

Agenda
Administrative/Budget Committee
Gulf of Mexico Fishery Management Council

Perdido Beach Resort
Orange Beach, Alabama

Monday, January 25, 2016
8:30 am – 9:15 am

- I. Adoption of Agenda (**Tab G, No. 1**) – Bosarge
- II. Approval of October 2015 Joint Administrative & Budget/Personnel Committee Minutes (**Tab G, No. 2**) – Bosarge
- III. Action Guide and Next Steps (**Tab G, No. 3**) - Gregory
- IV. Review of Ad Hoc APs (**Tab G, No. 4**) – Gregory
 - a. Artificial Substrate
 - b. Red Snapper Charter For-Hire
 - c. Red Snapper IFQ
 - d. Reef Fish Headboat
- V. Review of AP Appointments with 2016 Expirations (**Tab G, No. 5**) - Gregory
 - a. Coral AP
 - b. Spiny Lobster AP
 - c. Data Collection AP
- VI. Update on the Advisory Panel Background Checks by the Gulf States (**Tab G, No. 6**)
- VII. Other Business – Bosarge

Members:

Leann Bosarge, Chair
Jamie Miller/Kelly Lucas, V. Chair
Pam Dana
John Greene
Robin Riechers/Lance Robinson
David Walker
Nick Wiley/Martha Bademan

Staff: Doug Gregory/Cathy Readinger

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT ADMINISTRATIVE POLICY & BUDGET/PERSONNEL COMMITTEES

Hilton Galveston Island Resort Galveston, Texas

October 5, 2015

ADMINISTRATIVE POLICY VOTING MEMBERS

- 10 Doug Boyd.....Texas
- 11 Martha Bademan (designee for Nick Wiley).....Florida
- 12 Pamela Dana.....Florida
- 13 John Greene.....Alabama
- 14 Campo Matens.....Louisiana
- 15 David Walker.....Alabama

BUDGET/PERSONNEL VOTING MEMBERS

- 18 Robin Riechers.....Texas
- 19 Leann Bosarge.....Mississippi
- 20 Doug Boyd.....Texas
- 21 Campo Matens.....Louisiana
- 22 David Walker.....Alabama
- 23 Roy Williams.....Florida

NON-VOTING MEMBERS

- 27 Kevin Anson.....Alabama
- 28 Jason Brand.....USCG
- 29 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 30 Dale Diaz.....Mississippi
- 31 Dave Donaldson.....GSMFC
- 32 Myron Fischer (designee for Randy Pausina).....Louisiana
- 33 Kelly Lucas (designee for Jamie Miller).....Mississippi
- 34 John Sanchez.....Florida
- 35 Greg Stunz.....Texas
- 36 Ed Swindell.....Louisiana

STAFF

- 39 Steven Atran.....Senior Fishery Biologist
- 40 Assane Diagne.....Economist
- 41 John Froeschke.....Fishery Biologist/Statistician
- 42 Doug Gregory.....Executive Director
- 43 Ava Lasseter.....Anthropologist
- 44 Mara Levy.....NOAA General Counsel
- 45 Charlene Ponce.....Public Information Officer
- 46 Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- 47 Claire Roberts.....Essential Fish Habitat Specialist
- 48 Bernadine Roy.....Office Manager

1 Charlotte Schiaffo.....Research & Human Resource Librarian
2 Carrie Simmons.....Deputy Director

3

4 **OTHER PARTICIPANTS**

5 Pam Anderson.....Panama City, FL
6 Steve Branstetter.....NMFS
7 Eric Brazer.....Gulf of Mexico Reef Fish Shareholder’s Alliance
8 Bubba Cochrane.....Galveston, TX
9 Chris Conklin.....SAFMC
10 Michael Drexler.....Ocean Conservancy, St. Petersburg, FL
11 Traci Floyd.....MDMR, MS
12 Benny Gallaway.....LGL, TX
13 Brad Gorst.....Palm Harbor, FL
14 Marcie Jones.....EDF, Austin, TX
15 Bill Kelly.....FKCFA, FL
16 Rich Malinowski.....NMFS
17 Kristen McConnell.....EDF
18 Bart Niquet.....Lynn Haven, FL
19 Bonnie Ponwith.....SEFSC
20 Clarence Seymour.....Biloxi, MS

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23 The Joint Administrative Policy & Budget/Personnel Committees of
24 the Gulf of Mexico Fishery Management Council convened at the
25 Hilton Galveston Island Resort, Galveston, Texas, Monday
26 morning, October 5, 2015, and was called to order at 9:15 a.m.
27 by Chairman Robin Riechers.

28
29

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

30
31

32
33 **CHAIRMAN ROBIN RIECHERS:** That takes us to Tab G. The first
34 item up for business is Approval of the Agenda. Are there any
35 additions or deletions or other business that needs to be added
36 to the agenda? Mr. Gregory.

