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

ADOPTION OF AGENDA

ACTION GUIDE AND NEXT STEPS

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

Today, we’re also going to have a joint meeting with the Gulf of Mexico Fishery Management Council Law Enforcement AP and the Gulf States Enforcement Committee. First, we are going to take
a roll here and we have Mr. Donaldson, Johnny, Mr. Matens, Mr. Diaz, Mr. Pearce, John Sanchez, and Mr. Williams. Everyone is present from our joint AP and committee except for Nick Chavez. We are going to get started with if I could have a motion to adopt the agenda.

MR. HARLON PEARCE: So moved.

MR. ROY WILLIAMS: Second.

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

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

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

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

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

MR. SCOTT BANNON: I nominate Rama Schuster.

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

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

CHAIRMAN BRAND: Any second? Rusty. Rama is the new Chair for the committee. Next, any nominations for the Vice Chair? We can have the same person fill Chair and Vice Chair if we don’t have any nominations, unless someone would like to make one.
MR. BANNON: Can you repeat that about the Vice Chair position, please?

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

MR. BANNON: I would like to nominate Brandi Reeder.

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

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

CHAIRMAN BRAND: Do we have a second?

MR. TRACY DUNN: Second.

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

ELECTION OF GSMFC LAW ENFORCEMENT COMMITTEE CHAIR AND VICE CHAIR

MR. BANNON: I would like to nominate Chad Hebert from Louisiana.

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

MS. REEDER: I move to elect, Mr. Chair.

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

MR. BANNON: I would like to nominate Rusty Pittman from Mississippi, please.

CHAIRMAN BRAND: We have a nomination for Rusty. Any other nominations?

MS. REEDER: I make a motion to accept Rusty.
CHAIRMAN BRAND: We have a motion to elect Rusty Pittman as Vice Chair and can we get a second?

MR. BANNON: I second.

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

APPROVAL OF OCTOBER 31, 2012 LAW ENFORCEMENT COMMITTEE MINUTES

MS. REEDER: I make a motion to approve.

CHAIRMAN BRAND: Second?

MR. BANNON: Second.

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

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

APPROVAL OF MARCH 18, 2014 LEC/LEAP MINUTES

MS. REEDER: Make a motion to approve.

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

MR. RUSTY PITTMAN: Second.

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

MR. DALE DIAZ: Jason, can I back up for just a minute? I want to apologize. You are doing an efficient job running the
meeting and for Adoption of the Agenda, I wanted to add something to Other Business, but I was too late jumping in. Is it all right if I add something for Other Business at this time?

CHAIRMAN BRAND: Yes, go ahead.

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

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

USEFULNESS OF CHARTER-FOR-HIRE DECALS

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

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

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

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

MS. MARA LEVY: I think you accurately captured it. I just think that it’s become an issue for the administration of the Permits Office. When folks want to transfer their charter headboat permits, especially if they have both and they want to
transfer one these come as one sticker and so there’s no mechanism, at least right now, to give someone like just a CMP charter headboat decal. They would have both and so they would have to remove them both and the Permits Office would have to send them another one with just that one permit on it.

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

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

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

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

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

MR. CHAD HEBERT: I agree with Scott. We’re still going to handle it the same way we always do, with or without the sticker.

MR. RAMA SCHUSTER: We also agree and the same thing applies in Florida.

MR. PITTMAN: The same. We agree with Scott.

CHAIRMAN BRAND: So it sounds like we’re all in concurrence and if anybody would like to make a motion to stop the requirement for carrying these decals on charter-for-hire, that would be great.
MR. WILLIAMS: I would be prepared to make a motion. I would move then that we eliminate the requirement for a charter headboat decal requirement.

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

MR. ATRAN: First of all, see if there’s any objection to this.

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

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

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

MR. PITTMAN: I will second.

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

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

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

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

MR. ATRAN: It says charter-for-hire and so I would imagine that would cover both headboats and charter boats.
MR. JOHNNY GREENE: In the regulations, the definition between a charter boat and a headboat are different, carrying six passengers or less or seven or more. It is different in the regulations.

