

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

LAW ENFORCEMENT COMMITTEE

Doubletree by Hilton Austin

Austin, Texas

APRIL 4, 2016

**VOTING MEMBERS**

- Doug Boyd.....Texas
- Jason Brand.....USCG
- Dale Diaz.....Mississippi
- Dave Donaldson.....GSMFC
- Campo Matens.....Louisiana
- Roy Williams.....Florida

**NON-VOTING MEMBERS**

- Kevin Anson (designee for Chris Blankenship).....Alabama
- Martha Bademan (designee for Nick Wiley).....Florida
- Leann Bosarge.....Mississippi
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Myron Fischer (designee for Patrick Banks).....Louisiana
- John Greene.....Alabama
- Kelly Lucas (designee for Jamie Miller).....Mississippi
- Lance Robinson (designee for Robin Riechers).....Texas
- John Sanchez.....Florida
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana
- David Walker.....Alabama

**STAFF**

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- Douglas Gregory.....Executive Director
- Karen Hoak.....Administrative and Financial Assistant
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Fisheries Outreach Specialist
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

- Pam Anderson.....PCBA, Panama City, FL
- Patrick Banks.....LA
- Steve Branstetter.....NMFS
- J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
- Gary Bryant.....Gulf Shores, AL

1 Chris Conklin.....SAFMC  
2 Toby Gascon.....Baton Rouge, LA  
3 Jim Green.....FL  
4 Ken Haddad.....American Sportfishing Association, FL  
5 Chad Hanson.....Pew  
6 Bill Kelly.....FKCFA, FL  
7 Mark Kinsey.....  
8 Ed Lello.....Austin, TX  
9 Clay Porch.....SEFSC  
10 Brandi Reeder.....TPWD  
11 Clarence Seymour.....

12  
13  
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TABLE OF MOTIONS

PAGE 13: Motion to approve the forms as revised. The motion carried on page 13.

- - -

1 The Law Enforcement Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Doubletree by Hilton Hotel,  
3 Austin, Texas, Monday afternoon, April 4, 2016, and was called  
4 to order at 4:10 p.m. by Chairman Doug Boyd.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN DOUG BOYD:** I am going to call the Law Enforcement  
11 Committee together. Members of the committee are myself, Doug  
12 Boyd, Chair; Lieutenant Commander Jason Brand is Vice Chair, and  
13 he is here somewhere; Dale; Dave Donaldson; Camp Matens; and Roy  
14 Williams. We are missing one of those persons, I think.

15  
16 The first thing is the Adoption of the Agenda. Does anybody  
17 have any changes or additions to the agenda? I do, but I will  
18 wait to hear from anybody else on the committee. I do have a  
19 change for the committee.

20  
21 We have Other Business, and a lot of that other business has  
22 been taken up in some of the other committees and Steven has  
23 reported on that. We have the Selection of the Recipient of the  
24 Officer of the Year Award, and we're going to be discussing some  
25 of the qualifications of those people, and I would like to  
26 recommend to the council, to the committee, that we do that in  
27 closed session. I would like to move Number V down to Number VI  
28 and Number VI up to Number V. With the concurrence of our  
29 attorney, I would like to ask for a closed session for the  
30 discussion of the personal qualifications of the Officer of the  
31 Year Award. Does anybody have any objection to that? Mara.

32  
33 **MS. MARA LEVY:** I think that that would qualify as a discussion  
34 of internal administrative matters that you could hold a short  
35 closed session for.

36  
37 **CHAIRMAN BOYD:** Thank you. Any objection to the changes that I  
38 have proposed in the agenda? Mr. Chairman, are you all right  
39 with that?

40  
41 **MR. KEVIN ANSON:** It sounds great.

42  
43 **CHAIRMAN BOYD:** All right. Moving on to Approval of the  
44 Minutes, any discussion about the minutes or any changes or  
45 corrections in the minutes? All right. Steven, the Action  
46 Guide and Next Steps.

47  
48 **MR. STEVEN ATRAN:** Thank you, Mr. Chairman. I'm not going to

1 read the next steps. It's just a brief description of what  
2 we're expected to do for each agenda item, and these are fairly  
3 simple items, except maybe for selecting the Officer of the  
4 Year.

5  
6 **CHAIRMAN BOYD:** Okay. Next on the agenda is Tab L, Number 4(a),  
7 and Steven is going to take us through some of the implications  
8 of the nine-mile reef fish boundary and the others that are  
9 listed there. Steven.

