I'm confused. This corporation  
41 is hiring a private boat and paying them a fee to take them out  
42 to catch red snapper or grouper or king mackerel or something,  
43 right? Is that what we're saying?

44  
45 **MS. LEVY:** Maybe the corporation owns the boat, but they're  
46 giving it a perk to send someone out on a fishing trip. Does  
47 that mean that we want them to have a federal charter for-hire  
48 charter vessel headboat permit, I guess? I will let other

1 people speak.

2  
3 **MR. ATRAN:** I think, just to be clear, the particular issue that  
4 first spawned this proposal was a vessel that was not a  
5 permitted charter vessel, but the operator was taking people out  
6 and they were paying to come out and get a seminar or advice on  
7 real estate transactions and while they were out there, they  
8 were also provided with equipment to be able to go fishing and  
9 that, as it's currently set up, covered under the current  
10 regulations.

11  
12 Technically, they were not paying to go fishing and they were  
13 paying for real estate advice, but, in actuality, it was a  
14 fishing trip. We are trying to close what appears to be a  
15 loophole there for that sort of a situation.

16  
17 The situation you're talking about, I don't know. If somebody  
18 just wants to award their employee with a fishing trip, they  
19 could go down to the marina and buy a spot on a local charter  
20 boat or headboat. I know in Florida, and Florida folks might be  
21 able to explain a little bit better, but I believe there is a  
22 state license where a private vessel, or a vessel that belongs  
23 to a corporation, can get a special permit, and it costs around  
24 \$3,000 a year, to be able to entertain people on that vessel,  
25 but we don't have that in federal waters.

26  
27 **DR. FROESCHKE:** My understanding of the original intent is we  
28 were trying to capture and exclude the activity of something  
29 like the real estate, while still allowing the second scenario,  
30 where a corporation owned a vessel and they wanted to be able to  
31 take out people.

32  
33 The problem that we were having is it was difficult to craft a  
34 definition such that it excluded the first activity and allowed  
35 the second.

36  
37 **MR. BANNON:** I guess my concern is we're getting so far off in  
38 the weeds, but if a person pays whatever for a webinar to take a  
39 trip on a vessel, if they are -- I think there is a licensing  
40 issue there and not so much a charter issue, because if they're  
41 out there fishing and they are coming back into one of the  
42 state's waters, they are going to have to possess some state's  
43 fishing license, because all the Gulf states require a fishing  
44 license to possess fish and so when they come back, they either  
45 -- They are either recreational fishing or they were on an  
46 illegal charter, because they do not have a fishing license.

47  
48 If they're paying to take a boat trip, that's a licensing thing

1 and not a charter issue. I don't know if that makes sense, but  
2 if they possess a fishing license, I don't think they're  
3 technically on a charter.

4  
5 **MR. BOB PERKINS:** The way this was presented to me when I was  
6 asked to discuss it about licensing requirements is a boat out  
7 of Texas, is the example they gave me, and the guy advertises  
8 that he's going to take passengers out for hire and so as far as  
9 the Coast Guard is concerned at that point in time, he is a  
10 vessel for hire. He is hauling passengers for hire, but he's  
11 taking them out on an eco-tour, where they can go watch dolphins  
12 or whatever.

13  
14 While they're out there, they've got fishing poles on the boat  
15 and if they want to fish recreationally on their own, they can  
16 do that. What's happening is he doesn't have a permit, but  
17 these guys are fishing recreational from a vessel that was taken  
18 out for hire.

19  
20 From an enforcement standpoint, that's where the delta was that  
21 you needed to work out. Why was he taking them out in the boat?  
22 He claims he's taking them out to look at dolphins and he's not  
23 taking them out to go fishing, but there just happens to be  
24 fishing gear onboard and they just happen to be going fishing.

25  
26 I think most enforcement people at that point in time would say,  
27 okay, it's a fishing trip for hire. Maybe not. I don't know  
28 how the states are going to look at it, but from a Coast Guard  
29 standpoint, if they called in and asked, that's I think the way  
30 we would interpret it at that point.

31  
32 **CHAIRMAN BRAND:** Just for everyone who doesn't know Mr. Perkins,  
33 he is the Commercial Fishing Vessel Safety Coordinator for the  
34 Coast Guard in the Gulf of Mexico.

35  
36 **MR. CAMPO MATENS:** Not really being versed in this, but I can  
37 conceive that there are organizations that own boats, certainly  
38 in Louisiana, that take customers or, god forbid, politicians,  
39 but they might, out fishing. I guess my thoughts are we seem to  
40 be in the weeds here and how big of a problem is this?

41  
42 **MR. GREENE:** I think we've got about two or three different  
43 things going on here at once. I think the initial problem was  
44 where a captain was being hired as a consultant to come in and  
45 take people fishing and that's where I think it all began, where  
46 as a charter boat operator, you had a guy that had a private  
47 vessel and they suddenly reached out and hired a captain to go,  
48 because perhaps -- Whatever reason. I think that's kind of how

1 it started with it, from my understanding and remember what went  
2 on during that time.

3  
4 Looking at it from that standpoint, I don't know if it's a big  
5 deal. If you hire a captain, there are a lot of private boats  
6 in our area who have hired captains on retainer that are paid a  
7 monthly or yearly salary, as long as full-time mates, that are  
8 corporately-owned boats, which most charter or commercial boats  
9 or a lot of boats are owned by corporations, but I think what  
10 some people are getting to is that if you own a construction  
11 company and you own a private vessel of whatever size and you  
12 send the guys down to go fishing and the boat has the  
13 appropriate licensing, the federal fishing permits and the state  
14 licenses and so on and so forth, how do you get there?

15  
16 I think we're looking at two different things. At the time, in  
17 2011, we were dealing with one state that was non-compliant and  
18 there were people trying to get real innovative and jump around  
19 the loopholes of I can't fish in state waters and I can't fish  
20 in federal waters and I can't do this and so what I will do is I  
21 will just lease my boat out or do something different. I think  
22 that's where it's at, but I do believe, in the spirit of trying  
23 to get back on track here, that for the gist of that type of  
24 scenario, I don't know that it's that big of a deal right now.

25  
26 I think at the time it was and I think the committee got back to  
27 us and said, okay, we understand where you're at and we're going  
28 to have a hard time building a case because we need to track all  
29 this information and there's no way we can really pursue this  
30 and it's really not something we want to get into.

31  
32 I think we should take them one step at a time. If we're trying  
33 to deal with a consultant who is a captain that is on the boat  
34 and that's an issue, then we need to separate them out and if we  
35 want to look into the privately-owned vessel that just happens  
36 to have all the permits and is entertaining clients, then that  
37 is something completely separate.

38  
39 **CHAIRMAN BRAND:** Thank you, Mr. Greene. Does any of the states  
40 want to address if this is a problem in your region?

41  
42 **MR. BANNON:** I think it's a very minute problem in Alabama. I  
43 don't see that there's an issue that has come to my attention  
44 within the state of Alabama that really requires any attention  
45 from me. If there was a specific complaint, we would address it  
46 on a case-by-case basis. The few that have even been closely  
47 related to this, it didn't rise to the level that I was going to  
48 put any effort into it.

1  
2 **DR. FROESCHKE:** I was just speaking with Carrie and do we need -  
3 - Is the committee interested in something like a motion to  
4 discontinue this for the time being or something or reevaluate  
5 it in some period or is there some specific action that we  
6 should take?

7  
8 **CHAIRMAN BRAND:** Currently, the preferred action is Number 1.  
9 Would we make a motion to make that the preferred again or --

10  
11 **DR. FROESCHKE:** I think the preferred is Option 2 and it's to  
12 adopt the alternative definition. I guess you could either  
13 change the preferred to Option 1 of no action or we could just  
14 say stop.

15  
16 **MR. PEARCE:** I believe all of this came up because of problems  
17 we had in Texas and I would like to hear from Texas as to how  
18 they feel the problem is in Texas or not, if it's not a problem.

19  
20 **MS. REEDER:** I can't say that we've run into it very commonly.  
21 I mean without a doubt there is probably a small population this  
22 is occurring with. Again, it just depends upon the council's  
23 view as to if this is a focus that they want to address and at  
24 the state level, we have it addressed on our end and so if this  
25 is a focus of yours, to expand the definition, we are more than  
26 happy to enforce it that way.

27  
28 **MR. PEARCE:** Tracy, what about you?

29  
30 **MR. DUNN:** Like I said earlier, it's really more of a council  
31 decision, but I can't see how adding that verbiage -- If the  
32 states already have this and maybe how well that works for you  
33 all on adding like the trade, barter, or sell and how you  
34 differentiate the minor issues versus the major ones. I guess  
35 that's a question more for you. Are you running into the same  
36 problems that our legal counsel's advice may come up with  
37 changing our definition?

38  
39 **MS. REEDER:** I haven't run into it. I haven't heard a big  
40 complaint from the field coming up that this is actively  
41 occurring. Like I said, in state waters, if they fish in state  
42 waters at all, which most of the permitted vessels do not and  
43 they stay out in federal waters, but I know that our state  
44 definition very well encapsulates most scenarios. We also have  
45 discretion if we -- We all understand the intent of the law and  
46 I don't know if Coast Guard has as much discretion as we do.

47  
48 We understand that we're not trying to capture mom and pop that

1 go out and share expenses with their neighbor and so we have the  
2 discretion to be able to exclude that population, understanding  
3 the intent of the law. Like I said, I don't know the Coast  
4 Guard's viewpoint and if they need a very literal definition to  
5 follow, but the pay, barter, and exchange has worked out very  
6 well in state waters.

7  
8 **MR. DUNN:** I guess finishing up the question would be that if  
9 the council leaves it as a single issue of pay, then that's all  
10 we can enforce. If they decide to add a little bit more  
11 description, we would have to apply a little more logical  
12 approach to it, but then we would have more potential for  
13 capturing anything outside of the scope of what the council  
14 really wanted to see. I don't know if that makes sense, but if  
15 you leave it pay, then that's all I can enforce. Somebody will  
16 have to physically pay in order for us to be able to enforce  
17 that provision of the regulations.

18  
19 **MR. PERKINS:** Do you have a copy now of exactly what the Coast  
20 Guard definition of a vessel for-hire is? Do we have that  
21 definition right here in front of us? It basically specifically  
22 mentions anything of monetary value or anything of value.

23  
24 **CHAIRMAN BRAND:** I think in Tab H-6 it states: Title 46 of the  
25 U.S. Code relative to shipping and other requirements  
26 implemented by the U.S. Coast Guard states passengers for-hire  
27 means a passenger for whom consideration is contributed as a  
28 condition of carriage on the vessel, whether directly or  
29 indirectly flowing to the owner, charter operator, agent, or any  
30 other person having an interest in the vessel.

31  
32 **MS. LEVY:** Relevant to that and the proposed definition that's  
33 in the document, there is also a definition of consideration,  
34 because it's someone who provides consideration. It means an  
35 economic benefit, inducement, right, or profit, including  
36 payment accruing to an individual, person, or entity, but not  
37 including a voluntary sharing of the actually expenses of the  
38 voyage by monetary contribution or donation of fuel, food,  
39 beverage, or other supplies.

40  
41 I think that's captured in the proposed definition that's in the  
42 document and so it has that quid-pro-quo language, which if  
43 you're going to go forward, we might want to tweak to a be a  
44 little more specific, and then it has that exclusion for  
45 voluntary sharing of expenses.