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

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

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

MR. PEARCE: I will make that motion, that we move to reconsider.

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

MR. GREENE: Second.

CHAIRMAN BRAND: Can we get a similar motion to reconsider the LEAP motion?

MS. REEDER: I make a motion to reconsider.

CHAIRMAN BRAND: Can we get a second?

MR. BANNON: I will second.

CHAIRMAN BRAND: Any objections to the motions to reconsider?

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

MR. ATRAN: Actually, it says “charter-for-hire/headboats” and I think that should be “charter vessels/headboats”.

MR. WILLIAMS: For the record, that will be my motion then, what
you see before you, to eliminate the requirement to carry decals for vessels with charter vessel/headboat permits.

MR. PEARCE: I will still second it.

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

MR. WILLIAMS: They already did it.

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

REVIEW OF DRAFT DEFINITION OF CHARTER FISHING

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

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

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

This would be called quid pro quo and so the question is, one, is this is a problem relative to other things that needs to be addressed and so the guidance that we got at that time was that
it was and so we’ve been working on a definition that’s provided in this document.

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

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

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

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

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

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

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

DR. FROESCHKE: Tracy, do you have any information if this is an ongoing problem or at least a recurring activity?
MR. DUNN: No, none. I think at the time we thought we would see a little bit more of that and as far as I can tell, we haven’t seen anybody try to duplicate that particular scenario.

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

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

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

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

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

MR. WILLIAMS: Are there cases -- I mean it seems to me this
Tab L, No. 2

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

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

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

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

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

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

**MS. LEVY:** Maybe the corporation owns the boat, but they’re giving it a perk to send someone out on a fishing trip. Does that mean that we want them to have a federal charter for-hire charter vessel headboat permit, I guess? I will let other
MR. ATRAN: I think, just to be clear, the particular issue that first spawned this proposal was a vessel that was not a permitted charter vessel, but the operator was taking people out and they were paying to come out and get a seminar or advice on real estate transactions and while they were out there, they were also provided with equipment to be able to go fishing and that, as it’s currently set up, covered under the current regulations.

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

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

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

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

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

If they’re paying to take a boat trip, that’s a licensing thing
and not a charter issue. I don’t know if that makes sense, but if they possess a fishing license, I don’t think they’re technically on a charter.

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

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

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

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

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

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

MR. GREENE: I think we’ve got about two or three different things going on here at once. I think the initial problem was where a captain was being hired as a consultant to come in and take people fishing and that’s where I think it all began, where as a charter boat operator, you had a guy that had a private vessel and they suddenly reached out and hired a captain to go, because perhaps -- Whatever reason. I think that’s kind of how
it started with it, from my understanding and remember what went on during that time.

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

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

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

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

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

MR. BANNON: I think it’s a very minute problem in Alabama. I don’t see that there’s an issue that has come to my attention within the state of Alabama that really requires any attention from me. If there was a specific complaint, we would address it on a case-by-case basis. The few that have even been closely related to this, it didn’t rise to the level that I was going to put any effort into it.
DR. FROESCHKE: I was just speaking with Carrie and do we need -
- Is the committee interested in something like a motion to
continue this for the time being or something or reevaluate
it in some period or is there some specific action that we
should take?

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

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

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

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

MR. PEARCE: Tracy, what about you?

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

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

We understand that we’re not trying to capture mom and pop that
go out and share expenses with their neighbor and so we have the discretion to be able to exclude that population, understanding the intent of the law. Like I said, I don’t know the Coast Guard’s viewpoint and if they need a very literal definition to follow, but the pay, barter, and exchange has worked out very well in state waters.

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

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

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

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

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

MR. PERKINS: The point I was getting at, and I’m not an attorney and so obviously you know way more, but is that not
enough, Tracy, for you to -- Just that definition and I mean do you need more than that to take enforcement action on any type of exchange?