37

38 **EXECUTIVE DIRECTOR DOUG GREGORY:** I want to add to Other
39 Business just a brief announcement about the results of our two-
40 year audit.

41

42 **CHAIRMAN RIECHERS:** Anything else? We’ve got a rather large
43 committee here and so I am looking around the table. Would
44 someone move adoption, please? It’s been moved and seconded
45 that we adopt the agenda with the addition of the two-year audit
46 added under Other Business. All those in favor say aye; all
47 those opposed like sign. The motion passes.

48

1 We are now to the minutes of the last meeting, held August 10,
2 2015, Tab G, Number 2. Are there any corrections, additions, or
3 deletions to the minutes? Hearing none, the minutes are
4 approved as written. With that, that takes us down to the
5 agenda now.

6
7 **EXECUTIVE DIRECTOR GREGORY:** It's Tab G, Number 4.

8
9 **CHAIRMAN RIECHERS:** We are going to Tab G-4 and it's the Review
10 of the AP Staggered Terms and Mr. Gregory is going to lead us
11 through that.

12
13 **REVIEW OF AP STAGGERED TERMS**

14
15 **EXECUTIVE DIRECTOR GREGORY:** Okay. At the previous council
16 meeting, the council decided that for the ad hoc APs that they
17 would be reviewed each January to determine if the council
18 wanted to continue those APs. That was something we had decided
19 back in January, but also, in the last meeting, it was
20 determined that at that time you will also determine if you want
21 to advertise any of those APs for reappointment and if you
22 choose any to reappoint, we will do that later in the year when
23 we do all the AP reappointments.

24
25 That was a major change, because sixty-six members are on ad hoc
26 APs and so that left for the -- Our initial cycle of a one-year,
27 two-year, three-year appointment to try to get the three-year
28 staggered terms in place, that left the one-year appointments
29 with just committee of nineteen people, Data Collection.

30
31 What I am presenting to you and suggesting is that we take Coral
32 and Spiny Lobster that were in the two-year and the three-year
33 initial stage and move them to the one-year stage and they're a
34 couple of our more minor APs and that balances the regular APs
35 out again to thirty-one with the initial one-year appointment
36 and thirty-five with a two-year appointment and thirty-six with
37 a three-year appointment, because our initial goal was to try to
38 even out the workload, both for staff and the council, in going
39 through these appointments.

40
41 After this first three years, everybody, except for the ad hoc
42 APs, will be on a three-year appointment schedule and as soon as
43 this meeting is over, we will notify all the APs of the revised
44 schedule.

45
46 **CHAIRMAN RIECHERS:** Any questions or comments to Doug in regards
47 to this? It looks like, basically based on the guidance that we
48 gave them last time, they've come back with a revised plan of

1 how to go forward with this. Martha.

2

3 **MS. MARTHA BADEMAN:** Do you need a motion?

4

5 **CHAIRMAN RIECHERS:** I assume we do need a motion or are you all
6 planning to go forward with this if we don't change it in any
7 way?

8

9 **EXECUTIVE DIRECTOR GREGORY:** Either way you would like to do it.

10

11 **MS. BADEMAN:** I will make a motion to move appointment of the
12 Spiny Lobster and Coral APs to 2016.

13

14 **CHAIRMAN RIECHERS:** Do I have a second? It's seconded by Mr.
15 Williams. I want to correct something that Mr. Gregory said.
16 We don't have any minor APs. Any other comments here? Doug.

17

18 **EXECUTIVE DIRECTOR GREGORY:** Just a heads-up. I was going to
19 suggest in January that since the Data Collection and the Spiny
20 Lobster AP hadn't met since we've done this that you consider
21 just going ahead and reappointing them for a three-year period
22 without re-advertising. The Coral did meet, but it's a small
23 committee and since their one-year appointment -- That's not
24 something you need to decide now, but I wanted to give you a
25 heads-up that I was thinking about that. That's something we
26 can decide in January.

27

28 **CHAIRMAN RIECHERS:** Well, let's go ahead and vote this off the
29 board and then have a quick discussion about that, if we could.
30 Any other comments or questions regarding the motion? **All those
31 in favor of the motion say aye; all those opposed same sign.
32 The motion carries.**

33

34 Now let's go back to that comment, Doug, and what you may be
35 thinking. I guess I would ask the question of what would be the
36 downside in advertising and you might -- I realize we've had
37 trouble getting people for those committees and so we're likely
38 to get the same names again, but what would be the downside in
39 going ahead and advertising, so that we might even see a new
40 name or two?