46  
47 **MR. PERKINS:** The point I was getting at, and I'm not an  
48 attorney and so obviously you know way more, but is that not

1 enough, Tracy, for you to -- Just that definition and I mean do  
2 you need more than that to take enforcement action on any type  
3 of exchange?  
4

5 **MS. LEVY:** I guess the question seems to be can we use the Coast  
6 Guard definition to enforce the fishing regulations and I think  
7 the issue with that is that the Coast Guard has definitions for  
8 Coast Guard purposes and so the definition of a for-hire vessel  
9 or consideration for the Coast Guard has to do with licensing  
10 and safety requirements.

11  
12 The regulations for fishing define charter vessel and headboat  
13 vessel in a particular way for fishing permit purposes and so if  
14 we want to say that a particular type of vessel has to have a  
15 fishing permit, we have to have the definition of that type of  
16 vessel in the fishing regulations.

17  
18 **MR. DUNN:** To answer the question, I mean it would definitely  
19 broaden what we would be able to enforce, but to know any  
20 particular scenario, I couldn't even begin to guess, but it  
21 clearly, by expanding the definition, would allow us to address  
22 more potential instances where it's not as clear as paying.

23  
24 **MR. WILLIAMS:** I think we should move ahead with Preferred  
25 Option 2, unless somebody objects to it. We have apparently  
26 dealt with this in the past and this is where we've come to and  
27 it would give Tracy a little bit more leverage to deal with the  
28 problem that's been described and so I think we ought to keep on  
29 keeping on and move on with Preferred Option 2. I don't know if  
30 we need a motion. It's already our preferred option and so I  
31 don't know if we need a motion or not.

32  
33 **CHAIRMAN BRAND:** Preferred Option 2 is not the same as the Coast  
34 Guard option, but as Ms. Levy pointed out, there is some  
35 differences between the fishing regulations and the safety and  
36 licensing. Does anybody have further discussion on Preferred  
37 Option 2?  
38

39 **MR. WILLIAMS:** What would be the next step after this, assuming  
40 that the committee and the Law Enforcement Advisory Panel  
41 approved this? What do we do next? Where do we go from here?  
42 Carrie is at the table and maybe I could ask her. What do we do  
43 after that?  
44

45 **DR. SIMMONS:** I think these recommendations would go to the  
46 council and the council would make a decision on whether they  
47 want to move forward or not with this document and then we would  
48 try to get the final draft proposed rule to you at a council

1 meeting in the near future to take final action on.

2  
3 One thing to consider, I believe, for this particular option is  
4 if we add this definition and we modify our current definitions,  
5 this also applies to reef fish and coastal migratory pelagics  
6 and so coastal migratory pelagics is a jointly managed species  
7 currently with the South Atlantic Council and so I guess we  
8 would go to them and say we've made these changes and would you  
9 consider making these changes in the South Atlantic jurisdiction  
10 and I don't know how much of an issue that is when you get to  
11 the south Florida area, or if it is an issue at all, but that is  
12 another consideration when we start making these changes.

13  
14 **CHAIRMAN BRAND:** So this hasn't gone to scoping yet, correct?

15  
16 **DR. SIMMONS:** This is an abbreviated document and so I think we  
17 would just put something together, a short video or pamphlet,  
18 and put it up on our website and try to get some written public  
19 comments and take some comment at the council meeting. We don't  
20 need to go out to scoping or anything for this.

21  
22 **DR. FROESCHKE:** I guess, to me, in summarizing the document, the  
23 management decision is to -- At the current definition, you risk  
24 certain individuals permitting and taking place in an activity  
25 which you may want to not allow.

26  
27 If you provide a definition that's too broad, you may risk  
28 putting people in violation while engaging in activities that  
29 you would like to allow and so I guess the decision is do you  
30 want to be a bit too narrow and allow some fishing that maybe  
31 shouldn't be or do you want to risk being too wide and capture  
32 people that probably are doing something that you're okay with?

33  
34 **MR. DUNN:** That's I guess my point here, is that we're just  
35 offering this from a law enforcement perspective and the council  
36 will have to make that decision, the full council.

37  
38 **MR. GREENE:** In reading Preferred Option 2, it says "in  
39 addition, add a definition of for-hire fishing in the Gulf of  
40 Mexico EEZ to clarify vessels who accept goods or services in  
41 exchange for fishing trips. They must have a federal charter  
42 vessel/headboat permit."

43  
44 If they're going to be engaged in charter fishing, they're going  
45 to have to have this permit. It is something that they're going  
46 to have to go out and obtain and have on their vessel and so  
47 they obviously are making a decision to get this permit and put  
48 it on their boat and so they know what they're doing when they

1 put this permit on.

2  
3 I think at this time it would be my opinion to leave it in as it  
4 is, because they have made the decision to put the permits on  
5 their vessel and because they choose to swap out their services  
6 rather than getting paid at the end of the day, it's just one of  
7 those things.

8  
9 I think that there may be things coming down the road, depending  
10 on how things work out in the next year or two with regulations,  
11 and so I think that while we may not need -- It may not seem  
12 like a big deal now, but I think that the future may lend itself  
13 to leaving this in there and if we find out two or three years  
14 down the road that, hey, we were wrong and we don't need this,  
15 then we can come back and readdress it at another time, but with  
16 the uncertainty coming forth at this meeting, I think we should  
17 just move on as it is as Preferred Option 2.

18  
19 **MS. LEVY:** Just to be clear one more time, if they have a  
20 permit, then this becomes a non-issue. This is to capture those  
21 folks that do this and don't have the permit, just to make sure  
22 that we're on the same page.

23  
24 **CHAIRMAN BRAND:** Any further discussion? If not, if we could  
25 get a motion.

26  
27 **MS. REEDER:** I make a motion to retain Option 2 as the  
28 preferred.

29  
30 **CHAIRMAN BRAND:** Do we have a second? That was a motion from  
31 the LEAP to retain Option 2 as the preferred alternative and do  
32 we have a second?

33  
34 **MR. PITTMAN:** I'll second it.

35  
36 **CHAIRMAN BRAND:** Mr. Pittman seconds. We will go ahead and ask  
37 and does anybody have an objection to this motion? No  
38 objection. Does the council have a motion?

39  
40 **MR. DIAZ:** The same motion, to retain Preferred Option 2.

41  
42 **CHAIRMAN BRAND:** Second by Mr. Pearce. Any objections from the  
43 council committee on this motion? No objections. I think we  
44 have a motion to retain Preferred Alternative 2 in this  
45 document. Without any other discussion, we will move on or  
46 would you like to take a break? This is about the halfway point  
47 here.

48

1 **MR. WILLIAMS:** I just want to clarify where we go from here.  
2 The next step, Carrie, is we would -- This would have to apply  
3 to both reef fish and mackerel, which are jointly managed with  
4 the South Atlantic, and so we will have to get their approval on  
5 the mackerel portion of this and so it's still going to --  
6 Hopefully there won't be any objection from them, but you never  
7 know.

8  
9 **DR. SIMMONS:** Mara, could we just add the definition of for-hire  
10 fishing and then just ask the South Atlantic if they would be  
11 interested in doing the same thing under our regulations or do  
12 we actually have to get their approval?

13  
14 **MS. LEVY:** The way it's written now, it says that you would be  
15 operating as a charter vessel/headboat and they have charter  
16 vessel/headboat permits. Right now, the way it's written, it  
17 would apply to both the South Atlantic and the Gulf permits and  
18 so I don't know how we can just do it and not go to the South  
19 Atlantic first, to see if they're willing to broaden the  
20 definition of what that means.

21  
22 **DR. SIMMONS:** We could do that, but it may take a little bit  
23 longer than originally anticipated then, but the biggest issue  
24 is you guys are recommending this is the best way to move  
25 forward with handling this issue and you agree with modifying  
26 the current definitions and adding this new definition and the  
27 council going ahead and moving forward with making those  
28 changes.

29  
30 **CHAIRMAN BRAND:** I think that Mr. Williams is cleared up on that  
31 and so without any other discussion on this topic, I would like  
32 to take a ten-minute break, since we're kind of ahead of  
33 schedule, and then we will move on.

34  
35 (Whereupon, a brief recess was taken.)

36  
37 **CHAIRMAN BRAND:** Before we start up again on Item Number IX, a  
38 couple of items were pointed out to me on the agenda that I  
39 would like to just correct for the record. The Adoption of the  
40 Agenda, Item Number I for the agenda, should be myself, Jason  
41 Brand, and on the back, for the membership, Cynthia Fenyk will  
42 be the representative for NOAA General Counsel Enforcement  
43 Section and not OLE, if we can change that. John Sanchez is  
44 also present now.

45  
46 **MR. ATRAN:** One other thing. The designee for Rusty Pittman is  
47 no longer Donald Armes and it's Mario Saept.

48

1 **CHAIRMAN BRAND:** Anything else to add to the agenda? With those  
2 corrections, we are going to move on to a discussion on Port  
3 Eads, Louisiana Marina Access and we're going to have a  
4 presentation by Mr. Fischer.

5  
6 **PORT EADS, LOUISIANA MARINA ACCESS**  
7

8 **MR. MYRON FISCHER:** Thank you very much. Port Eads Marina, I'm  
9 going to try to give you just a very brief history and some our  
10 intent and this shouldn't take but minutes. Port Eads has been  
11 around for quite a while. The lighthouse was constructed in the  
12 1880s and served as a means of navigation for ships in the area  
13 coming up the River. At that time, South Pass was the  
14 predominant used pass in the river and it was not Southwest  
15 Pass.

16  
17 Port Eads was there and its use was governmental and briefly in  
18 the 1960s, the Research Vessel Oregon started working off of  
19 Port Eads doing surface longlining, pelagic longline work, and  
20 had outstanding results and they were looking for yellowfin tuna  
21 for commercial harvest purposes.

22  
23 In 1953, *Louisiana Conservationist Magazine*, that's the magazine  
24 of our department, the editor, Grits Gresham, was onboard and on  
25 that cruise, they caught forty-five yellowfin tuna, two blue  
26 marlin, thirteen white marlin, one sailfish, mako sharks, and  
27 assorted other fish and when that hit the press, that was the  
28 start of big-game fishing out of South Pass.

29  
30 Later on, in 1961, the New Orleans Big Game Club actually moved  
31 its headquarters to South Pass and other advances were made and  
32 power was brought so they didn't have to operate off of  
33 generators and it became a good place to fish. I even fished  
34 out of there when I was slimmer in the 1970s. Later on in the  
35 1970s, the state record blue marlin was caught out of Port Eads.

36  
37 What this is for is just to illustrate that it's a very active  
38 marina. The New Orleans Club has approximately ten tournaments  
39 a year that range from two to three days and Baton Rouge Big  
40 Game Club has a similar amount of tournaments and other  
41 organizations use it, Grand Isle Rodeo, Venice, Empire Rodeo and  
42 many other entities use this rodeo and they are typically three-  
43 day events.

44  
45 The problem we had at Port Eads was after the hurricane, after  
46 Katrina, it was devastated and the lighthouse was all that was  
47 remaining and so construction began of a remote facility. The  
48 State of Louisiana had a lot of other needs ahead of rebuilding

1 Port Eads; however, it began to be rebuilt as a state-of-the-art  
2 facility.

3  
4 It had new construction and a new marina and it was open and  
5 they had the grand opening earlier this year. Presently, the  
6 marina can hold sixty yachts and many, many smaller boats. It  
7 has sleeping accommodations and food and it's a place people go  
8 to spend their three-day weekends and so because of the three-  
9 day rodeos, three-day tournaments, most anglers go down here for  
10 a three-day period, or at least a two-day period.