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

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

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

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

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

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

**DR. SIMMONS:** I think these recommendations would go to the council and the council would make a decision on whether they want to move forward or not with this document and then we would try to get the final draft proposed rule to you at a council
meeting in the near future to take final action on.

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

CHAIRMAN BRAND: So this hasn’t gone to scoping yet, correct?

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

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

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

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

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

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

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

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

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

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

MS. REEDER: I make a motion to retain Option 2 as the preferred.

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

MR. PITTMAN: I’ll second it.

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

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

CHAIRMAN BRAND: Second by Mr. Pearce. Any objections from the council committee on this motion? No objections. I think we have a motion to retain Preferred Alternative 2 in this document. Without any other discussion, we will move on or would you like to take a break? This is about the halfway point here.
MR. WILLIAMS: I just want to clarify where we go from here. The next step, Carrie, is we would -- This would have to apply to both reef fish and mackerel, which are jointly managed with the South Atlantic, and so we will have to get their approval on the mackerel portion of this and so it’s still going to -- Hopefully there won’t be any objection from them, but you never know.

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

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

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

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

(Whereupon, a brief recess was taken.)

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

MR. ATRAN: One other thing. The designee for Rusty Pittman is no longer Donald Armes and it’s Mario Saept.
CHAIRMAN BRAND: Anything else to add to the agenda? With those corrections, we are going to move on to a discussion on Port Eads, Louisiana Marina Access and we’re going to have a presentation by Mr. Fischer.

PORT EADS, LOUISIANA MARINA ACCESS

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

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

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

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

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

The problem we had at Port Eads was after the hurricane, after Katrina, it was devastated and the lighthouse was all that was remaining and so construction began of a remote facility. The State of Louisiana had a lot of other needs ahead of rebuilding
Port Eads; however, it began to be rebuilt as a state-of-the-art facility.

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

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

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

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

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

They have to demonstrate the number of consecutive days they were either lodged or docked at the marina. They could be in small boats staying in the lodge or they could be in large boats staying in the slips.
They have to have their catch certified by Wildlife and Fisheries staff, an agent, and where it says “designee”, this will probably be removed in the next revision, before it goes out for final, and so it has to -- A Wildlife and Fishery person has to verify what it is, the weight and the quantity and everything about the catch.

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

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

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

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

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

MR. PEARCE: Myron, I have a couple or three questions, actually. First off, do any of the charter vessels work out of Port Eads? That’s one and two, I think you just said that you’re doing some biological sampling of these fish that you’re landing, weight and length, maybe something simple, and, third -- The question is really not for you, but it’s for the rest of the states. How does this impact the rest of the states if that
boat goes from Port Eads back into Mississippi or Alabama?

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

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

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

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

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

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

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

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

MR. FISCHER: It doesn’t have the language “Venice” in the
Notice of Intent at this time. That could also be one of the
changes forthcoming, but presently -- If you’re coming up river
-- If you’ve been there, if you’re coming up river, you can’t
miss the town of Venice and so I won’t say you can’t go to
Empire, but I would say that the commission would entertain any
other language that any member of the public wants to put forth
or especially something coming out of a committee of this
nature.

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

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

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

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

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

MR. FISCHER: It has never had highway access. They have a
small landing plane and it’s -- Seaplanes come in and land in
the river, but transit by vessel has been the standard mode of
transportation.
MR. CORKY PERRET: Myron, would this apply to floatplanes or amphibs?

MR. FISCHER: I believe the notice just says “vessels” and I would have to go read it.

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

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

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

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

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

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

MR. FISCHER: Same answer I just gave someone else. This was a Notice of Intent by our commission and they have no jurisdiction outside of their state waters and so I would say that once they get to a border, if they are inland, then they become the
property of that state’s jurisdiction. I would say they cannot go back out in federal waters. I know that was something we discussed at length and they could not take a -- We are not asking whatsoever to get a multi limit back into federal waters. This would be strictly a transit from one marine to another all within the state.