10  
11 **LAW ENFORCEMENT TECHNICAL COMMITTEE SUMMARY**  
12 **ENFORCEMENT IMPLICATIONS OF THE LOUISIANA, MISSISSIPPI, AND**  
13 **ALABAMA NINE-MILE REEF FISH BOUNDARY**  
14

15 **MR. ATRAN:** Thank you. Just to let you know, there were some  
16 comments on several of the amendments and action that we've  
17 working on. Some of these, we have already reviewed in the  
18 Shrimp Committee and the Mackerel Committee. The rest, I  
19 believe, fall under Reef Fish, and so we will review the LETC  
20 comments for the reef fish amendments at the time that we get to  
21 them in the Reef Fish Committee rather than here, if that's okay  
22 with you. Okay.

23  
24 The first item that the Law Enforcement Technical Committee  
25 reviewed, and this was a joint meeting of the Law Enforcement  
26 Technical Committee and the Gulf States Marine Fisheries  
27 Commission Law Enforcement Committee, which, except for a couple  
28 of individuals, is pretty much the same people, was to discuss  
29 any enforcement implications of the new nine-mile reef fish  
30 boundary that Congress just implemented off the coast of  
31 Louisiana, Mississippi, and Alabama.

32  
33 There could be some confusion about exactly what rules fishermen  
34 have to follow within this area now. Because it's only a reef  
35 fish boundary, potentially you could have a vessel catching a  
36 red snapper and it would now be under the state regulations.  
37 That same vessel could catch say a red drum and it would be  
38 under federal regulations.

39  
40 To avoid that confusion, the committee noted that there will  
41 probably need to be some sort of an outreach program and  
42 education program to the public to let them know what rules they  
43 should be following when they're in this three-mile to nine-mile  
44 area.

45  
46 The other thing that came up was that the new nine-mile boundary  
47 doesn't appear on any nautical charts. Alabama and Louisiana  
48 have put some maps up on their websites that roughly show where

1 it is. I put the links to them in the summary. I'm not sure  
2 how useful they are, when you're actually out on the water, for  
3 determining where you are, but they give a qualitative  
4 description of where the new nine-mile boundary is.

5  
6 Some of the committee members thought that it's unlikely that  
7 the National Ocean Service will put this boundary on their  
8 charts. First of all, it's not any sort of a territorial  
9 boundary. It's just a regulatory boundary, and it only applies  
10 to reef fish. For those reasons, I may be that it's not  
11 appropriate to put it on the charts.

12  
13 For vessels that are fishing right at that nine miles, it could  
14 be some confusion as to whether they're in federal waters or  
15 state waters for reef fish purposes, and the committee just  
16 wanted to point that out.

#### 17 **ENFORCEMENT IMPLICATIONS OF OFFSHORE AQUACULTURE FMP**

18  
19  
20 If there are no questions, I will move to the next item, which  
21 is the offshore aquaculture FMP. This is the FMP that the  
22 council worked on for I don't know how many years, and it  
23 finally got approved and implemented in February. We asked to  
24 get an overview, from an enforcement perspective, of what this  
25 new aquaculture rule means.

26  
27 Jess Beck is the Aquaculture Regional Coordinator. She couldn't  
28 make it for the Law Enforcement Technical Committee meeting.  
29 She was coming the next day for the general business meeting of  
30 the Gulf States Commission, but we had her presentation, and  
31 Cynthia Fenyk went through the presentation and covered the  
32 items that she thought the law enforcement folks would be most  
33 interested in. Meanwhile, Jess Beck was on the telephone, in  
34 case anybody had any questions for her.

35  
36 After going through the presentation, the enforcement committee  
37 did come up with several concerns about the new aquaculture  
38 rule. One is the fact that any vessels that are engaged in  
39 offshore aquaculture operations are required to have a copy of  
40 the aquaculture permit onboard, and they cannot engage in any  
41 commercial fishing activity while they're engaged in  
42 aquaculture.

43  
44 The law enforcement folks felt that they would prefer to see a  
45 placard required that's large enough to be visible from a  
46 distance, so they could tell without having to actually stop and  
47 board the vessel if it was indeed an aquaculture vessel.