11  
12 That brings up what the issues are. This is the new marina  
13 facility taken during one of the events and the anglers who go  
14 here are no different than any other marina. They show up and  
15 they want to fish. They fuel up their vessel and clean their  
16 catch and wash their vessel and they eat in the facility and  
17 they sleep in the facility. Like I say, it's no different than  
18 most any other marina along the Gulf Coast, with one big caveat,  
19 it's twenty-five miles downriver.

20  
21 The nearest highway is twenty-five miles away in Venice and so  
22 they spent their three-day weekend at a first-rate facility, but  
23 they are twenty-five miles from their vehicle and so the issue  
24 is anglers fish two to three days out of Port Eads and they  
25 catch legal bag limits, but they have no way to transfer them  
26 back to a highway-accessible marina without violating the daily  
27 possession limits.

28  
29 Our commission passed a Notice of Intent, which some of the  
30 language may be changed. It's still up in the creativity phase.  
31 It's been published, but, due to feedback, we will be making  
32 some changes, but the solution would be to allow anglers to fish  
33 out of Port Eads and transport their fish -- We put up to three  
34 days, because some people go for a whole week and that's getting  
35 excessive. We cut it off at three days through our commission's  
36 deliberation. Bring their recreational fish back to a highway-  
37 based marina.

38  
39 On the Notice of Intent, as was published, anglers must adhere  
40 to -- They must be properly licenses. They have to be licensed  
41 in the state and they have to have our saltwater license and if  
42 it's offshore fish, they have to have our landing permit.

43  
44 They have to demonstrate the number of consecutive days they  
45 were either lodged or docked at the marina. They could be in  
46 small boats staying in the lodge or they could be in large boats  
47 staying in the slips.

48

1 They have to have their catch certified by Wildlife and  
2 Fisheries staff, an agent, and where it says "designee", this  
3 will probably be removed in the next revision, before it goes  
4 out for final, and so it has to -- A Wildlife and Fishery person  
5 has to verify what it is, the weight and the quantity and  
6 everything about the catch.

7  
8 Everyone has to take their daily limit in separate bags marked  
9 with the date they were taken and the angler's name and the  
10 angler's fishing number. Everything has to be properly labeled  
11 as to the species and the quantity and, while they're in  
12 transport -- You can only transport your own fish. If you're  
13 not on the boat going up the road, I can't take your fish.  
14 Everyone has to be onboard with their fish with their license in  
15 their pocket and no fishing while in transit.

16  
17 The twenty-five miles from Port Eads to the first highway is all  
18 fresh water and typically there is not a lot of fishing, but  
19 there is no fishing while you're in transit and so the objective  
20 for today is simple.

21  
22 We would like to hear some discussion from this committee and  
23 get something on the record and have the committee recognize the  
24 expanded possession limit of anglers while they're in transit  
25 while they're in state waters of these fish and that pretty much  
26 concludes -- I just do want you all to know that Port Eads is  
27 one of our LA Creel sample sites and we would have people there  
28 for most all of the tournaments, whoever is sponsoring the  
29 tournament.

30  
31 There are private tournaments out of the marina, New Orleans and  
32 Baton Rouge Big Game Fishing Clubs, and there is the Mississippi  
33 contingent that comes over and the Grand Isle Rodeo Faux Pas  
34 Tournament and I'm trying to think of a few more, but the  
35 facility is used for two and three-day events all summer long.  
36 We are hoping that you see this as a solution to this problem.  
37 Thank you, all.

38  
39 **CHAIRMAN BRAND:** Thank you, Mr. Fischer. We have a couple of  
40 questions for you from Mr. Pearce.

41  
42 **MR. PEARCE:** Myron, I have a couple or three questions,  
43 actually. First off, do any of the charter vessels work out of  
44 Port Eads? That's one and two, I think you just said that  
45 you're doing some biological sampling of these fish that you're  
46 landing, weight and length, maybe something simple, and, third -  
47 - The question is really not for you, but it's for the rest of  
48 the states. How does this impact the rest of the states if that

1 boat goes from Port Eads back into Mississippi or Alabama?  
2

3 **MR. FISCHER:** I don't remember question one and two already and  
4 so let's talk about Port Eads and if they travel out of state.  
5 This is something our commission has ratified and created a  
6 Notice of Intent for.

7  
8 If they leave state waters, they are not covered by this.  
9 That's the future and what would happen in the future, I don't  
10 know. All I know is where I am here and our commission created  
11 a Notice of Intent to get these fish from Port Eads up river to  
12 a highway-based marina. Could you repeat question one and two?  
13

14 **MR. PEARCE:** First off, I am on your side and I like what you're  
15 doing. I just want to make sure that we cover all of our bases.  
16 Question one is basically do any charter vessels work out of  
17 Port Eads?  
18

19 **MR. FISCHER:** It doesn't exclude charter fishermen from working  
20 out of Port Eads and so, of course, charter fishermen would, I'm  
21 certain, would positively be operating out of Port Eads. Do  
22 remember that charter vessels in Louisiana must have a valid  
23 federal permit. Without possession of a valid permit, they  
24 cannot fish state waters and so if you would think that they  
25 could be fishing state waters south of the Pass, they couldn't  
26 do that anyway.  
27

28 **MR. PEARCE:** Are you taking any minor biological work at the  
29 same time your agents are there, weight and length and stuff  
30 like that?  
31

32 **MR. FISCHER:** Sure. Of course. When we do our LA Creel work,  
33 in addition to interviewing the anglers, we also have  
34 assignments where we're doing full -- What we call bio-finning,  
35 full bio-finning, taking lengths and weights and sexing the fish  
36 and removing gonads and removing otoliths for further analysis.  
37

38 We also have projects taking place as we speak that we have  
39 people there, in Venice and Port Eads, doing tuna work. These  
40 are different projects, side projects, but we do work on a few  
41 other highly-migratory species. Any other questions?  
42

43 **MR. DIAZ:** Myron, you might have said this and so forgive me if  
44 I'm making you repeat something, but I know the fish -- They're  
45 only going to be allowed to transit the most direct route back  
46 between Port Eads and Venice, correct?  
47

48 **MR. FISCHER:** It doesn't have the language "Venice" in the

1 Notice of Intent at this time. That could also be one of the  
2 changes forthcoming, but presently -- If you're coming up river  
3 -- If you've been there, if you're coming up river, you can't  
4 miss the town of Venice and so I won't say you can't go to  
5 Empire, but I would say that the commission would entertain any  
6 other language that any member of the public wants to put forth  
7 or especially something coming out of a committee of this  
8 nature.

9  
10 **MR. DIAZ:** One more question. Would these fish be heads and  
11 tails intact?

12  
13 **MR. FISCHER:** Under the present language, they could be cleaned  
14 and it would be filleted in bags, because they would have been  
15 landed in state waters in a bonified marina and made port --  
16 Port would have would be made and offloaded and, like I say, the  
17 boat fueled up and everything that takes place at a normal  
18 marina, the same as what you have in Mississippi, with the only  
19 difference being there's just no highway with your truck where  
20 you could put them in the back of your truck for the next day.  
21 Obviously they cannot take the fish back offshore the next day.

22  
23 **MR. WILLIAMS:** Myron, you started your discussion by saying that  
24 this Port Eads came into being after the RV Oregon discovered  
25 tuna and I guess marlin and whatever offshore there and I  
26 suppose the original tournaments were for those species and I'm  
27 guessing over time they have expanded into other things and is  
28 that what has happened, you know snapper and grouper?

29  
30 **MR. FISCHER:** That's correct, Roy. Originally, it was strictly  
31 for big game fishing, but as other tournaments found it was a  
32 very convenient weigh station and tournaments that have other  
33 species such as snappers, groupers, amberjack, it became a  
34 popular place, because you don't want to bring an eighteen-knot  
35 boat up river between the sand bars and logs. You have a lot  
36 better success of your boat keeping it at Port Eads during the  
37 three-day event. It's not a place you want to travel at night.

38  
39 **MR. ATRAN:** Has Port Eads always been only water accessible or  
40 was there a road prior to Hurricane Katrina that got washed out?  
41 In other words, is that permanent or is was there a road that  
42 might be rebuilt some day?

43  
44 **MR. FISCHER:** It has never had highway access. They have a  
45 small landing plane and it's -- Seaplanes come in and land in  
46 the river, but transit by vessel has been the standard mode of  
47 transportation.

48

1 **MR. CORKY PERRET:** Myron, would this apply to floatplanes or  
2 amphibs?

3  
4 **MR. FISCHER:** I believe the notice just says "vessels" and I  
5 would have to go read it.

6  
7 **MR. PERRET:** If not, I can assure you if this gets approved  
8 that's going to be the next request from those guys that fly in  
9 and out of there, to be able to do the same thing.

10  
11 **MR. FISCHER:** Right and it discusses only accessible by water,  
12 but I don't know if it states that it has to be solely returned  
13 up river by a vessel. You do have the present Notice of Intent  
14 in front of you or were you given a copy? I don't know the  
15 exact language and I would have to read it before I gave you an  
16 answer.

17  
18 **MR. WILLIAMS:** Myron, the South Atlantic Council dealt with an  
19 issue similar to this a number of years ago when -- It comes to  
20 mind because Corky talked about flying, where they were bringing  
21 fish back from the Bahamas, fish that were legally caught in the  
22 Bahamas.

23  
24 They would filet them and bring them back and that was illegal  
25 to do by water, but you could fly them back into the U.S. and  
26 you weren't violating any regulations. I am wondering if you  
27 might have explored to see how the South Atlantic Council solved  
28 that problem or if they ever solved it.

29  
30 **MR. FISCHER:** Presently, I can't state with our legal counsel  
31 how they advised the commission. They may have discovered this  
32 upon their research. Like I say, my mission here is to relay  
33 our Notice of Intent passed by our commission and whatever  
34 decisions were made of how to write it and what the legal team  
35 uncovered, I am not privy to.

36  
37 **MR. GREENE:** Myron, I've had several guys at Orange Beach Marina  
38 ask me if they were to leave Alabama and go over and fish for a  
39 couple of days, could they leave Alabama, because there was no  
40 specific port named. I haven't read this and so forgive me, but  
41 are they going to be able to come back through federal waters if  
42 they meet all the criteria or is this specific to a landing port  
43 in Louisiana?

44  
45 **MR. FISCHER:** Same answer I just gave someone else. This was a  
46 Notice of Intent by our commission and they have no jurisdiction  
47 outside of their state waters and so I would say that once they  
48 get to a border, if they are inland, then they become the

1 property of that state's jurisdiction. I would say they cannot  
2 go back out in federal waters. I know that was something we  
3 discussed at length and they could not take a -- We are not  
4 asking whatsoever to get a multi limit back into federal waters.  
5 This would be strictly a transit from one marine to another all  
6 within the state.

7  
8 **MR. JOHN SANCHEZ:** I guess the intent would be to have the folks  
9 onboard the vessel in this continuous transit that caught that  
10 three-day bag limit in this instance?

11  
12 **MR. FISCHER:** That's correct, John. It's one of the criteria  
13 that was up there. You have to transit with your own fish and  
14 someone else can't bring your fish for you and you have to have  
15 your license available for view.