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

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

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

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

MR. DUNN: Generally -- I am trying to look at this provision and I see all of the different scenarios that occur. We would have to look at it federally, of course, and then if they went to some other state, how that state would handle it, but I think if one of my boarding officers boarded a vessel coming from that with whatever they had onboard from the camp, we would look at all that documentation and we would just have to follow up to make sure that indeed that’s where those fish came from. We still have to prove jurisdiction, that they came from federal waters, and so as far as federally speaking goes, whatever the state desires, we will -- If we catch them and no state officer aboard and just us -- Well, even if a state officer is there, we will still do a lot of following up, but the more documentation you have aboard that we can use as a reference to go back and double check to make sure that everything is as was stated would certainly help.

MR. FISCHER: By indicating whether the fish were caught in federal waters and having bonified documentation of a stay at Port Eads, along with their license and landing permit, that may
be enough to get motions started on getting approval or getting acceptance.

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

CHAIRMAN BRAND: Yes.

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

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

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

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

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

MR. MATENS: I have a couple of things. Scott, I hear you and I
think the intent in Louisiana is that all of these fish come back to Venice. Now, what happens after that, if somebody puts a whole bunch of fish in their pickup truck and drives to Birmingham, who knows. Tracy, can you help me? What was the genesis of your question about where the fish are caught?

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

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

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

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

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

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

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

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

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

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

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

MR. GREENE: Myron, I am fully in support of what you’re doing and I’m just looking at that third bullet there to have the catch certified by a staff agent and you said you were going to remove the word “designee”, but you could expand perhaps -- Maybe some of the law enforcement could weigh in, but would there be any benefit to before they depart the location to notify you that, hey, we are leaving the marina now and we are headed up and that way, you’re going to know that we’ve had seventeen people leaving the marina and we know they left and so they should be there at approximately this time and make it a little easier, kind of a hail-out and hail-in type of thing, as we’ve discussed before.
That might really assist you a whole lot more, because if you have a notification number and that would just add one more layer of certainty. I certainly don’t want to add too many layers of anything, but I am just thinking that might be a very simple approach.

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

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

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

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

MR. WILLIAMS: Tracy, I’m wondering if it’s possible to solve this problem without -- I am looking to not have to modify the federal regulations and I heard Tracy say that, or I think I heard you say, that you don’t have -- As long as everything was caught legally, you don’t really have any problem with what they’re doing and is there any way that we can just write a statement to you guys that said that as long as you’re following these guidelines here or however they might be modified that we don’t have any objection or the law enforcement people don’t have any objection and thereby not have to do any modification of the federal regulations? Is that possible?
MR. FISCHER: Roy, a statement would be excellent. I think the deliberation taking place right now and the record from it is an indication and, of course, any time you would have an endorsement of a committee or a council, it would be much stronger and so we appreciate anything forthcoming, but I think the deliberation and the minutes thereof would also basically give the commission guidelines on some of the minute changes they have to make to go forward.

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

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

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

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

MR. FISCHER: Are we about finished?

CHAIRMAN BRAND: I guess, from what I understand, we’re not looking for a motion here. Are we looking for a motion for different preferred alternatives, like writing a letter or changing the definition?

MS. LEVY: I think as long as there’s a comfort level with the fact that the regulations would mean that a trip would be from the port back to the port and then transporting through state
waters in that circumstance would not be an issue, then I don’t
know that there’s anything that the council or the committee
needs to do.

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

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

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

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

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

CHAIRMAN BRAND: To that point, Mara.

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

It’s not a situation where the council’s letter saying we think
this is a good idea and we support it is necessarily going to
translate into how something is enforced. I just want to make
sure we’re not mixing the two issues between council support for something and enforcement of regulations on the books.

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

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

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

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

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

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

MR. FISCHER: Thank you, Steve, and to that, I mean if you all do write something, which I would appreciate, enter that as one the caveats. I am not saying us let’s go with a blanket let us do it our way. We’re here to work it out and we want to know
what is acceptable and what is law and what can we or can’t we
do. If that’s the case, that would have to go back to a full
amendment of the council, if I’m not mistaken. It’s a good
point.

