

**Law Enforcement Technical Committee (LETC)
Joint Meeting
October 18, 2023
New Orleans, Louisiana**

**LETC
CLOSED SESSION
7:30 a.m. – 8:15 a.m.**

Members in Attendance:

Scott Pearce, FWC, Tallahassee, FL (Chair)
Dean Aucoin, LDWF, Baton Rouge, LA
Les Casterline, TPWD, Austin, TX (Vice-Chair)
Patrick Carron, MDMR, Biloxi, MS
Sidney Charbonet, USFWS, Lacombe, LA
Jason Downey, ALDCNR, Dauphin Island, AL

Council Staff and Others:

Steve VanderKooy, GSMFC, Ocean Springs, MS
Keith Wilson, GSMFC, Ocean Springs, MS
Assane Diagne, Gulf Council, Tampa, FL

Via GO-TO Meeting:

Manny Antonaras, NOAA OLE, St. Petersburg, FL
Terrell Bradford, NOAA, St. Petersburg, FL
Duane Smith, NOAA, St. Petersburg, FL

The closed session was called to order by Chairman Pearce.

Chairman Pearce opened the floor for a case work discussion. Dean Aucoin (LDWF) indicated recreational data in relation to cases under investigation are being evaluated. Committee members noted that landings notifications will be discussed during the General Session.

Motion by Carron to end closed session; seconded by Aucoin. Closed session ended at 8:02 a.m.

GENERAL SESSION

8:30 a.m. – Noon

Members in Attendance:

Scott Pearce, FWC, Tallahassee, FL (Chair)
Dean Aucoin, LDWF, Baton Rouge, LA
Les Casterline, TPWD, Austin, TX (Vice-Chair)
Patrick Carron, MDMR, Biloxi, MS
Sidney Charbonet, USFWS, Lacombe, LA
Jason Downey, ALDCNR, Dauphin Island, AL

Council Staff and Others:

Steve VanderKooy, GSMFC, Ocean Springs, MS
Keith Wilson, GSMFC, Ocean Springs, MS
Assane Diagne, Gulf Council, Tampa, FL
Chris Schieble, Biologist, LA
Jada Whittington, MDMR, Biloxi, MS
Ben Bryant NMFS

Via GO-TO Meeting:

Manny Antonaras, NOAA OLE, St. Petersburg, FL
Terrell Bradford, NOAA OLE, St. Petersburg, FL
Duane Smith, NOAA OGC, St. Petersburg, FL
Jessica Stephen, NOAA, St. Petersburg, FL

Chairman Pearce called the session to order, and the agenda was adopted as written. Minutes from the March 2023 meeting were approved unanimously.

1. Introductions and Adoption of Agenda – *Scott Pearce (Chair)/Les Casterline (Vice-Chair)*

Chairman Pearce called the meeting to order. Members in attendance and those participating remotely introduced themselves. A motion to adopt the agenda was approved unanimously.

2. Election of Joint Committee Chair and Vice-Chair

Chairman Pearce indicated 2023 elections are postponed until 2024. This is based on the Commission's request to hold the elections for Joint Committee chair and vice-chair in even years.

Gulf Council LETC Items

1. Discussion on the Gulf Council Request Relative to Red Snapper IFQ Advanced Landings Notifications from 2022

Council staff presented the Council's motion relative to Red snapper individual fishing quota (IFQ) advanced landings notifications for 2022. The motion, reads as follows:

The Council requests that the LETC, at its upcoming October meeting, research all IFQ Red Snapper advanced landing notifications from 2022, among all five Gulf States, and formulate a comparison report of the proportion of inspected to non-inspected red snapper IFQ landings and subsequent proportion of amended landings reports for each category and the quantity of pounds amended by category. Further, provide a comparison of the number of non-inspected amended landing reports that adjusted poundage higher versus lower along with the frequency of occurrence and the magnitude of adjustments in pounds and whether any patterns exist. In addition, the report should include incidents of mismatched reports and amended landing reports as to the relationship of the dealer and the fishermen being the same entity. The LETC should provide a report back to the Council at its January, 2024 meeting in the Law Enforcement Committee.

Council staff summarized Council's discussion, indicated that relevant excerpts from the Council meeting were available in the briefing material, and noted that the Council's motion carried without opposition. Council staff also noted that Chris Schieble (LDWF), who initially offered the motion for Council consideration, was present and could provide additional information to the Committee as needed. Kevin Anson (Council Chair) and J.D. Dugas (Council Vice-Chair) were also in attendance. Council staff suggested that each state could provide their perspective and discuss data availability to fulfill the Council's request. Committee members noted that data needed to fulfill the Council's request may not be available. Although some of the Gulf states may capture a portion of the data needed, sufficient information to fulfill the Council's request is not available. Antonaras noted it is doubtful every state could independently report back and provide information. An Alabama example was reviewed, which included the date, time, vessel, captain, landing location, dealer name, estimated pounds, total pounds offloaded (if available), officer presence for offload, and total pounds reported to Alabama Trip Ticket. Downey indicated the preliminary evaluation of data collected in Alabama suggests that most IFQ participants tend to underestimate landings. He further indicated reasoning may be administratively simpler to amend underestimated landings than to have already deducted IFQ annual allocation returned to one's account. Downey indicated that landings notifications do not appear to constitute a major issue. The Committee asked whether the presence of an officer during offload constituted a determining factor in the poundage adjustment. In response, Committee members indicated that the same reporting pattern was noted regardless of officer presence.