16  
17 **MR. DUNN:** Could you put that list up again that showed the  
18 criteria that you were going to apply? Do you ask the question  
19 about where the fish were caught, state versus federal?

20  
21 **MR. FISCHER:** I don't know what -- This could be to be  
22 developed. The criteria that's on the Notice of Intent that you  
23 received is the correct language and I don't think it was asked  
24 where the fish were caught. Could that change happen based on  
25 comments of this committee? I am certain it could, because when  
26 we creel the vessels, it is one of the questions.

27  
28 **MR. DUNN:** Generally -- I am trying to look at this provision  
29 and I see all of the different scenarios that occur. We would  
30 have to look at it federally, of course, and then if they went  
31 to some other state, how that state would handle it, but I think  
32 if one of my boarding officers boarded a vessel coming from that  
33 with whatever they had onboard from the camp, we would look at  
34 all that documentation and we would just have to follow up to  
35 make sure that indeed that's where those fish came from.

36  
37 We still have to prove jurisdiction, that they came from federal  
38 waters, and so as far as federally speaking goes, whatever the  
39 state desires, we will -- If we catch them and no state officer  
40 aboard and just us -- Well, even if a state officer is there, we  
41 will still do a lot of following up, but the more documentation  
42 you have aboard that we can use as a reference to go back and  
43 double check to make sure that everything is as was stated would  
44 certainly help.

45  
46 **MR. FISCHER:** By indicating whether the fish were caught in  
47 federal waters and having bonified documentation of a stay at  
48 Port Eads, along with their license and landing permit, that may

1 be enough to get motions started on getting approval or getting  
2 acceptance.

3  
4 **MR. BANNON:** I just want to make sure that the option is open  
5 for the states to comment on this?

6  
7 **CHAIRMAN BRAND:** Yes.

8  
9 **MR. BANNON:** I agree with the question over there and I think  
10 one challenge may be that people want to transit back to another  
11 state, because it doesn't require that transit to end in  
12 Louisiana. I am good with what you want to do and it's your  
13 state and you can do what you want, but I think it would  
14 eliminate some confusion -- Because I am not a border state with  
15 you, but I'm a direct shot across the Gulf.

16  
17 I think the Gulf, it's a no-brainer that it's going to be a  
18 violation. When you come into Alabama, I'm going to call it a  
19 violation and when you get here -- Maybe if there was some  
20 language that just said it was required to be -- You already  
21 landed and I think that meets the definition of landing. You  
22 made your fishing trip and you landed the fish and now you just  
23 need to get them home, but to require that it, be once it gets  
24 to the transportation, be in Louisiana.

25  
26 **MR. FISCHER:** In the very beginning, under A, under Purpose, of  
27 a facility to a location accessible by land, we should say to a  
28 facility in Louisiana, a location in Louisiana accessible by  
29 land. I will say our commission has no jurisdiction to create  
30 law in Mississippi and Alabama and then Florida and so I'm not -  
31 - Our legal team did an excellent job and they got input from  
32 me, unfortunately, and I am not an attorney.

33  
34 **MR. BANNON:** I am agreement with you there, but I think just  
35 sometimes, just having seen things in the past, that if it's  
36 clear that they have to go back there, then I can answer that  
37 question for the folks leaving from Alabama.

38  
39 If they say, can I go to Louisiana and do this, the answer is  
40 clearly no, because there is the potential to avoid federal  
41 waters to come back, because we do have people that do that that  
42 go fish for snapper in Louisiana and as long as the States of  
43 Mississippi and Alabama allow transit if they were caught  
44 legally somewhere else and so I want you to be able to do this,  
45 but I just don't want them bringing them back to Alabama to  
46 create confusion.

47  
48 **MR. MATENS:** I have a couple of things. Scott, I hear you and I

1 think the intent in Louisiana is that all of these fish come  
2 back to Venice. Now, what happens after that, if somebody puts  
3 a whole bunch of fish in their pickup truck and drives to  
4 Birmingham, who knows. Tracy, can you help me? What was the  
5 genesis of your question about where the fish are caught?  
6

7 **MR. DUNN:** It would speak to jurisdiction. If we had a boatful  
8 of fish, we are going to immediately look at whether we have any  
9 jurisdiction or not and so unknown to us, we're going to have to  
10 follow up, but if all the fish came from state waters and it's  
11 properly documented and it's cross-referenced or whatever, then  
12 my people probably will not have to do as much work with it and  
13 it will save them time and trouble.  
14

15 **MR. MATENS:** Thank you, sir. I just want to make sure that  
16 we're clear here. Louisiana's intent, as I understand it, is  
17 some of these fish would be obviously from federal waters. They  
18 could be yellowfin and wahoo and dolphin.  
19

20 **MR. DUNN:** True, but is that characteristic of every trip?  
21

22 **MR. MATENS:** Yes. We have two issues here in Louisiana. One is  
23 the issue of the state fish, because right now, under the  
24 present rules, you couldn't land a three-day limit of speckled  
25 trout in Venice or redbfish, a three-day limit of redbfish, and  
26 that's of interest to us down there.  
27

28 This is an economic driver for Plaquemines Parish, which is an  
29 impoverished parish, but the intent here is those wahoo and  
30 yellowfin. You've got six yellowfin and what are you going to  
31 do with them? You're going to want to clean them and bag them,  
32 because it's easiest to bring them back. Is that an issue for  
33 you guys?  
34

35 **MR. DUNN:** No, just as long as we can show that it was all  
36 caught legally and landed and our definition of trip. It means  
37 a fishing trip, regardless of number of days or duration, that  
38 begins with a departure from a dock, berth, beach, seawall, or  
39 ramp and that terminates with return to a dock, berth, beach,  
40 seawall, or ramp. Clearly returning to that hard facility meets  
41 that definition and so therefore, we would have to look at it as  
42 a multiple trip potential.  
43

44 **MR. MATENS:** My concern here, Tracy, is we want to do this  
45 right.  
46

47 **MR. DUNN:** I am with you.  
48

1 **MR. FISCHER:** I wanted to add something for Tracy. It's people  
2 who spend the night. If someone is making a day trip, they  
3 don't fall under this and even if they pull in to fuel up. This  
4 is for people who basically are there for the two or three-day  
5 weekend, but it's for people spending the night and whether it  
6 be the larger fish or difficult to ice until the trip home,  
7 because it's not illegal to bring a box full of cleaned fish up  
8 river come Sunday if you don't violate the possession limit, but  
9 you couldn't do it if they're cleaned, but if you did have any  
10 of the managed species, the tunas or the amberjacks, obviously  
11 you have serious problems and it's really not only the  
12 convenience that Camp was talking about about getting them up,  
13 but it's the fish were caught legally. They were caught under a  
14 daily bag limit and brought back in, but it's just now to get in  
15 from a land-based marina to a vehicle, to a highway-accessible  
16 marina.

17  
18 **MR. PHIL STEELE:** Mr. Williams asked earlier where the South  
19 Atlantic was on similar situations and I can tell you that the  
20 South Atlantic allows the transfer of snapper grouper species  
21 from the Bahamas. They are currently looking at a similar  
22 amendment to the Dolphin/Wahoo FMP to allow importation or  
23 transfer of these filets of these fish from the Bahamas.

24  
25 They were scheduled to go final on this thing at their last  
26 meeting, but they had some concerns from their law enforcement  
27 folks as to whether this is really -- How feasible this is and  
28 how much of a burden it's going to be onto our law enforcement  
29 guys for these filets coming in from out of the country.

30  
31 Just to bring you up to date, that's where they are at now.  
32 They are kind of going through similar throes of decision making  
33 now and whether or not this is actually a feasible idea, to  
34 allow this importation of these filets from out of state.

35  
36 **MR. GREENE:** Myron, I am fully in support of what you're doing  
37 and I'm just looking at that third bullet there to have the  
38 catch certified by a staff agent and you said you were going to  
39 remove the word "designee", but you could expand perhaps --  
40 Maybe some of the law enforcement could weigh in, but would  
41 there be any benefit to before they depart the location to  
42 notify you that, hey, we are leaving the marina now and we are  
43 headed up and that way, you're going to know that we've had  
44 seventeen people leaving the marina and we know they left and so  
45 they should be there at approximately this time and make it a  
46 little easier, kind of a hail-out and hail-in type of thing, as  
47 we've discussed before.

48

1 That might really assist you a whole lot more, because if you  
2 have a notification number and that would just add one more  
3 layer of certainty. I certainly don't want to add too many  
4 layers of anything, but I am just thinking that might be a very  
5 simple approach.

6  
7 **MR. FISCHER:** Thank you, Johnny. That's something else that we  
8 can take back from this committee back to the commission and see  
9 where they wish to go with it. I think you do realize that most  
10 of these boats probably will be going home on Sunday morning or  
11 Sunday afternoon, but having some type of a report system that  
12 they're underway -- We have to make certain we see the benefits  
13 of it, but it's something we could report about.

14  
15 **MR. DIAZ:** Myron, I just want to comment, as I sit here thinking  
16 about it, it is going to be a Louisiana issue, inside of  
17 Louisiana, about where you allow them to transport to, but it  
18 just seems like from your law enforcement's point of view that  
19 it would be so much easier if they had to go in the most direct  
20 route back to some number of ports that you think are  
21 reasonable, Venice or Empire or maybe some others.

22  
23 If that was clear and then you know you would only encounter  
24 those boats in that stretch of river going in that direction,  
25 rather than going to points all over the state. That just seems  
26 like it would be a lot simpler to me and so that's my comment.

27  
28 **MR. FISCHER:** Thank you, Dale, and I'm sure that will also be  
29 reiterated to the commission, but you do -- If you're familiar  
30 with the area, you do know that when you go up river that you  
31 hit Venice and then the next port of entry you could get out of  
32 the river would be Empire. After that, other than maybe than  
33 going through Ostrica Locks, you are all the way up to the  
34 industrial canal in New Orleans, which I really don't think many  
35 people are taking that four or five-hour journey up river just  
36 to get fish off the boat.

37  
38 **MR. WILLIAMS:** Tracy, I'm wondering if it's possible to solve  
39 this problem without -- I am looking to not have to modify the  
40 federal regulations and I heard Tracy say that, or I think I  
41 heard you say, that you don't have -- As long as everything was  
42 caught legally, you don't really have any problem with what  
43 they're doing and is there any way that we can just write a  
44 statement to you guys that said that as long as you're following  
45 these guidelines here or however they might be modified that we  
46 don't have any objection or the law enforcement people don't  
47 have any objection and thereby not have to do any modification  
48 of the federal regulations? Is that possible?

1  
2 **MR. FISCHER:** Roy, a statement would be excellent. I think the  
3 deliberation taking place right now and the record from it is an  
4 indication and, of course, any time you would have an  
5 endorsement of a committee or a council, it would be much  
6 stronger and so we appreciate anything forthcoming, but I think  
7 the deliberation and the minutes thereof would also basically  
8 give the commission guidelines on some of the minute changes  
9 they have to make to go forward.

10  
11 I don't think there's grave changes. I think it's just -- In  
12 some cases, it's a few internal items and the designee, to let  
13 you know, didn't mean that this weekend we'll designate Camp to  
14 sign. That was if we had to hire contractors. They wouldn't be  
15 under our employ, but they would be contractors set there and we  
16 will not be using contractors, at least not for the coming year  
17 or two.