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

MR. FISCHER: I think you have to say the Notice of Intent as
amended, because we know we’ll be removing “designee” and we
know we may be making changes based on some of the deliberations
today.

MR. PEARCE: That’s fine.

CHAIRMAN BRAND: We have a second by Mr. Matens.

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

CHAIRMAN BRAND: Any discussion on this motion?

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

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

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

MR. PERRET: I think you’re really complicating things when you
say “five Gulf states”. The activity is going to take place in the State of Louisiana and you’re putting a law enforcement man in an untenable position to try and figure out if, say, for example, there’s a different size limit for a fish in one of the Gulf states.

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

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

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

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

MS. REEDER: I would agree. I think that “five Gulf states” does tend to muddy the waters a little bit, because we’re not -- Our regulations are not the same as Louisiana’s and so restrict it to Louisiana. The council obviously supports this decision for Louisiana.

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

MR. WILLIAMS: How would you think about something, just a motion -- What we’re trying to do is develop a record, I think, that we like what they’re doing here and think that they’re going to have a solution. What if we just did something like say we commend the Louisiana Department of Wildlife and Fisheries for their ongoing efforts to solve the need for multiday on-the-water bag limits at the Port Eads Marina, as outlined in the amended NOI. That would establish some record, if we’re okay with that, without mentioning the other states and so on. I didn’t make that as a motion, but I might if I thought there was some --
CHAIRMAN BRAND: Any discussion on this amendment, potential amendment?

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

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

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

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

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

CHAIRMAN BRAND: We have a second by Mr. Pearce and Mr. Diaz has discussion.

MR. DIAZ: Can I offer a suggestion, Roy? My suggestion would be after -- Where it says “solve the need for”, the “transport of multiday”. I think that makes it cleaner.

MR. WILLIAMS: That’s fine.

CHAIRMAN BRAND: Any discussion on this substitute motion? I
think from the Coast Guard’s perspective that I would agree with Mr. Dunn and how they would enforce it. I think it would be important for me, when we train our boarding officers, to know what that certification looks like, so we can all understand what we’re looking for in these types of situations.

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

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

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

MR. GREENE: I think that we do want to add in, right after the word “transport”, “within Louisiana state waters”.

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

MR. FISCHER: Yes, it does. I am not a literature major and so I don’t understand the part -- I mean I understand the part, but if Mau was here, we could work until night getting the part after “multiday” ironed out, but I think everyone here understands what it means. Thank you, all.

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

MR. FISCHER: Sure.

CHAIRMAN BRAND: Would we like to have a motion while we’re here
from the Gulf States Commission or the AP to support this?

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

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

MR. BANNON: Second.

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

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

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

OVERVIEW OF OLE GULF RESTRUCTURING

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

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

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

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

Our workforce management said we had to back away from that and start focusing our criminal investigators on criminal investigations. There is a little leeway in there by policy,
but in the long run, they said that we would be limited to the number of positions we could have that we could fill with criminal investigators.

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

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

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

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

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

In the long run -- Right now, we’ve decided not to proceed with making many changes, because our budgets and FTE, or that position cap, has prevented us from really kind of executing our
staffing plan in its entirety and so right now, we’re kind of on hold.

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

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

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

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

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

We have already seen it, the way they’ve approached the use of the uniformed officers in the Gulf, in Alabama and so I am actually supportive of that increase in officers. I am not sure
where they are all going to go and we have seen a better use of the agents towards the criminal investigation portion and instead of them coming and doing these little fish cases and checking TEDs, which was not really their designated function.

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

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

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

CHAIRMAN BRAND: Thank you, Mr. Bannon.