1 One of the new rules with these offshore aquaculture sites is  
2 that there will be what's called a restricted access zone around  
3 each aquaculture site. I believe it covers at least two miles  
4 from the site, I forget the exact number, and that boundary is  
5 to be marked with buoys at each corner, but there's no  
6 specification of what those buoys need to be. Conceivably, they  
7 could just be milk jugs or something that's difficult to see at  
8 sea.

9  
10 The committee felt that there should be some specifications for  
11 those buoys. They should be large enough to be visible from a  
12 distance and they should be marked with the owner of the buoy.  
13 One committee member suggested that perhaps some standard color  
14 should be adopted so that a vessel at sea would know when it's  
15 encountering a boundary line for an offshore aquaculture  
16 facility.

17  
18 Another item that came up is what happens with the brood stock  
19 that's used to create the eggs for the aquaculture facility. In  
20 order to prevent any genetic diversification between the  
21 aquacultured fish and the wild-caught fish, the regulations  
22 require that the brood stock be a wild-caught fish for anything  
23 that's raised in captivity, but there's nothing that says what  
24 would happen to that brood stock once they've been used to  
25 create the eggs and the sperm that are necessary for the  
26 operations.

27  
28 On some land-based hatcheries, there are some state regulations  
29 that cover disposition of the brood stocks, but those may not be  
30 applicable to these offshore facilities. They may not be  
31 applicable for an aquaculture facility that's intended for food  
32 production as opposed to stock enhancement.

33  
34 Things came up like can they sell these brood stock fish once  
35 they've used them for spawning. There is nothing in the  
36 regulations right now that addresses that, and then the final  
37 item that came up for concern is the regulations allow for -- In  
38 the case of violations of either suspension or revocation of the  
39 permit, and this is similar to regulations for violations of  
40 commercial or recreational fishing, where a permit can be  
41 revoked or suspended.

42  
43 In the case of a vessel, fishing vessel, it can just tie up at  
44 the dock, but, in the case of an offshore aquaculture facility,  
45 there is likely to still be fish in captivity. That facility is  
46 still offshore. It still needs to be tended somehow. There is  
47 nothing in the regulations that have any provision for what  
48 happens to the offshore facility while its owner is under



1 suspension or permit revocation, and so we need something to  
2 indicate what would happen to the offshore facility in that  
3 situation.

4  
5 That was basically the information that we received. Somebody  
6 asked and we were told that NMFS has not yet received any  
7 applications for an offshore permit. It's been several years  
8 since this thing started. Some of the folks may have moved on  
9 to other items. Some of them may be waiting to see what the  
10 outcome is of the aquaculture legal action that's been filed,  
11 but, as of right now, our understanding is that nobody has  
12 applied for a permit. The next item is protocol for background  
13 checks. Sorry. Mara.

14  
15 **MS. LEVY:** Thanks. I just wanted to clarify a couple of things  
16 with respect to the aquaculture final rule. One of the comments  
17 was that there was no requirement, I think, to mark the buoys  
18 that are used to establish this restricted access zone, but the  
19 regulations do provide that the permit number should also be  
20 included on the buoys or other floating device used to mark the  
21 restricted access zone, and so there is a requirement that they  
22 put some sort of identifying number on the buoy. It may not be  
23 necessarily big enough to -- I don't know what the law  
24 enforcement committee was talking about, but it should be some  
25 sort of identifying information on that buoy.

26  
27 With respect to removal of the systems, if a permit is suspended  
28 or revoked, there is a provision in there that allows the  
29 agency, the Regional Administrator, to order removal of the  
30 aquaculture facility, the things that are in the water, and so  
31 there is a mechanism to get those things out of the water if for  
32 some reason somebody's permit is revoked.

33  
34 **MR. ATRAN:** Thank you. We weren't told that information during  
35 the review. I think, on the buoys, they were mainly concerned  
36 with the buoys being big enough to see from a distance.

37  
38 **MS. LEVY:** The regulations are quite dense with respect to this  
39 plan, and so I wouldn't expect every detail to have been  
40 presented, and also if there are things that, once this gets  
41 going or if the law enforcement committee identifies issues, the  
42 council can always go back and look at what is currently  
43 required under the regulations and decide to amend the FMP or do  
44 a framework or something to tweak certain requirements if it  
45 looks like things aren't working as intended or could be  
46 improved upon.