18  
19 **CHAIRMAN BRAND:** I have a question for Ms. Levy. Do you see any  
20 conflicts with Magnuson when we're dealing with the fish caught  
21 in federal waters?

22  
23 **MS. LEVY:** Do you mean under this scenario the fish are caught  
24 in federal waters and brought back to this port for consecutive  
25 days and then they're -- That's what you're talking about?

26  
27 I think that's why the council brought it to this committee, is  
28 the idea of what a trip means under the federal regulations and  
29 I think that Mr. Dunn had said that law enforcement would  
30 generally consider a trip -- From what I understand, under this  
31 scenario, to be from Port Eads back to Port Eads each day and  
32 not necessarily encompassing the whole trip from the car back to  
33 the car, if that's the way that enforcement looks at the  
34 regulations, then I don't -- To me, there are different ways to  
35 interpret the regulations and so I just think we have to have  
36 some discussion and it's good for law enforcement to be involved  
37 about the way that NOAA is going to interpret those regulations.

38  
39 **MR. FISCHER:** Are we about finished?

40  
41 **CHAIRMAN BRAND:** I guess, from what I understand, we're not  
42 looking for a motion here. Are we looking for a motion for  
43 different preferred alternatives, like writing a letter or  
44 changing the definition?

45  
46 **MS. LEVY:** I think as long as there's a comfort level with the  
47 fact that the regulations would mean that a trip would be from  
48 the port back to the port and then transporting through state

1 waters in that circumstance would not be an issue, then I don't  
2 know that there's anything that the council or the committee  
3 needs to do.

4  
5 If you're looking to allow transport through federal waters of  
6 filleted fish and all of that stuff, that's a whole other  
7 ballgame that would require some sort of modification to the  
8 regulations.

9  
10 **MR. ATRAN:** The one possible problem I might see in that is as  
11 long as the vessel remains in state waters, we don't have to  
12 worry about federal regulations, except because of the Amendment  
13 30B provisions. Permitted charter vessels and headboats are  
14 subject to the more restrictive of federal or state regulations  
15 and so would we have to do something to make an exception for  
16 federally-permitted charter vessels to be able to transport in  
17 state waters?

18  
19 **MR. FISCHER:** I had a message just come down from space that I  
20 received and so it's however 30B plays out. I mean obviously  
21 they have to fish by the most restrictive and so we're not -- We  
22 don't want to change federal law. That's not the object, but we  
23 do feel that once they make port that they've made port and  
24 people got off their boat and the next day is more or less a new  
25 trip and it's just that it might happen to be with the same  
26 people and so that may need a determination.

27  
28 On Jason's request a second ago, if a letter of support, even  
29 with the caveats mentioned, would be great. That way, we don't  
30 have to sit down and dissect the tape of the meeting to figure  
31 out what the consensus appeared to be.

32  
33 I know they had a few caveats and a few issues that some of the  
34 people brought up and, of course, those are welcome and I don't  
35 think this would have the force of a regulation, but it would  
36 just be an endorsement of this committee.

37  
38 **CHAIRMAN BRAND:** To that point, Mara.

39  
40 **MS. LEVY:** Obviously if the committee and the council think that  
41 this is a good idea and want to support it, I have no objection  
42 to a letter of support. I will just say that there's a  
43 difference between the council supporting an idea and NOAA  
44 enforcing the regulations on the books.

45  
46 It's not a situation where the council's letter saying we think  
47 this is a good idea and we support it is necessarily going to  
48 translate into how something is enforced. I just want to make

1 sure we're not mixing the two issues between council support for  
2 something and enforcement of regulations on the books.

3  
4 If we felt for some reason that there really was an issue with  
5 enforcement, which there doesn't seem to be, then the council  
6 action would be to change the regulations to fix that problem,  
7 but as far as I can tell, I haven't heard that there's going to  
8 be an enforcement issue, with the caveat that it's in the state  
9 waters and all of that stuff.

10  
11 **MR. MATENS:** As we got into this and started talking about it,  
12 the concept is that Port Eads, which has never had a road and is  
13 not going to have a road, would effectively be a landing port.  
14 The rest of this stuff is how you get around that.

15  
16 To the point of enforcement people stopping a permitted vessel,  
17 if the season is not open in the EEZ, that vessel is in  
18 violation and they can't catch a red snapper in state water and  
19 so if you guys are going up South Pass and it's November and  
20 it's a federally-permitted vessel and it's got some snapper  
21 onboard -- Correct me if I'm wrong, but they are in violation  
22 and is that a correct statement?

23  
24 **MR. FISCHER:** Yes, Camp, you're correct. A charter vessel in  
25 the State of Louisiana cannot fish reef fish in state waters.  
26 The law states they must have a federal permit onboard and the  
27 federal permit tells them that whatever reef fish species,  
28 snapper or amberjack or grouper, they cannot take those and  
29 therefore, even if they're in state waters, they are in  
30 violation and so I think it's moot about the charter boats.

31  
32 **MR. ATRAN:** The point I was trying to make is even if the season  
33 is open in federal waters, you're only allowed to have one daily  
34 bag limit on your vessel at a time, except in certain  
35 circumstances.

36  
37 I was thinking of a situation where suppose a charter vessel is  
38 there for three day and now the client -- The charter vessel is  
39 going to take the client back to his pickup truck over in Venice  
40 and he's going to have a three-day limit of filleted fish  
41 onboard and that would be in violation of the federal laws.  
42 Like I said, under Amendment 30B, charter vessels would still  
43 have to abide by the federal regulations.

44  
45 **MR. FISCHER:** Thank you, Steve, and to that, I mean if you all  
46 do write something, which I would appreciate, enter that as one  
47 the caveats. I am not saying us let's go with a blanket let us  
48 do it our way. We're here to work it out and we want to know

1 what is acceptable and what is law and what can we or can't we  
2 do. If that's the case, that would have to go back to a full  
3 amendment of the council, if I'm not mistaken. It's a good  
4 point.

5  
6 **MR. PEARCE:** Let me take a stab at a motion and see if this will  
7 work and I will try and -- It's a little bit long. **As long as**  
8 **the five Gulf states and federal enforcement regulations are**  
9 **adhered to, the council supports Louisiana's Notice of Intent**  
10 **for Port Eads.** If I get a second, I will explain.

11  
12 **MR. FISCHER:** I think you have to say the Notice of Intent as  
13 amended, because we know we'll be removing "designee" and we  
14 know we may be making changes based on some of the deliberations  
15 today.

16  
17 **MR. PEARCE:** That's fine.

18  
19 **CHAIRMAN BRAND:** We have a second by Mr. Matens.

20  
21 **MR. PEARCE:** Just as a follow up, it seems all the discussion  
22 has been around enforcement and other states and I think as long  
23 as we adhere to those other state and federal regulations that  
24 there should not be a problem with supporting Louisiana's Notice  
25 of Intent, as amended, for the Port Eads program.

26  
27 **CHAIRMAN BRAND:** Any discussion on this motion?

28  
29 **MR. GREENE:** I support this and I have no problem with it. I am  
30 just trying to help flesh out a particular issue. If there's  
31 guys at the dock trying to catch a ride up the river earlier and  
32 there's a boat going up that way and they can't go because a  
33 particular said vessel doesn't have the appropriate permit, it  
34 seems kind of odd.

35  
36 Perhaps maybe more what you're trying to get at would be a  
37 transport permit. In other words, you are just permitting the  
38 people to get from Point A to Point B and that might get there.  
39 I just think that if you get into the whole 30B and that type of  
40 thing and the for-hire guy and this guy can't ride on that boat,  
41 I think you're kind of backing up.

42  
43 I think what you're really trying to do is just offer a  
44 transporting permit to get them there and however you all see  
45 fit in your state and I have no problem with it. I am just  
46 trying to help you a little further with the document.

47  
48 **MR. PERRET:** I think you're really complicating things when you

1 say "five Gulf states". The activity is going to take place in  
2 the State of Louisiana and you're putting a law enforcement man  
3 in an untenable position to try and figure out if, say, for  
4 example, there's a different size limit for a fish in one of the  
5 Gulf states.

6  
7 What is the purpose of adding the other states? I don't see it.  
8 I think you're just complicating the issue. It should be, in my  
9 opinion, Louisiana and federal so on and so forth.

10  
11 **MR. PEARCE:** I am just trying to cover the issue if a boat tries  
12 to go back to Alabama or Mississippi or whatever that he has to  
13 make sure that he obeys the laws of that state if he crosses  
14 that line and that would mean he would not be able to have this  
15 possession limit.

16  
17 **MR. SANCHEZ:** I support the concept here, Myron, for you and  
18 really, in Florida we kind of have this too, where we have  
19 differing regulations federally and state sometimes and if  
20 you're fishing way to the south or the west, depending on what  
21 side of U.S. 1 you're on, you're on a different regulation,  
22 perhaps.

23  
24 It seems to be addressed with continuous transit and so I think  
25 as long as we kind of keep that, we can avoid opening up all  
26 these Pandora's boxes.

27  
28 **MS. REEDER:** I would agree. I think that "five Gulf states"  
29 does tend to muddy the waters a little bit, because we're not --  
30 Our regulations are not the same as Louisiana's and so restrict  
31 it to Louisiana. The council obviously supports this decision  
32 for Louisiana.

33  
34 **MR. PEARCE:** If this panel would want to take out the "five  
35 Gulf States", I have no problem with that. I was just trying to  
36 make sure we did it right.

37  
38 **MR. WILLIAMS:** How would you think about something, just a  
39 motion -- What we're trying to do is develop a record, I think,  
40 that we like what they're doing here and think that they're  
41 going to have a solution. What if we just did something like  
42 say we commend the Louisiana Department of Wildlife and  
43 Fisheries for their ongoing efforts to solve the need for  
44 multiday on-the-water bag limits at the Port Eads Marina, as  
45 outlined in the amended NOI. That would establish some record,  
46 if we're okay with that, without mentioning the other states and  
47 so on. I didn't make that as a motion, but I might if I thought  
48 there was some --

1  
2 **CHAIRMAN BRAND:** Any discussion on this amendment, potential  
3 amendment?  
4

5 **MR. FISCHER:** Jason, to Roy's comment, even if you had caveats  
6 that showed up today or if you have issues, you could list them,  
7 but I do want to say that our commission creates considerable  
8 legislation in regards to shrimping and to oystering and seldom  
9 do we talk about state boundaries and it's only Louisiana. It's  
10 understood.  
11

12 Their jurisdiction is only Louisiana and so there is no  
13 intention to say that this carries into our neighboring states.  
14 This is a Louisiana regulation to be within the confines of our  
15 state, because for us to go into Mississippi or Texas, we would  
16 have to meet with them and come up with a concurrent resolution  
17 and so, no, this is for Louisiana in Louisiana and I would  
18 rather not confuse it with boats going out of state.  
19

20 Johnny, I know you have boats that go to Alabama and I would  
21 hope that they bring their automobile, their truck, down to  
22 Venice and that's where the customers are picked up and then it  
23 would work fine. It still assists the out-of-state people that  
24 are trying to get back and that's the whole object, is to get  
25 back to a highway, to a vehicular storage area, such as Venice.  
26

27 **MR. PEARCE:** Mr. Chairman, I am amenable to anything that shows  
28 support to Louisiana for this Notice of Intent and so if Mr.  
29 Williams would rather do it that way, it's fine with me. I mean  
30 this motion or that, as long as we as a council support what  
31 they're trying to do. That's all I'm looking to do.  
32

33 **MR. WILLIAMS:** I would be prepared to offer a substitute motion  
34 then, if I might. **That is to commend the Louisiana Department**  
35 **of Wildlife and Fisheries for their ongoing efforts to solve the**  
36 **need for multiday on-the-water bag limits at Port Eads Marina,**  
37 **as outlined in their NOI, as amended.**  
38

39 **CHAIRMAN BRAND:** We have a second by Mr. Pearce and Mr. Diaz has  
40 discussion.  
41

42 **MR. DIAZ:** Can I offer a suggestion, Roy? **My suggestion would**  
43 **be after -- Where it says "solve the need for", the "transport**  
44 **of multiday". I think that makes it cleaner.**  
45

46 **MR. WILLIAMS:** That's fine.  
47

48 **CHAIRMAN BRAND:** Any discussion on this substitute motion? I

1 think from the Coast Guard's perspective that I would agree with  
2 Mr. Dunn and how they would enforce it. I think it would be  
3 important for me, when we train our boarding officers, to know  
4 what that certification looks like, so we can all understand  
5 what we're looking for in these types of situations.

