

**Excerpt from GSMFC Law Enforcement Committee/GMFMC Law Enforcement
Technical Committee
Joint Meeting Summary
San Antonio, Texas
March 16, 2016**

The meeting was called to order at 8:30 a.m. by LEC Chair Chad Hebert.

GMFMC LAW ENFORCEMENT TECHNICAL COMMITTEE SESSION (pertaining to Shrimp)

Current GMFMC Amendments and Framework Actions

The Committee reviewed the following draft management actions for concerns relative to enforcement.

Draft Shrimp Amendment 17B – Optimum Yields, Number of Permits, Permit Pool, and Transit Provisions

Under Action 6 (transit provision for non-federally permitted vessels), Committee members noted that transit is allowed in other fisheries provided that the fishing gear is stowed. Committee members felt that under Alternative 2, which only requires that door and nets be out of the water, it would be difficult to enforce the prohibition on fishing in federal waters. The Committee supported Alternative 3, which requires that trawl doors (if present) must be disconnected from the trawl gear and must be secured.

For the remaining actions, the Committee felt that there were no enforcement concerns.

OTHER BUSINESS – TED COMPLIANCE

Brandi Reeder (TPWD) brought attention to the TED compliance reports and the final draft policy being finalized by NOAA Protective Resources (attached). The policy, as written, measures TED compliance in the trawl fishery using the boarding reports developed by NOAA. In summary, if TED compliance drops below 88% in an area, steps are supposed to be taken to bring compliance back up (outreach and education). In the event that it is not within the next 3-month cycle, actions may be taken to close an area that is found out of compliance.

One of the biggest concerns raised by the group is related to ‘courtesy’ inspections. A boarding form is filled out whenever a vessel captain contacts an agency and asks to have their gear checked before they go out. If they are found to have problems, the form reflects that, but any correction is not considered. These ‘courtesy’ infractions are counted against the fleet as though it were an at-sea infraction, potentially skewing the true compliance rate. In addition, these requests are often made by captains trying to be sure they are prepared and actually in compliance. The public relations of this situation are a potential nightmare to enforcement who

have finally developed a good rapport with the fleet.

In addition, NOAA Protective Resources has not sufficiently addressed how a closure might take place, the extent of a closure, and how the closure can be lifted. Most infractions occur when dealing with a migratory fishing fleet. If a region is found to be out of compliance, a closure would affect that state and its residents despite the ‘bad actors’ leaving and returning to their own waters. These issues need to be addressed before the LETC and the LEC are satisfied with the TED policy.

The TED boarding form is a great tool; however, we have serious concerns with how data is going to be used. It was also brought to our attention that the NOAA mandatory observers are being asked to provide forms as well.

This issue was discussed at the Joint ASMFC/GSMFC meeting last November but not as the Council LETC. It was agreed that a letter should be sent to the NOAA Office of Protected Resources to have them address these concerns. The Committee was unsure of whom the letter should come from, and therefore the Committee’s concerns are being presented to both the Council and the Commission.

This is clearly a federal species managed by the Council but the TED Boarding Forms and the Policy were not provided to the Council’s Shrimp AP. The ramifications make it a potential Commission issue as well as a Council issue.

Any letter should request that courtesy inspections should either not be counted in the compliance rate or should be a Level I violation (minimum violation statistically). In addition, the NOAA Office of Protected Resources needs to clearly define the methodology for determining an area closure for non-compliance and provide some information on what that closure might look like, i.e. what is involved, how violators will be treated, and how it will be lifted.

The meeting adjourned at 4:20 p.m.

LETC Members in Attendance:

Brandi L. Reeder, TPWD, Vice-chair
Scott Bannon, ADMR
Mark Kinsey, NOAA/OLE
Cynthia Fenyk, NOAA/GCES
Chad Hebert, LDWF
Rusty Pittman, MDMR
Dan Ellinor, FWC (for Rama Shuster)

LEC Members in Attendance:

Chad Hebert, LDWF, Chair
Rusty Pittman, MDMR, Vice-chair
Scott Bannon, ADMR
Mark Kinsey, NOAA/OLE
Cynthia Fenyk, NOAA/GCES
Brandi L. Reeder, TPWD
Dan Ellinor, FWC (for Rama Shuster)

Others:

Doug Boyd, GMFMC member
Ed Swindell, GMFMC member
Judy Jamison, Gulf & South Atlantic Fisheries Foundation

Staff:

Steven Atran, GMFMC
Steve VanderKooy, GSMFC
Debbie McIntyre, GSMFC

Jamie Miller, MS Dept. of Marine Resources
Darin Topping, TPWD
Toby Gascon, LDWF, GSMFC Commissioner
Chris Blankenship, ADCRN/MRD, GSMFC Commissioner
Joe Jewell, MDMR
Jerry Mambretti, TPWD
Jess Beck, NOAA Regional Aquaculture Coordinator, *via phone*