Aucoin (Louisiana) noted that Mr. Schieble, LDWF biologist, was present. Aucoin says IFQ cases and pending investigations are being reported with missing notifications on self-correct forms. He noted that information on amended IFQ reports would be needed and were requested from NOAA. For Louisiana, enforcement is on four main docks, and in several instances, the fisherman and the dealer are the same individual while separate entities on paper.

Chairman Pearce noted in Florida, there is no direct way to provide the requested information since multiple data sources would need evaluation to ascertain whether this information could be provided. He also indicated this process would be labor intensive, which would be challenging for providing a report to the Council. Should information be provided to the Council, the states must be consistent in their documentation approach.

Vice Chair Casterline (Texas) indicated most items should be available to pull. Only inspections done on JEA time are typically reported. Inspections done as non-billable JEA hours are no longer reported.

Carron (Mississippi) noted that for this issue that there is a relatively small number of fishermen concerned. He has manually compiled and conducted a preliminary evaluation of available data.

Council staff asked how data collected by the states would be linked to the IFQ system or what common identifier(s) would be used. Stephen indicated that information on pounds over or under are not automatically available and that the notification date alone would not be sufficient. Landings confirmation numbers, vessel ids, and other database fields would be needed. She noted that data provided to Louisiana was compiled manually, and the process couldn't be automated. She noted that for vessels intercepted before a landings transaction is made, no correction forms. Discrepancies between trip tickets and the IFQ systems with the IFQ system typically show higher landings. For example, dealers who sent a truck from a state different from the landings location, discrepancies between trip tickets and the IFQ systems would arise.

Mr. Schieble inquired about the location of quota overages on the IFQ system website. Stephen noted that the IFQ system does not allow aggregate quota overage. Shareholders are allowed a 10% overage on their last trip. That allowance is deducted at the beginning of the following calendar year. Mr. Schieble asked how pounds harvested in excess of their allocation by a fisherman in violation are accounted. Stephen (NOAA) replied that upon a seizure, fish are sold. If subsequently found not guilty, the fisherman can recover proceeds. A recommendation discussed was that, following a violation and seizure, to make sure that the annual allocation is automatically deducted from the shareholder's account rather than addressing the issue in an ad-hoc fashion.

Committee members emphasized how consistency across states is paramount, and data requested by the Council, if available, would take time and resources that are not currently available. Aucoin (LA) noted the lack of consistency in the inspection process across states and how law enforcement activities are already reported to NOAA. A consistent approach has yet to be developed. Committee members suggested that the Council's request could not be fulfilled under current conditions. The Committee discussed formalizing their conclusion with a motion and drafted a resolution.

In response to the Council's request, Caron motioned.

Per Committee recommendation, to adopt the following resolution in response to the Council's request:

Resolution: The LETC considered the Council's request and is unable to comply for various reasons, including a lack of standardization in reporting amongst the five Gulf States and NMFS, and the lack of manpower to perform the manual analysis the request would entail. Further, the LETC believes the information requested is unlikely to provide any useful information to law enforcement or the Council, and the information necessary for investigations is already being provided on a case-by-case basis when requested.

Aucoin seconded; unanimously approved.

2. Discussion on the Sale of Recreationally-Caught Fish

Council staff summarized recommendations made by the Coastal Migratory Pelagic Advisory Panel (CMP AP). In December 2022, the CMP AP recommended the Council make the recreational sale of Gulf Cobia prohibited and recommended the Council require a federal commercial fishing permit to sell Gulf Cobia harvested in the EEZ. The CMP AP recommendations were not adopted by the Council. The Council approved a motion to remove the framework action to prohibit the sale of recreationally-caught cobia from its list of proposed actions, because the sale of recreationally-caught cobia is prohibited by the states. The Council suggested that the LETC discuss the sale of recreationally-caught fish and provide relevant information that may be useful in the future.

Chairman Pearce entertained discussion. Selling recreationally-caught fish to black markets, back-door sale to restaurants would cause quality control issues. Committee members reiterated that states do have appropriate regulations and concluded discussion on this issue.

3. Nomination Process for 2023 Officer/Team of the Year Award

Committee members stated the process is working well and no modifications are being considered. Submissions should be made by January. The group shall vote in March.

4. Other Business

Chairman Pierce entertained discussion of other business. Antonaras asked about contact information updates. IJF Staff Assistant Keith Wilson will send updated contacts via email.

Chairman Pearce entertained a motion to adjourn; unanimously approved. The meeting was adjourned.

Neil “Scott” Pearce, FWC, Chair
Les Casterline, TPWD, Vice-Chair

GMFMC Law Enforcement Tech. Comm.

Jason Downey, ADMR
Neil “Scott” Pearce, FWC
Patrick Carron, MDMR
Jim Stinebaugh, USFWS Region 2
Manny Antonaras, NOAA/OLE
Duane Smith, NOAA/GCES
Dean Aucoin, LDWF
Les Casterline, TPWD
Sidney Charbonnet, USFWS Region 4

GSMFC Law Enforcement Comm.

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Lisa Motoi, USCG
Les Casterline, TPWD
Neil “Scott” Pearce, FWC
Sidney Charbonnet, USFWS Region 4

Designee for Les Casterline: Carmen Rickel
Designee for Manny Antonaras: Joe Scarpa