6  
7 **MR. FISCHER:** Thank you, Jason, and I think what we should do is  
8 incorporate this with you directly. You're not too far away  
9 from us and we'll make certain the physical certification sheet  
10 -- I mean we are even having discussions about whether it should  
11 be waterproof and inserted in the bag or a sticker on the  
12 outside of the bag. This has not been determined what it's  
13 going to look like yet. We might get with you and work on the  
14 physical -- Exactly what this bag certification plus what the  
15 marina certification should be.

16  
17 To the motion, if you did want to add, because it was in  
18 discussion, within the waters of the State of Louisiana, I'm  
19 sure that would be accepted. It's unusual for someone at the  
20 podium to make a restrictive issue on a motion. However, it's a  
21 Louisiana issue and not to confuse it coming from other areas  
22 and entering into neighboring states.

23  
24 **MR. PEARCE:** Just a quick note. I want to make sure that Mr.  
25 Matens doesn't want a roll call vote on this one.

26  
27 **MR. GREENE:** I think that we do want to add in, right after the  
28 word "transport", "within Louisiana state waters".

29  
30 **MR. DAVE DONALDSON:** Myron, does this substitute motion still  
31 fulfill the needs, the objectives, that you were trying to meet?

32  
33 **MR. FISCHER:** Yes, it does. I am not a literature major and so  
34 I don't understand the part -- I mean I understand the part, but  
35 if Mau was here, we could work until night getting the part  
36 after "multiday" ironed out, but I think everyone here  
37 understands what it means. Thank you, all.

38  
39 **CHAIRMAN BRAND:** We have a substitute motion and any more  
40 discussion on this substitute motion? This motion is from the  
41 council and so this will be a council-only vote. **Do I have any**  
42 **objections from the council on this motion? No objections to**  
43 **the substitute motion and the motion passes.** Myron, are you  
44 looking for anything from the state LEAP?

45  
46 **MR. FISCHER:** Sure.

47  
48 **CHAIRMAN BRAND:** Would we like to have a motion while we're here

1 from the Gulf States Commission or the AP to support this?  
2

3 **MS. REEDER:** I support the motion as written, the substitute.  
4

5 **CHAIRMAN BRAND:** From the Gulf States LE Commission and AP, they  
6 support similar language as a motion and do I have a second?  
7

8 **MR. BANNON:** Second.  
9

10 **CHAIRMAN BRAND:** Second by Mr. Bannon. If there is no other  
11 discussion on this, any objections to this motion? No objection  
12 and the motion passes. Thank you, Mr. Fischer.  
13

14 **MR. FISCHER:** Thank you all very much for hearing me.  
15

16 **CHAIRMAN BRAND:** The next item on the agenda is the Overview of  
17 OLE Gulf Restructuring by Mr. Dunn.  
18

19 **OVERVIEW OF OLE GULF RESTRUCTURING**  
20

21 **MR. DUNN:** I wasn't quite sure on what they wanted me to provide  
22 for this. I mean I have discussed this on the record before as  
23 to the decision or the criteria behind the decisions made, but I  
24 can kind of do that in a nutshell again.  
25

26 If you will recall, our staffing plan came out about two years  
27 ago and that was the result of our Office of Inspector General  
28 taking a look at our program, based on some complaints, and they  
29 determined that we probably had or potentially had too many  
30 criminal investigators working the issues with which we deal.  
31

32 Our workforce management office also did a review of our program  
33 and they determined that yes, indeed, we should have a different  
34 complement of people to provide the services asked of us and so  
35 they mandated that we be limited to a certain number of criminal  
36 investigators to do the work of a criminal investigator.  
37

38 Let me back up a little bit and say the reason that decision was  
39 made was they basically said that our criminal investigators  
40 were being used for more things that they should. A criminal  
41 investigator is supposed to be doing criminal investigations.  
42 Because of the nature of our business and the number of people  
43 we had, we have had to employ them in a broad range of  
44 enforcement services.  
45

46 Our workforce management said we had to back away from that and  
47 start focusing our criminal investigators on criminal  
48 investigations. There is a little leeway in there by policy,  
49

1 but in the long run, they said that we would be limited to the  
2 number of positions we could have that we could fill with  
3 criminal investigators.

4  
5 The Southeast Division was mandated ten criminal investigators.  
6 That means we were going to have to take a strong look, or a  
7 hard look, at how we place these people and the work that they  
8 do. Now, we had thirty-four or so enforcement positions in the  
9 Southeast and we were told that as criminal investigators either  
10 retired or moved on to another agency or whatever attrition  
11 occurred, we would then replace that person with an enforcement  
12 officer, which would be providing the bulk of our monitor,  
13 patrol, and inspection responsibilities.

14  
15 It's really more of a change of enforcement personnel in series  
16 that occurred than a loss of people. The big issue that came up  
17 is the fact that we stated that we would be closing offices and  
18 we decided to do this because an EO, an enforcement officer,  
19 does not need an office. We give him a vehicle and they are  
20 supposed to be out working compliance issues and helping the  
21 industry and patrolling and monitoring and so we did not want  
22 them in an office.

23  
24 We wanted them to be in a vehicle, just like any other state  
25 officer, and providing a desk, where they could do some  
26 administrative work, but the bulk of their work would be in the  
27 field and so the necessity to have an office was not there.

28  
29 Our criminal investigators, with the number we had, we had to  
30 look at it and decide where do we put ten investigators to cover  
31 the entire of the Southeast Division and so we chose five  
32 locations that we thought would provide the same coverage for  
33 each office and they could still conduct their investigations.

34  
35 The one thing that is unique about the investigative world is it  
36 doesn't have to be done -- You don't have to be physically  
37 there. When I was in South Carolina, I actually investigated  
38 violations in Miami and so it can be done from long distance and  
39 it's not always the best and most efficient way to do things,  
40 but most of my investigators are conducting investigations that  
41 cover foreign countries, imports coming into locations nowhere  
42 near their physical location, or businesses that are nowhere  
43 near their physical location and so it's a completely different  
44 set of parameters under which they work.

45  
46 In the long run -- Right now, we've decided not to proceed with  
47 making many changes, because our budgets and FTE, or that  
48 position cap, has prevented us from really kind of executing our

1 staffing plan in its entirety and so right now, we're kind of on  
2 hold.

3  
4 We are hiring five new enforcement officers and four will be in  
5 the Gulf and one will be in the South Atlantic and we have made  
6 that much of a move, but I think at this point we're probably  
7 going to stop right there until we have a better idea of what  
8 our budget will look like and how many positions we are allowed  
9 to have, but in the long run, we are still mandated to reduce  
10 the number of criminal investigators in our staffing and we have  
11 been given no indication that we're going to change that.

12  
13 With an investigator, of course, they need a larger office and  
14 places to put not only subpoenas, but documents seized and  
15 search warrants and they have a lot more computer needs than an  
16 enforcement officer and that's what's kind of generated the  
17 whole office closure scare. In the long run, the enforcement  
18 services, the coverage, will be the same, but it will just be  
19 done by different people.

20  
21 **MR. PEARCE:** Thank you, Tracy. As always, good explanation. As  
22 a council member that's trying to protect the resource and I'm  
23 also getting calls from industry and enforcement worried about  
24 these changes and I think they need to be made very clear as to  
25 what your goals are and that you are going to have more  
26 enforcement agents in the Gulf, because they are very concerned  
27 about what might be your lack of presence in the Gulf, as I am  
28 and as I guess a lot of people might be.

29  
30 What you're explaining to us right now is that you're going to  
31 add people in the Gulf. Your other agents are just going to be  
32 doing the work that you do in the office and getting your job  
33 done and so as long as you can ensure me that the Gulf will be  
34 protected, I am fine and I would like to hear from the other  
35 states as to how they feel, because I'm getting enforcement  
36 agents in Louisiana calling me asking me to try and help solve  
37 the problem that may not be there.

38  
39 **MR. BANNON:** You know I've heard the concerns about the lack of  
40 enforcement presence and there are some regions of the country  
41 that are not supportive of the uniformed officers and I  
42 understand that. There has been some heartache and some grief.  
43 In my discussions with Tracy and others, the increased presence  
44 of the uniformed officers I think is a positive move.

45  
46 We have already seen it, the way they've approached the use of  
47 the uniformed officers in the Gulf, in Alabama and so I am  
48 actually supportive of that increase in officers. I am not sure

1 where they are all going to go and we have seen a better use of  
2 the agents towards the criminal investigation portion and  
3 instead of them coming and doing these little fish cases and  
4 checking TEDs, which was not really their designated function.

5  
6 Now we've worked some very in-depth criminal investigations with  
7 the agents and so that has worked out well and so I am not sure  
8 about the other states and what some of the fears have been  
9 about the presence. I think with the uniformed officers that  
10 presence will actually be increased. I think you will see more  
11 NOAA Enforcement out and about in a uniformed capacity.

12  
13 We have already done it with joint patrols with them and their  
14 uniformed personnel are taking the smaller nickel-and-dime  
15 federal cases that don't require an investigation and that has  
16 streamlined it and so we have seen benefits from it.

17  
18 The changes in location and offices, I agree with Tracy and  
19 investigators. They can work from anywhere and that doesn't  
20 affect us greatly, but we have seen improvements and I just  
21 wanted people to know that they have been there for us when they  
22 were not in the past.

23  
24 **CHAIRMAN BRAND:** Thank you, Mr. Bannon.

25  
26 **MR. DUNN:** That was the one point I failed to make and one of  
27 the things we want our enforcement officers to do is we have  
28 this huge program called the Joint Enforcement Agreement with  
29 the states and one of the things we've not done a good job is  
30 helping them do the job for us and so our agents get involved in  
31 investigations and they leave the area or cannot provide that  
32 daily service of new regulations and new policies and help our  
33 state partners keep up with all the changes that we have to deal  
34 with and so that's the one thing the uniformed officer would  
35 provide, is that constant communication and feeding information  
36 and sharing information. I think we'll do a lot better on our  
37 Joint Enforcement Agreements as well.

38  
39 **MR. PEARCE:** I would like to hear from Louisiana. I am getting  
40 some calls from Louisiana enforcement and how do you guys feel?