41

42 **EXECUTIVE DIRECTOR GREGORY:** Well, they haven't had a chance to
43 meet and I am trying to -- I would like to have all our APs meet
44 more often than they have in the recent past and since they
45 haven't had a chance to meet, they really haven't interacted or
46 done anything. The Coral AP is the only one of the three that
47 have met and they met one time.

48

1 **CHAIRMAN RIECHERS:** Let me understand what you are trying to
2 avoid. I think you're trying to avoid sending them a letter
3 saying thank you for your service and we are reappointing and
4 they haven't met and is that what you're trying to get at?

5
6 **EXECUTIVE DIRECTOR GREGORY:** Yes.

7
8 **CHAIRMAN RIECHERS:** Dale.

9
10 **MR. DALE DIAZ:** Thank you and I'm not on your committee, but I
11 just want to make a point to let you all know that there was a
12 Mississippi resident that was on the Data Collection Committee
13 that did just resign and so you are at least one person short
14 and that might have been the only person from Mississippi on
15 there. I would have to check. Thank you.

16
17 **CHAIRMAN RIECHERS:** Go ahead, Doug.

18
19 **EXECUTIVE DIRECTOR GREGORY:** I don't think it's changed in the
20 SOPPs, but the council can appoint people at any time,
21 individuals like that.

22
23 **CHAIRMAN RIECHERS:** You said you were going to bring this to us
24 in January and what I would just offer for a suggestion and
25 possibly is in trying to navigate the system and the situation
26 that you're talking about, is could we not reappoint those, but
27 also put a call out for additional names, maybe in January?
28 That may be one option, so that we don't run into the situation
29 you're talking about, where we're basically thanking someone for
30 their service and we have never called them to meet. Any other
31 comments regarding this? If not, Doug, I believe you have the
32 next agenda item as well.

33
34 **REVIEW OF SOPPS UPDATE REGARDING AP APPOINTMENTS AND**
35 **ADMINISTRATIVE COMMITTEE STRUCTURE**
36

37 **EXECUTIVE DIRECTOR GREGORY:** Yes and this would be the Review of
38 the SOPPs Revision, Tab G, Number 5. These are track changes
39 that were done based on our last council meeting and it starts
40 on page 7 of the SOPPs, which for my PDF version that I
41 downloaded, it's page 12 of 36, but it's page 7 of the document
42 itself.

43
44 This will be the last time we will look at the SOPPs for a
45 while. I've been talking with Ms. Levy and you know we
46 submitted SOPPs in 2012 for the Department of Commerce review
47 and approval and they gave us comments about a year ago and we
48 reviewed and approved them in January and now we've made some

1 more changes and so I've got to send it back through the system.
2 We don't know if the changes are minor enough to where it will
3 just get the Regional Office review or if it has to go back to
4 DOC.

5
6 The implication I got, or the inference I got, was that slow
7 down and let's let the SOPPs stabilize and sit for a while and
8 so unless there is something major that anybody wants to
9 address, this will be the last time probably in six months or so
10 or a year that we will look at the SOPPs.

11
12 On page 7, based on conversations that I've had with you all
13 during the last year of AP appointments, I changed the
14 suggestion that each AP shall be limited to a membership of
15 eighteen people instead of sixteen people, unless otherwise
16 specified by the council. That's not binding and it's just a
17 suggestion.

18
19 The next change is on page 8 and I will stop anytime somebody
20 has concern about something or wants to make a motion. If there
21 is no motion, then I will assume that these changes are
22 acceptable.

23
24 On page 8, we included a paragraph to explain the way the
25 fishing violation will be considered in AP appointments and I
26 will read this to you, in case something is overlooked.

27
28 The presence of a fishing violation is an important aspect in
29 consideration of an AP appointment. The council has determined:
30 1)applicable fishing violations include only violations of
31 federally-managed species in either state or federal waters;
32 2)individuals are ineligible to serve on an AP within three
33 years of the time that the violation was adjudicated; 3)vessel
34 owners shall not automatically be held responsible for
35 violations by a crew member when the owner is not present.

36
37 That third one just says "is not automatically held" and the
38 council could still do that if they wish and so that's the way I
39 have incorporated the motions and discussions we had at the last
40 council meeting on that. The next change is on page 9.

41
42 **CHAIRMAN RIECHERS:** Hold on, Doug, if you would. I think at the
43 last meeting we had asked that the LEAP and LEC have a chance --
44 You may be covering it further down the road, but I was just
45 going to ask here, since it pertained to this, that they get
46 together on a call and that we talk about how we were going to
47 feed the system regarding the violations at both the state and
48 the federal level and how we were going to work through that, to

1 get their input on what we could and could not do from a
2 reporting perspective. Were we able to have that call and have
3 them review that, because it's basically if we're fixing to say
4 we're going to approve this and we're not going to touch it
5 again for some period of time.