47  
48 **MR. ANSON:** Steven, just a question. I came into the council

1 right when the aquaculture amendment was being finalized, and so  
2 I don't remember all the details, but normally the buoys and  
3 markers and such are under the jurisdiction, in navigable  
4 waterways, under the U.S. Army Corps of Engineers. Did the  
5 Aquaculture FMP kind of supersede their jurisdiction or their  
6 responsibilities in coordinating those type of navigational  
7 aids?

8  
9 **MS. LEVY:** No, because they still have to get -- Anyone who  
10 applies for this permit would have to have an Army Corps Section  
11 10 permit for their entire area, which includes that whole  
12 restricted access zone, and actually the restricted access zone  
13 is defined as the zone that is incorporated within the Army  
14 Corps Section 10 permit, and then the Coast Guard also has some  
15 input into floating devices, and so that's also something that's  
16 in there as well.

17  
18 **MR. ED SWINDELL:** I have one brief question. What do you do --  
19 Are the regulations about the structure itself and the security  
20 of the structure being well done for storms and so forth? I  
21 assume somewhere there has got to be -- Who makes those  
22 judgments? What group is going to have that judgment?

23  
24 **MS. LEVY:** Ultimately, the authority is with the Regional  
25 Administrator to approve the aquaculture system they want to  
26 use, which is the structures they put in the water, and there  
27 are some specifications laid out in the amendment and the  
28 regulations as to what they need to do, like to withstand storms  
29 and things like that, and so they're supposed to submit plans as  
30 to what they want to do, and then the Regional Administrator is  
31 supposed to review that and look at the criteria laid out in the  
32 FMP and the regulations and decide whether to approve that  
33 system for use.

34  
35 **PROPOSED PROTOCOL FOR BACKGROUND CHECKS OF AP CANDIDATES FOR**  
36 **VIOLATIONS IN STATE WATERS**

37  
38 **MR. ATRAN:** Are there any other comments or questions about  
39 aquaculture? If not, I will move on to the next thing, which is  
40 Protocol for Background Checks of AP Candidates for Violations  
41 in State Waters.

42  
43 This deals with getting background checks conducted of anyone  
44 who is a candidate for being added to one of our advisory  
45 panels, to see if they've had any recent fishery violations. We  
46 have a draft of the proposed protocol and a draft of what would  
47 be the online form for the applicant to fill out, which is Tab  
48 L, Number 4b.

1  
2 We had a webinar-based meeting of the Law Enforcement Technical  
3 Committee, I believe it was in February, and it was a few months  
4 ago, in which we initially asked about whether or not they could  
5 accept these online signatures and what their protocols would be  
6 once they receive a request.

7  
8 All of the state agencies indicated that they could respond  
9 within ten days, and some of them, the people online, say they  
10 would have to check with their state attorney's office to see  
11 whether or not a digital signature, just typing your name into  
12 the box and checking off a check box, would suffice for the  
13 signature. I believe in all cases that is acceptable.

14  
15 The other issue where we had a little bit of a problem is that  
16 the request from the council had been for the states to conduct  
17 background checks for violations that involve federally-managed  
18 species, and not all of the states are able to do that. The  
19 states will maintain records of the type of violation, but only  
20 a couple of the states have the species codes to indicate  
21 specifically which species were involved in the violation.

22  
23 After some discussion, the Law Enforcement Technical Committee  
24 said that, to be fair in all states, they could just arrange to  
25 have any fishery violations, or any saltwater fishery  
26 violations, within the past five years, I believe is what we're  
27 asking for, reported.

28  
29 The feeling was that, even if you had a fisherman who had state  
30 violations, the chances are that individual, if he's going to  
31 violate the state regulations, he would be just as likely to  
32 violate federal regulations, and so the technical committee felt  
33 that it wouldn't be too much of an issue to report all of the  
34 violations and not just the ones covering federally-managed  
35 species.

36  
37 If you look at the form, if we could put that up on the screen,  
38 Tab L, Number 4(b), this is roughly what the online application  
39 is going to look like. The software doesn't allow us to  
40 actually put it up on the website until it becomes live, but  
41 this is roughly what it's going to look like and the information  
42 that's going to be requested.

43  
44 Right now, it asks the applicant to provide their name,  
45 birthdate, address, city, and some telephone, email, and fax  
46 information. The committee asked that we add drivers' license  
47 to this, drivers' license or state-issued ID number, if the  
48 applicant doesn't have a drivers' license.

1  
2 For the state agencies, at least some of them, that is the  
3 easiest way for them to identify a unique individual, and so  
4 they would like to have that added to this section.