41  
42 **MR. HEBERT:** Pretty much the same thing. We are getting a lot  
43 of people, a lot of enforcement agents, that are concerned that  
44 the Slidell Office in particular is being closed and how much  
45 access they will have to the NOAA guys to assist in the fairly  
46 large cases, especially like the wholesale/retail cases, when it  
47 comes to Lacey Act stuff and all. That was the biggest concern  
48 with enforcement agents, is closing the Slidell Office and

1 having access to the NOAA agents.

2  
3 **MR. DUNN:** Real quick, it is interesting, because when we have  
4 an office, people learn to love those people and where that's  
5 located. That office has been in Baton Rouge, New Orleans,  
6 Picayune, Mississippi. It's moved around quite a bit and  
7 wherever we put it, nobody wanted to see it moved and if we open  
8 one in Mobile, I guarantee you within five years that nobody  
9 would want to close that office and so that's a compliment to  
10 our people. They do a great job, but they will do it wherever  
11 we put them.

12  
13 **MR. PEARCE:** I think if you would have picked Hawaii, they would  
14 have all went.

15  
16 **CHAIRMAN BRAND:** Ms. Reeder, do you have something to add?

17  
18 **MS. REEDER:** I just wanted to say as far as the transition from  
19 investigative officers to uniformed enforcement officers,  
20 conservation law enforcement is, in general, a proactive as  
21 opposed to reactive force and so their visible presence will  
22 assist.

23  
24 As far as offices go, our guys, our NOAA representatives, OLE  
25 representatives, have always been very responsive to phone calls  
26 and so I don't see a big change in our daily operations from  
27 this adjustment.

28  
29 **MR. PITTMAN:** We have worked several details with them the last  
30 three to four months, with the uniformed officers. I  
31 appreciate, Tracy, what you were talking about. They are always  
32 there and asking if they can be of any help and they have  
33 handled some training for us in the last month or two, some  
34 training that we needed. They are always calling and offering  
35 their help and so it's really becoming real good with us.

36  
37 **MR. DUNN:** Real quick, just for the record, you don't have an  
38 office in your state, right? But somehow they still seem to be  
39 able to provide you -- Okay. I just wanted to make that point.

40  
41 **MR. SCHUSTER:** Just following up on some of those fears from  
42 Florida's perspective, a lot of those are surrounding around  
43 personal relationships. Our enforcement officers get acquainted  
44 and used to dealing with the same person and it's not that that  
45 support is not going to be there, but it's a fear of changing  
46 resources or dealing with a different person.

47  
48 Some of the agents in Florida have been phenomenal trainers and

1 we hope that we can continue that relationship as far as the  
2 training and outreach goes, but we don't really see it as a  
3 detriment for Florida.

4  
5 **CHAIRMAN BRAND:** Thank you. Thank you for your overview, Mr.  
6 Dunn, and we kind of got behind on agenda and we will move into  
7 the Review of the 2015-2016 Cooperative Enforcement Operations  
8 Plan by Mr. VanderKooy.

9  
10 **REVIEW OF 2015-2016 COOPERATIVE ENFORCEMENT OPERATIONS PLAN**

11  
12 **MR. STEVE VANDERKOOY:** Good morning and thank you. You will  
13 find this under Tab H, Item Number 8. I am going to refer to  
14 individual pages as we go. The operations plan is updated every  
15 four years and it provides guidance to the various agencies'  
16 enforcement folks as to their priorities and goals and then the  
17 operations plan is the every two-year update, more of the more  
18 immediate goals and objectives and the tasks to achieve those.

19  
20 We went ahead and revised this again for the 2015-2016 cycle and  
21 so if you bear with me a second, we'll go through it. There's  
22 been some minor things, primarily related to tasks that were  
23 identified in the past which have been completed or which were  
24 new and are now ongoing. Then there's some new tasks inserted  
25 here and there.

26  
27 If we start on page 3, the overall goal of providing  
28 professional law enforcement expertise, Task Number 2 under  
29 Continuing Tasks you will see is identified and historically the  
30 commission has provided opportunity for the Enforcement  
31 Committee of the commission and, of course, jointly with the AP  
32 to have conference calls on a monthly basis, if deemed  
33 necessary.

34  
35 We continue to provide that opportunity, but recently it was  
36 determined that perhaps the AP is unable to partake in council-  
37 related activities and discussions outside of a public-posted  
38 conference call.

39  
40 To that end, this is a task that we probably will be changing.  
41 The commission is not under that kind of a responsibility,  
42 legally, and most of the things that we deal with are more  
43 miniscule and not really action item type of things. It's more  
44 or less updating each other on various activities going on at  
45 the states.

46  
47 The commission will probably continue to offer that, but will  
48 limit it to commission-related state-water activities and not

1 any council-related actions and so that is a task that may  
2 change, depending on if indeed that's still the case. Cynthia,  
3 I don't know if you have any --

4  
5 **MS. LEVY:** Correct and so any council advisory panel or  
6 committee, if they meet, whether it be in person, via webinar,  
7 or by the phone, it has to be noticed and open to the public and  
8 so if any of the council committees are going to be involved  
9 formally in these monthly or conference calls, they would have  
10 to be noticed and otherwise, you could limit it to the  
11 commission members.

12  
13 **MR. VANDERKOOY:** For historical purposes, mea culpa. Moving on,  
14 there is a new task identified under this which is -- It's a  
15 minor revision to a new task, since it has not, I don't think,  
16 actually happened, to request funding from the council for an  
17 advisory panel state rep to attend the council meetings in their  
18 respective home state.

19  
20 I don't know if that's something that we have to actively pursue  
21 at this time, but that is something that -- Historically, the AP  
22 has convened with the commission jointly in March and in October  
23 and the previous operations plan, two years ago, it was noted  
24 that it would be good to continue communications with this group  
25 at the council level to be able to afford the AP rep from that  
26 state to be able to attend on a routine basis the council  
27 meetings within their home state and then take that information  
28 back to the AP.

29  
30 I don't think that requires any specific action, but it's just a  
31 note, again, from the AP, unless they want to clarify that in  
32 any way.

33  
34 **CHAIRMAN BRAND:** Any discussion on that task?

35  
36 **MR. PEARCE:** Real quick, I think it's a good idea. I think the  
37 more we hear from these guys, the better we can work together.

38  
39 **CHAIRMAN BRAND:** Would we be looking to make a motion to fund  
40 this, Mr. Pearce, or do we just leave it as it is?

41  
42 **MR. VANDERKOOY:** I'm not sure how you want to proceed. This is  
43 more of a guidance document as things that the AP and the  
44 Enforcement Committee would like to see worked on over the next  
45 two years and so I don't know if it's an immediate need or if  
46 you want to wait and pursue this in the future.

47  
48 **MR. PEARCE:** I will make a motion, and we'll see where it goes

1 in full council, that we request the Gulf of Mexico Fishery  
2 Management Council fund the LEAP state representative to attend  
3 Gulf of Mexico Fishery Management Council meetings in their  
4 respective state.

5  
6 **CHAIRMAN BRAND:** Do I have a second?

7  
8 **MR. WILLIAMS:** Second, but I've got a question.

9  
10 **CHAIRMAN BRAND:** Second by Mr. Williams and discussion.

11  
12 **MR. WILLIAMS:** Steve, are they looking -- They are looking to go  
13 to full council meetings and they're not looking to go to every  
14 advisory panel meeting that might occur in their state or  
15 anything like that, but just full council meetings?

16  
17 **MR. VANDERKOOY:** I would imagine that's probably the case and if  
18 the AP feels there is other things that are coming up, I'm sure  
19 they will be able to make arrangements with their own agency  
20 reps in advance of the meetings that there are certain items  
21 coming up that they would like to hear or be heard on and so I  
22 think just the general council would probably be acceptable,  
23 unless there is some other level.

24  
25 **CHAIRMAN BRAND:** I think that motion clarifies that. We have a  
26 second and so this would be a motion by the council and any  
27 objections from the council committee? Any further discussion?

28  
29 **MR. ATRAN:** Just a little clarification. What would be the role  
30 of the Law Enforcement AP person? Is he just there to observe  
31 or would we want him to sit at the table and participate in the  
32 discussions -- I am just trying to figure out exactly what his  
33 role would be at the council meetings.

34  
35 **MR. PEARCE:** I think both. I think they're there to answer  
36 questions and to participate as the council needs them to  
37 participate in the discussions.

38  
39 **CHAIRMAN BRAND:** They would be there for the committee meetings  
40 and the full council meetings, the entire week. Any other  
41 discussions on this? **With no objections, this motion passes.**  
42 We are back to Mr. VanderKooy.

43  
44 **MR. VANDERKOOY:** Objective 1.2 on page 4 builds on the  
45 relationships between the enforcement committees and the  
46 commission and the council. One of the new tasks identified in  
47 the previous operations plan was for the AP to receive the  
48 Standard Operating Plan. I don't believe that has actually

1 occurred yet. That was left in there as a note, something that  
2 the AP would like to have, is the SOPs.

3  
4 Under Objective 1.3, the council was asked to provide a liaison  
5 to provide the background material to secretarial management  
6 plans. That has occurred and so that is now a continuing task  
7 as opposed to new.

8  
9 Continuing on, Objective 1.4 on page 5, again that goes back to  
10 the monthly conference call issue, which will be modified based  
11 on the discussions. The commission will continue to provide  
12 that opportunity as needed for its enforcement committee, but  
13 not for council-related activities.

14  
15 There are a couple of new tasks at the top of page 6 which  
16 remain as new tasks and they have not changed, because they have  
17 not apparently been completed yet. Under Goal Number 2, to  
18 develop and implement effective outreach programs, Objective 2.1  
19 is to improve community-oriented policing programs. This is on  
20 page 6.

21  
22 In red, you will see the new objective to coordinate with the  
23 council's Outreach Committee on specific public events, this  
24 being specific to enforcement activities and outreach. I think  
25 the task related to that, if you go down to page 7, under  
26 continuing tasks, this has been modified, since it was  
27 completed. Task Number 2 is to continue updating and supporting  
28 the information provided through the council's and other mobile  
29 apps for Smartphones on fish identification, closed areas, and  
30 local federal regulations.

31  
32 Two years ago, a lot of this information was in the process of  
33 being developed and it is developed now and this is a continuing  
34 task to continue to provide support to those actions.

35  
36 Under Objective 2.3, enhance the awareness and importance of  
37 state/federal prosecution and successful adjudication of natural  
38 resource regulations, there is a new task, Task Number 1, on  
39 page 7, to promote the education of prosecutors on current  
40 enforcement efforts and tools that assist in apprehension of  
41 violations.

42  
43 This was a new task in the previous operations plan, but it was  
44 directed more towards trying to provide education to all aspects  
45 of the legal system, including judges, and there was some  
46 concern related to the appropriateness of this. Since then, the  
47 Department of Marine Resources and Florida have actually been  
48 showing that this works with prosecutors, specifically, taking

1 them out in the field and showing them some of the tools that  
2 enforcement uses to identify and to bring some of these cases to  
3 trial. That seems to have helped a lot and it's suggested that  
4 perhaps in the other states this could be things that the other  
5 states could do as well.

6  
7 Moving forward to page 8, this is related to some of the JEA  
8 activities, promoting law enforcement partnerships. There is  
9 two changes or actually three.

10  
11 On page 8, Task Number 7, the AP and the enforcement committee  
12 support continuation of office sharing programs. These are  
13 ongoing actions and they would like to see them continue. They  
14 would like to promote them more and show the good opportunities  
15 that come out of these partnerships.