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

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

MR. HEBERT: Pretty much the same thing. We are getting a lot of people, a lot of enforcement agents, that are concerned that the Slidell Office in particular is being closed and how much access they will have to the NOAA guys to assist in the fairly large cases, especially like the wholesale/retail cases, when it comes to Lacey Act stuff and all. That was the biggest concern with enforcement agents, is closing the Slidell Office and
Mr. Dunn: Real quick, it is interesting, because when we have an office, people learn to love those people and where that’s located. That office has been in Baton Rouge, New Orleans, Picayune, Mississippi. It’s moved around quite a bit and wherever we put it, nobody wanted to see it moved and if we open one in Mobile, I guarantee you within five years that nobody would want to close that office and so that’s a compliment to our people. They do a great job, but they will do it wherever we put them.

Mr. Pearce: I think if you would have picked Hawaii, they would have all went.

Chairman Brand: Ms. Reeder, do you have something to add?

Ms. Reeder: I just wanted to say as far as the transition from investigative officers to uniformed enforcement officers, conservation law enforcement is, in general, a proactive as opposed to reactive force and so their visible presence will assist.

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

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

Mr. Dunn: Real quick, just for the record, you don’t have an office in your state, right? But somehow they still seem to be able to provide you -- Okay. I just wanted to make that point.

Mr. Schuster: Just following up on some of those fears from Florida’s perspective, a lot of those are surrounding around personal relationships. Our enforcement officers get acquainted and used to dealing with the same person and it’s not that that support is not going to be there, but it’s a fear of changing resources or dealing with a different person.

Some of the agents in Florida have been phenomenal trainers and
we hope that we can continue that relationship as far as the training and outreach goes, but we don’t really see it as a detriment for Florida.

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

REVIEW OF 2015-2016 COOPERATIVE ENFORCEMENT OPERATIONS PLAN

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

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

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

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

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

The commission will probably continue to offer that, but will limit it to commission-related state-water activities and not
any council-related actions and so that is a task that may change, depending on if indeed that’s still the case. Cynthia, I don’t know if you have any --

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

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

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

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

CHAIRMAN BRAND: Any discussion on that task?

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

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

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

MR. PEARCE: I will make a motion, and we’ll see where it goes
in full council, that we request the Gulf of Mexico Fishery
Management Council fund the LEAP state representative to attend
Gulf of Mexico Fishery Management Council meetings in their
respective state.

CHAIRMAN BRAND: Do I have a second?

MR. WILLIAMS: Second, but I’ve got a question.

CHAIRMAN BRAND: Second by Mr. Williams and discussion.

MR. WILLIAMS: Steve, are they looking – They are looking to go
to full council meetings and they’re not looking to go to every
advisory panel meeting that might occur in their state or
anything like that, but just full council meetings?

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

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

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

MR. PEARCE: I think both. I think they’re there to answer
questions and to participate as the council needs them to
participate in the discussions.

CHAIRMAN BRAND: They would be there for the committee meetings
and the full council meetings, the entire week. Any other
discussions on this? With no objections, this motion passes.

We are back to Mr. VanderKooy.

MR. VANDERKOOY: Objective 1.2 on page 4 builds on the
relationships between the enforcement committees and the
commission and the council. One of the new tasks identified in
the previous operations plan was for the AP to receive the
Standard Operating Plan. I don’t believe that has actually
occurred yet. That was left in there as a note, something that the AP would like to have, is the SOPs.

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

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

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

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

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

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

This was a new task in the previous operations plan, but it was directed more towards trying to provide education to all aspects of the legal system, including judges, and there was some concern related to the appropriateness of this. Since then, the Department of Marine Resources and Florida have actually been showing that this works with prosecutors, specifically, taking
them out in the field and showing them some of the tools that
enforcement uses to identify and to bring some of these cases to
trial. That seems to have helped a lot and it’s suggested that
perhaps in the other states this could be things that the other
states could do as well.

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

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

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

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

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

CHAIRMAN BRAND: Second by Mr. Greene.