5  
6 Then, if you were to scroll down to the next page, there's where  
7 they would select which panels they want to be on, but if you go  
8 down to the bottom, where it says signature and date, here is  
9 where we needed to get the okay from the state attorneys'  
10 offices that this would be an acceptable way to provide a  
11 signature.

12  
13 It says that by typing your name and entering a date that you  
14 affirm that what you provide is accurate. There is a place for  
15 the person to put in their signature and then the date, and then  
16 there is a checkbox that says, right now, by checking this box,  
17 I consent to a -- I can't read it at the moment. It says, by  
18 checking this box, I consent to a fishery violation background  
19 check by NOAA/state law enforcement.

20  
21 One problem that the committee had with that wording is that it  
22 only authorized the background check to be conducted. It  
23 doesn't say anything about who is authorized to view the results  
24 of the background check, and so they suggested a change that  
25 says, by checking this box, I consent to allow NOAA/state law  
26 enforcement to provide a marine fishery violation background  
27 check to be provided to the Gulf of Mexico Fishery Management  
28 Council.

29  
30 The individual is not only permitting the background check to be  
31 conducted, but he is also permitting the results to be shared  
32 with the council, and those were the two changes that the Law  
33 Enforcement Technical Committee requested in this draft  
34 protocol. That and, as I said, the violations will be provided  
35 for all saltwater fishing violations and not just those that  
36 involve federally-managed stocks. Are there any questions?

37  
38 **MR. ANSON:** Steven, were you going to -- At top of the page that  
39 has industry affiliations, were you planning to populate that  
40 with all of the known affiliations, or were you going to leave  
41 that as just a box they could type in and type in two or three  
42 or four responses? It seems like -- I mean some of them have  
43 been around obviously for a long time, but it just might be more  
44 administrative work.

45  
46 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** That's a drop-down box. It  
47 would say commercial, recreational, for-hire, environmental, but  
48 it didn't just -- The drop-down menu didn't come across in the

1 PDF.

2

3 **MR. ANSON:** But you're not specifying like the actual names?  
4 You're just generally saying a commercial affiliation or a  
5 recreational or --

6

7 **EXECUTIVE DIRECTOR GREGORY:** Correct.

8

9 **MR. ATRAN:** If there is no more questions, one of the things  
10 that the council needs to do is to approve the draft protocol or  
11 approve it as revised, and so the committee may want to make a  
12 recommendation to the council to that effect.

13

14 **CHAIRMAN BOYD:** All right, committee. Do I hear a motion from  
15 anyone? Dale.

16

17 **MR. DALE DIAZ:** I would make the motion to approve the forms as  
18 revised.

19

20 **LCDR JASON BRAND:** I second it.

21

22 **CHAIRMAN BOYD:** We have a second by Jason Brand. Any  
23 discussion? **Any opposition to the motion? Seeing none, the**  
24 **motion carries.** Steven. Doug Gregory.

25

26 **EXECUTIVE DIRECTOR GREGORY:** I just wanted to remind the  
27 committee that, in a previous meeting, we decided that we would,  
28 in future advisory panel applications, we would get the  
29 applicants and the council would preliminarily nominate people  
30 for those panels and then that list would go to the law  
31 enforcement, instead of all the applicants.

32

33 We may want to revisit that in the future, depending on how many  
34 applicants we get, but we were trying not to overload the law  
35 enforcement agencies, but the way the system is now, we've got  
36 two advisory panels coming up for appointment next year and then  
37 two the following year, and so it may not be too overwhelming,  
38 but that's our current system, that we were going to make a  
39 preliminary nomination and do the background check on those and  
40 then come back at a subsequent council meeting and make the  
41 final appointments.

42

43 **CHAIRMAN BOYD:** As the council knows, we have had considerable  
44 internal issues with how this operates over the years. We've  
45 tried to do background checks and we've backed away from them  
46 and we've come back and we've done limited and we've backed away  
47 from them, and so this is one more try at it, and I would assume  
48 that we may be modifying our procedural process as we go along.

1  
2 One of the other things I would remind the committee is when we  
3 get to full council on this, the last meeting, the full council  
4 said that they wanted and requested that we ask for violations,  
5 and Steven said this, of federally-managed species. The states  
6 said that they really couldn't do that very well.