16  
17 The next new task, Number 1, is to develop a recognition award  
18 program in each state for exceptional -- The wording was changed  
19 on this from the previous version of "Gulf JEA officers".

20  
21 **MR. DIAZ:** This was kind of what I was talking about Other  
22 Business, but being because we're at a point in the meeting  
23 where we're actually covering something real similar, I would  
24 like to just try to address it right here.

25  
26 **I am going to start off by making it a motion and if I get a**  
27 **second, I will describe my rationale and the motion would be to**  
28 **ask the Gulf of Mexico Fishery Management Council staff to work**  
29 **with the Gulf States Marine Fisheries Commission staff to**  
30 **develop an Officer of the Year Program for the Gulf of Mexico.**  
31 Like I said, if I get a second, I will give some rationale.

32  
33 **CHAIRMAN BRAND:** Second by Mr. Greene.

34  
35 **MR. DIAZ:** As I was reading through the materials to prepare for  
36 the meeting, I did see that this was in here and also I happened  
37 to see that the South Atlantic Fishery Management Council is  
38 doing something similar to this now and I just thought it was a  
39 good idea.

40  
41 If I can, I want to read a couple of paragraphs of the news  
42 release and it will kind of give you all an idea of what I was  
43 thinking and what prompted me to try to want to move this at  
44 this meeting.

45  
46 The title of the news release is "Council Recognizes Law  
47 Enforcement Officer of the Year". Members of the South Atlantic  
48 Fishery Management Council awarded the 2013 Law Enforcement

1 Officer of the Year award to Ranger First Class David Brady with  
2 the Georgia Department of Natural Resources Law Enforcement  
3 Division.

4  
5 RFC Brady was presented with the prestigious award by the  
6 Council Chairman, Ben Hartig, during the council's September  
7 meeting in Charleston, South Carolina. The award, acknowledging  
8 service above and beyond the duty requirements, recognizes  
9 distinctive service, professionalism, and dedication to  
10 enforcing fisheries regulations in the South Atlantic.

11  
12 Nominees may be submitted from each of the southeastern states  
13 law enforcement agencies, the U.S. Coast Guard, and NOAA  
14 Fisheries. The council's Law Enforcement Advisory Panel  
15 selected three of the nominees for the 2013 award for  
16 consideration by the council.

17  
18 Law enforcement is an integral component of the fisheries  
19 management process and to recognize its importance, the council  
20 initiated the Law Enforcement Officer of the Year Award in 2010  
21 to recognize outstanding contributions made by law enforcement  
22 personnel and presenting this award is one of the duties that as  
23 Chairman that I enjoy the most, said Council Chairman Hartig.

24  
25 We have outstanding men and women that go above and beyond the  
26 call of duty day to day, enforcing the laws protecting our  
27 natural resources and doing work with the public to increase  
28 awareness of the need for protection and conservation and they  
29 deserve this recognition.

30  
31 Anyway, that's what prompted me to think about that. I think  
32 the South Atlantic has a very good program and I would like to  
33 see if our staff from the Gulf Council could work with the Gulf  
34 States staff and maybe come up with something that is maybe even  
35 better than what the South Atlantic Council has, if you all can  
36 come up with some ideas that fit the Gulf.

37  
38 I do think enforcement is very important and hopefully this can  
39 be some small way where we can offer some incentive for some of  
40 the guys that's doing a really job on this federal law  
41 enforcement. Thank you.

42  
43 **CHAIRMAN BRAND:** Thank you, Mr. Diaz. I think that's a great  
44 idea and any other discussion?

45  
46 **MR. SCHUSTER:** Possibly an amendment to that, if that could be  
47 an officer or team of the year. I sit on the South Atlantic as  
48 well as the Atlantic States and am quite familiar with their

1 program and sometimes it's difficult writing these nominations  
2 when you have a group of four or five that work strategically  
3 together all year to make a lot of things happen and you have to  
4 select just one of those out. If we could have the flexibility  
5 to have an officer or team of the year, I think it would be a  
6 step towards what you just suggested of making it even better.

7  
8 **CHAIRMAN BRAND:** Are you okay with that friendly amendment, Mr.  
9 Diaz?

10  
11 **MR. DIAZ: Sure.** That's some of the stuff that the council  
12 staff and the Gulf States staff could flesh out.

13  
14 **MR. BANNON:** Does the South Atlantic -- Does that include  
15 funding for the officer to appear to receive the award?

16  
17 **MR. DIAZ:** Certainly the two staff members could get together  
18 and work on that, but I would certainly like to see, at some  
19 point in time, when we award the Officer of the Year, that we  
20 bring that Officer of the Year to a council meeting and do that  
21 and give that public recognition along with that award.

22  
23 **MR. BANNON:** This may be directed a little more towards Rama,  
24 but I know this is just a motion and an idea, but are we talking  
25 about promoting federal items, such as the JEA or federal  
26 fisheries? Is that generally what we're talking about and not  
27 just because they did something great in their state?

28  
29 **MR. DIAZ:** One of the reasons I wanted to get the staffs  
30 together to work on this is whenever they're talking --  
31 Certainly my biggest concern is about the Gulf Council  
32 recognizing people that do good things towards federal law  
33 enforcement, but when these two staffs work together, it might  
34 come out that it might be a good idea for the Gulf Council maybe  
35 to look at some type of a state recognition in addition to that,  
36 but as far as the council goes, I mean my intention, from the  
37 council point of view, is we would focus our priority on people  
38 that are doing exceptional work for federal law enforcement.

39  
40 **CHAIRMAN BRAND:** Any other discussion on this motion? We have a  
41 second from Mr. Greene and so this is a council motion. **Any**  
42 **objections to this motion? No objections and the motion**  
43 **carries.**

44  
45 We are out of time and so I want to let Steve -- Give him  
46 another minute to kind of wrap up his plan and then all the  
47 state highlights, if they had any, were submitted electronically  
48 that we can view, in the tabs, and we will have to defer those

1 until full council and then we will wrap up.

2  
3 **MR. VANDERKOOY:** This shouldn't take long. There is just a  
4 couple more new tasks, one of which is the request for a  
5 boarding JEA electronic reporting system. Louisiana has one and  
6 the other states are very ready to look at using that kind of a  
7 template.

8  
9 Under Objective 3.2 on page 9, a new task is to continue to look  
10 at partnerships and potential acquisition of aerial  
11 reconnaissance surveillance type of equipment, rather than  
12 getting it at the state level and finding other resources to use  
13 in those partnerships.

14  
15 Objective 3.3 on the same page is to identify funding to support  
16 satellite internet for offshore officers. It's very cost  
17 prohibitive, but for those who utilize the web-based data  
18 systems and as we're moving to that, the accessibility of those  
19 kinds of systems, using satellite technology, need to be looked  
20 into.

21  
22 3.4, the entire objective was more related to JEAs and pretty  
23 much are not applicable now. We have moved forward through that  
24 and so that takes us to the very last page, which is page 13,  
25 the goal related to partnerships for short-term response and  
26 long-term recovery from both manmade and natural disasters. A  
27 lot of this stemmed out of both the hurricanes of 2004 and 2005  
28 and 2008 and then, of course, the BP disaster in 2010.

29  
30 The new task here really, in retrospect, now that we're at about  
31 ten years after Katrina and Rita and Wilma and a little past on  
32 Ivan and then with Ike and Gustav still coming, sort of an  
33 opportunity, with the turning over of a lot of the enforcement  
34 folks --

35  
36 Obviously the AP and the enforcement committee, the faces have  
37 changed even recently and it may be a good time to take a look  
38 at some sort of a how well we did and what did we do kind of an  
39 approach to both the natural disasters and the BP disaster, sort  
40 of a white paper.

41  
42 I know that the states have probably done this and done the  
43 internal reviews of what worked and what didn't work, but it may  
44 be chance for the enforcement folks to put together something on  
45 paper that would be a document just to sort of document what  
46 they did, for posterity. Unless there is questions about the  
47 operations plan, that's all I've got.

48

1 **CHAIRMAN BRAND:** Any questions?  
2

3 **MR. DIAZ:** Not about the operations plan, but I do want to make  
4 one more comment before we close.  
5

6 **CHAIRMAN BRAND:** Go ahead, Mr. Diaz.  
7

8 **MR. DIAZ:** I just wanted to take a minute here at the end of the  
9 meeting and, Chief Davis, would you mind standing? We have a  
10 new head of our Marine Law Enforcement Division at the  
11 Mississippi Department of Marine Resources and I wanted to take  
12 just a minute to introduce Colonel Davis.  
13

14 Colonel Davis is a veteran law enforcement officer in  
15 Mississippi and he's well respected and he comes to the  
16 Mississippi Department of Marine Resources after finishing a  
17 stint at the Moss Point Police Department as the Chief of Police  
18 in that Moss Point unit and we are very glad to have Chief Davis  
19 onboard.  
20

21 He is already showing some positive results in our Marine  
22 Division and I just wanted to get him to stand so everybody  
23 could see him and know who he is and if you all get a chance,  
24 you all stop by and say a word to Chief Davis today while he's  
25 here with us. Thank you, Chief.  
26

27 **MR. PEARCE:** Dale, will you stand up for a second? Chief, I  
28 wanted to make sure you recognize him, so when he goes fishing,  
29 you can make sure you check his creel.  
30

31 **CHAIRMAN BRAND:** With no other comments, that wraps up our Joint  
32 Law Enforcement Committee and Gulf Management Committee meeting.  
33

34 **MR. VANDERKOOY:** Do we need to have any kind of a motion on  
35 accepting the operations plan? The commission received and  
36 accepted it last week and there's just a couple of minor changes  
37 inside the cover, but, for the most part, if we can entertain  
38 that motion, we can go ahead and make this a formal document.  
39

40 **CHAIRMAN BRAND:** We are looking for a council motion to accept  
41 the state council committee's operations plan.  
42

43 **MR. DIAZ:** So moved.  
44

45 **MR. WILLIAMS:** Second.  
46

47 **CHAIRMAN BRAND:** Second by Mr. Williams. Any discussion? We  
48 will take a vote. **Any objections to this motion? No objections**

1 **and the motion carries.** We have a separate motion within this  
2 operations plan to fund the representative from the state.  
3 Sorry for taking up your time, Mr. Pearce, but now we'll move on  
4 to you.

5  
6 (Whereupon, the meeting adjourned at 11:23 a.m., October 20,  
7 2014.)

8  
9 - - -  
10

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6  
7 PAGE 21: Motion to retain Option 2 as the preferred  
8 alternative. The motion carried on page 21.  
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10 PAGE 37: Motion to commend the Louisiana Department of Wildlife  
11 and Fisheries for their ongoing efforts to solve the transport  
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13 at Port Eads Marina, as outlined in their NOI, as amended. The  
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15  
16 PAGE 48: Motion to request the Gulf of Mexico Fishery  
17 Management Council fund the LEAP state representative to attend  
18 Gulf of Mexico Fishery Management Council meetings in their  
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20  
21 PAGE 50: Motion to ask the Gulf of Mexico Fishery Management  
22 Council staff to work with the Gulf States Marine Fisheries  
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24 team of the year for the Gulf of Mexico. The motion carried on  
25 page 52.  
26  
27 PAGE 54: Motion to approve the 2015-2016 Cooperative  
28 Enforcement Operations Plan. The motion carried on page 54.  
29  
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