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

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

The title of the news release is “Council Recognizes Law
Enforcement Officer of the Year”. Members of the South Atlantic
Fishery Management Council awarded the 2013 Law Enforcement
Officer of the Year award to Ranger First Class David Brady with the Georgia Department of Natural Resources Law Enforcement Division.

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

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

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

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

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

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

CHAIRMAN BRAND: Thank you, Mr. Diaz. I think that’s a great idea and any other discussion?

MR. SCHUSTER: Possibly an amendment to that, if that could be an officer or team of the year. I sit on the South Atlantic as well as the Atlantic States and am quite familiar with their
program and sometimes it’s difficult writing these nominations when you have a group of four or five that work strategically together all year to make a lot of things happen and you have to select just one of those out. If we could have the flexibility to have an officer or team of the year, I think it would be a step towards what you just suggested of making it even better.

CHAIRMAN BRAND: Are you okay with that friendly amendment, Mr. Diaz?

MR. DIAZ: Sure. That’s some of the stuff that the council staff and the Gulf States staff could flesh out.

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

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

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

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

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

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

MR. VANDERKOOP: This shouldn’t take long. There is just a
couple more new tasks, one of which is the request for a
boarding JEA electronic reporting system. Louisiana has one and
the other states are very ready to look at using that kind of a
template.

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

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

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

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

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

I know that the states have probably done this and done the
internal reviews of what worked and what didn’t work, but it may
be chance for the enforcement folks to put together something on
paper that would be a document just to sort of document what
they did, for posterity. Unless there is questions about the
operations plan, that’s all I’ve got.
CHAIRMAN BRAND: Any questions?

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

CHAIRMAN BRAND: Go ahead, Mr. Diaz.

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

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

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

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

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

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

CHAIRMAN BRAND: We are looking for a council motion to accept the state council committee’s operations plan.

MR. DIAZ: So moved.

MR. WILLIAMS: Second.

CHAIRMAN BRAND: Second by Mr. Williams. Any discussion? We will take a vote. Any objections to this motion? No objections
and the motion carries. We have a separate motion within this operations plan to fund the representative from the state. Sorry for taking up your time, Mr. Pearce, but now we’ll move on to you.

(Whereupon, the meeting adjourned at 11:23 a.m., October 20, 2014.)
TABLE OF CONTENTS

Call to Order.................................................................2
Adoption of Agenda...........................................................2
Election of GMFMC Law Enforcement AP Chair and Vice Chair........3
Election of GSMFC Law Enforcement Committee Chair and Vice Chair.4
Approval of October 31, 2012 Law Enforcement Committee Minutes...5
Approval of March 18, 2014 LEC/LEAP Minutes.............................5
Usefulness of Charter-For-Hire Decals......................................6
Review of Draft Definition of Charter Fishing...............................10
Port Eads, Louisiana Marina Access........................................23
Overview of OLE Gulf Restructuring...........................................41
Adjournment...........................................................................55
Table of Contents.....................................................................56
Table of Motions.......................................................................57

- - -
TABLE OF MOTIONS

PAGE 8: Motion to eliminate the requirement to carry decals for vessels with charter vessel/headboat permits. The motion carried on page 10.

PAGE 21: Motion to retain Option 2 as the preferred alternative. The motion carried on page 21.

PAGE 37: Motion to commend the Louisiana Department of Wildlife and Fisheries for their ongoing efforts to solve the transport with Louisiana state waters of multiday on-the-water bag limits at Port Eads Marina, as outlined in their NOI, as amended. The motion carried on page 40.

PAGE 48: Motion to request the Gulf of Mexico Fishery Management Council fund the LEAP state representative to attend Gulf of Mexico Fishery Management Council meetings in their respective state. The motion carried on page 48.

PAGE 50: Motion to ask the Gulf of Mexico Fishery Management Council staff to work with the Gulf States Marine Fisheries Commission staff to develop an Officer of the Year Program or team of the year for the Gulf of Mexico. The motion carried on page 52.

PAGE 54: Motion to approve the 2015-2016 Cooperative Enforcement Operations Plan. The motion carried on page 54.