7  
8 That is a discussion that I think is very important, because we  
9 have the possibility of having someone who has a violation on a  
10 speckled trout, one speckled trout undersized, in the state and  
11 now we have reported them as having a fisheries violation, and  
12 that's not necessarily what we're looking for, and so I think we  
13 do need to have a discussion about that and be cognizant of the  
14 fact that we may get that kind of a report back. Steven, do you  
15 want to go ahead?

16  
17 **OTHER BUSINESS**

18  
19 **MR. ATRAN:** Thank you, Mr. Chairman. Before we get into the  
20 Officer of the Year Award, the other item on the agenda is Other  
21 Business. We already covered the discussion of TED compliance  
22 and the use of courtesy inspections as part of the TED  
23 compliance statistics. That was covered in the Shrimp  
24 Committee, and so we don't need to go over it here. The  
25 question would be, is there any other other business?

26  
27 **CHAIRMAN BOYD:** Dale.

28  
29 **MR. DIAZ:** I was not on the Shrimp Committee, and that came up  
30 kind of quick. Is there a way -- How can we proceed? You all  
31 refresh my memory, but I think we wrote a letter asking that  
32 these compliance checks, these courtesy checks, not be counted  
33 against the shrimp industry in any way, and maybe we didn't word  
34 the letter correctly, but maybe there is some legal requirement  
35 that forces the Protected Resources Division to do it. Dr.  
36 Crabtree, can you help with this in any way? I mean what is the  
37 proper thing for the council to be doing to try to impact this  
38 to where courtesy inspections do not negatively count against  
39 the shrimp industry's compliance rate? Is there anything? Do  
40 you have any suggestions that might help us?

41  
42 **DR. ROY CRABTREE:** My recollection is the letter you wrote just  
43 asked that the form indicate whether it was a courtesy  
44 inspection or not and that's it. Now, I am not aware of  
45 anything that suggests courtesy inspections are hurting the  
46 shrimp industry in any way. I am aware of the concerns that  
47 have been raised, and we'll look at this as this goes along, but  
48 we are likely to finalize the shrimp policy, the TED compliance

1 policy, relatively quickly.

2  
3 We are looking at other options and other ways to do this that  
4 range from using the observer programs to evaluate TED  
5 inspections, TED compliance, and a host of other things, but, at  
6 the moment, one of the problems we have is just the number of  
7 reports we're getting and being able to have enough information  
8 to get an evaluation of compliance.

9  
10 As that problem improves and that situation improves, we will  
11 probably have more leeway to look at courtesy inspections, but  
12 I'm not aware of anything that indicates it is penalizing the  
13 shrimp fishery and hurting them. The compliance numbers from  
14 courtesy inspections are largely minor violations, which don't  
15 really pose that much of a problem towards the compliance  
16 numbers.

17  
18 We aren't getting asked to do courtesy inspections on vessels  
19 that have their TEDs sewn up, for example, and I doubt we're  
20 ever going to be asked to do a courtesy inspection of a boat  
21 that has a blatantly illegal TED on it, and so most of what are  
22 being found on those are minor violations.

23  
24 **MR. DIAZ:** I understand that, but I just hate for it to count  
25 against the shrimp industry in any way.

26  
27 **DR. CRABTREE:** I think if it's showing good compliance that it's  
28 not being used against anyone. It may actually be pulling the  
29 compliance numbers in the other direction, towards higher  
30 compliance numbers.

31  
32 I just don't know that that's the case or not, because we don't  
33 have enough data and enough boardings every month to be able to  
34 say for sure how that's going, but I know you're not going to  
35 see the really egregious violations on a courtesy inspection,  
36 because I don't believe those guys are going to ask for a  
37 courtesy inspection. Most of what I'm told the courtesy  
38 inspections are showing are relatively minor violations, which  
39 don't really pose that much of a compliance issue. All  
40 violations are not treated the same, and very minor violations  
41 may not have any impact on the effectiveness of the TED, in  
42 which case they aren't really counted against anything.

43  
44 **CHAIRMAN BOYD:** Brandi.

45  
46 **COMMANDER BRANDI REEDER:** Thank you. Dr. Crabtree, do you  
47 happen to know what the violations severity was on the boats  
48 that were captured at the dock in Mississippi?

1  
2 **DR. CRABTREE:** No.

3  
4 **COMMANDER REEDER:** The thing is that there was a period of time  
5 to where there were a number of vessels that were considered  
6 noncompliant, and it was due to one net maker. The majority of  
7 law enforcement, state law enforcement, do not have any  
8 jurisdiction over net makers, and so it would require larger  
9 coordination with our federal partners.

10  
11 Without a doubt, we have good relationships with OLE. All of  
12 this takes time though, and so it's raised our concerns on a few  
13 net makers and then also, again, prior to the start of the  
14 season, if you have a number of people that end up in violation,  
15 what's it going to do to our overall numbers and what impact is  
16 that going to be on industry?

17  
18 **CHAIRMAN BOYD:** Leann.

19  
20 **MS. LEANN BOSARGE:** You know you brought up something that I  
21 hadn't thought about before, Dr. Crabtree. If we have a good  
22 inspection, and I guess my question is if there are no  
23 violations -- Like if somebody has their TED courtesy inspected  
24 and they've got it right, just right, everything. The angle is  
25 right and everything is right, is that still going to get filled  
26 out on a form and sent up for our TED compliance numbers? I  
27 mean, in other words, those positive inspections?

28  
29 **DR. CRABTREE:** No violation inspections, they would still fill  
30 out the form and those would come to us, and they would be  
31 factored into the overall compliance rate. For the past year-  
32 and-a-half or two years, the compliance numbers have all been  
33 pretty good, and all within the range we're trying to keep them,  
34 and so we have achieved a real improvement in compliance that's  
35 been observed in the fishery from where we started. Overall,  
36 the steps we've taken to improve compliance are working.

37  
38 **CHAIRMAN BOYD:** Any further discussion? Steven.

39  
40 **MR. ATRAN:** Thank you. Can you refresh me -- My short-term  
41 memory apparently isn't very good, but did the Shrimp Committee  
42 recommend writing a letter, as asked by the Law Enforcement  
43 Technical Committee? I don't remember if they did or not.

44  
45 **CHAIRMAN BOYD:** Leann.

46  
47 **MS. BOSARGE:** I had one more follow-up to Brandi, but no, we  
48 didn't. We did get to review that portion of the document, and



1 we did get some feedback from Texas enforcement, but we didn't  
2 get to that and we didn't get to two other items on the agenda,  
3 just due to time, and so hopefully at full council we will have  
4 a little more time to discuss a couple of different items on our  
5 agenda.

6  
7 You know, Brandi, you brought up something that we've heard from  
8 the industry in the past too, which is some sort of  
9 certification for the net builders, and I know that's a big,  
10 convoluted bear of an issue to tackle, because what are the  
11 repercussions if they build something that's out of compliance?  
12 What do we or NMFS or anybody else, what can we actually do to  
13 those people?

14  
15 It is something that we have had some feedback from industry on,  
16 and you know you mentioned a situation where you were seeing  
17 that. I am not familiar with that situation, but it is  
18 something, and, going forward, even with some of the changes  
19 that may be coming down the line with TEDs in skimmers.

20  
21 I hope that we are proactive, and if that's something that we  
22 could consider as a council, to try and stand up some sort of  
23 program like that, where we make sure that not only are we  
24 reaching out to the fishermen and training our law enforcement  
25 and training our fishermen, but that we're also reaching out to  
26 the net makers, that more than likely will be putting these TEDs  
27 in the nets, and making sure that at least they've been trained  
28 properly, that we're having some sort of outreach to them and  
29 give that fisherman some comfort, knowing that the TED he  
30 bought, when he bought it at least, was compliant.

31  
32 Now, that's not to say he can't alter it or when it gets pulled  
33 that it naturally may get altered and it may go out of  
34 compliance, but at least he had some comfort level that when he  
35 bought it that it was right.

36  
37 **CHAIRMAN BOYD:** Steven, anything else?

38  
39 **MR. ATRAN:** That concludes, I guess, the discussion on the TED  
40 compliance issues, and so I don't have any other other business.  
41 I don't know if anybody else does.

42  
43 **CHAIRMAN BOYD:** I don't believe there's any other other  
44 business, and so let's take a -- Based on our agenda change,  
45 let's take a five-minute break while we go into closed session.  
46 For the audience, we changed our agenda up, and we're going to  
47 go into closed session to review the Officer of the Year Award,  
48 because of the personal nature of these awards. We would ask

1 that anyone who is a visitor and not on staff or on the council  
2 to please leave the room in about the next five minutes. Thank  
3 you.

4  
5 (Whereupon, the meeting went into closed session on April 4,  
6 2016.)

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