6
7 **EXECUTIVE DIRECTOR GREGORY:** Well, we're planning to have that
8 conference call in November and then have a face-to-face
9 discussion of it in March, at the March meeting. I have
10 communicated with the NOAA Enforcement Agency and that part of
11 that council's desire to have NOAA Enforcement contact each
12 state is not going to work.

13
14 He says the council staff has to contact the states
15 individually. What we're going to have the AP do, and each
16 member of the AP from state enforcement, is tell us what format
17 they want our request in.

18
19 Now, the big discussion, I think, at that level is going to be
20 can they identify in their enforcement database those species
21 that are federally-managed, as opposed to those species that are
22 not federally-managed? How easy is that to do? That's the only
23 other stumbling block I perceive, because the direction of the
24 council was very clear at the last meeting that you only wanted
25 federally-managed species to be in that consideration of
26 violations. I haven't talked to any of the state enforcement
27 people as yet. That will be the first thing we talk about on
28 the conference call and we will resolve that at the March
29 meeting.

30
31 **CHAIRMAN RIECHERS:** Well, then so I assume if we have some
32 reason to come back and visit this, based on the results of what
33 they presented you, which I don't necessarily see that there
34 would be and I think they're going to be able to tell you what
35 they can and cannot provide and then we have to work within that
36 system, but, if so, then we might have to come back and revisit
37 this, if it would change this wording here in any way.

38
39 **EXECUTIVE DIRECTOR GREGORY:** This would be what Mara would say
40 is a minor change and so, given my conversation with her this
41 morning, that wouldn't really disrupt anything.

42
43 **CHAIRMAN RIECHERS:** Right. Any other comments or questions?
44 Camp.

45
46 **MR. CAMPO MATENS:** Thank you, sir. I hope this isn't, once
47 again, my not understanding what's going on, but on Item 2,
48 individuals are ineligible to serve on an AP within three years

1 of the time the violation was adjudicated, suppose they are
2 found not guilty? Is that proper wording?

3
4 **MS. MARA LEVY:** I read it as adjudicated meaning there is some
5 guilt associated with it. I mean if they're exonerated, then I
6 guess it was adjudicated, but there is no violation at that
7 point.

8
9 **MR. MATENS:** Okay. Thank you.

10
11 **CHAIRMAN RIECHERS:** All right. With that, Mr. Gregory, we'll go
12 back to you.

13
14 **EXECUTIVE DIRECTOR GREGORY:** Okay. The next change is on page 9
15 and it's minor. I noticed that when we were listing the fishery
16 management committees that we didn't put the word "Committee" at
17 the end of them and so I took the word "Committee" off of the
18 administrative committees. I also changed the name of the
19 Administrative Policy to Administrative Policy & Budget and then
20 changed the Budget & Personnel Committee to just Personnel.

21
22 Now, if the council wishes otherwise, I can leave the word
23 "Committee" there and put "Committee" after the fishery
24 management committees, but in one sense, I just wanted
25 consistency there.

26
27 Then on page 10, I wrote a description of what the function of
28 the Administrative Policy & Budget Committee is and deleted the
29 Budget & Personnel Committee, which resulted in some re-
30 lettering. Then at the bottom, because everything is in -- I
31 added Personnel Committee. The Personnel Committee develops
32 personnel policy and assists with other personnel matters.

33
34 The next page is 18. Now, this is a change that's probably not
35 necessary, after talking with Ms. Levy. Again, in one place in
36 here, and I don't know where it is right now, we say something
37 about the Executive Director is responsible for doing meeting
38 authorizations, but it's delegated to the Administrative
39 Officer.

40
41 Here, the original wording was that the Executive Director
42 maintains all the personnel files and since that really is held
43 in the Administrative Officer's office, I was going to make that
44 change, but after talking with Ms. Levy, I don't think that
45 change is necessary and so if there is no objection, I just
46 won't make that particular change.

47
48 **CHAIRMAN RIECHERS:** There doesn't appear to be any objection.

1
2 **EXECUTIVE DIRECTOR GREGORY:** The next change is on page 22. Our
3 HR staff identified some changes with the Family Medical Leave
4 Act pertaining to service members. Basically, the care for a
5 covered service member may be up to twenty-six weeks under FMLA,
6 instead of twelve weeks for non-military service members.
7 That's just bookkeeping stuff.

8
9 Page 23 is the last one and this is one the council discussed,
10 where I pointed out at the last meeting there was a discrepancy
11 between our SOPPs and our handbook about who approves for GSA
12 lodging rates when we have a lodging rate situation that's above
13 the GSA rate and the council wanted to maintain that decision
14 with the Chair and the Vice Chair and so that changed is
15 affected here and it's already in the handbook that way and so
16 this makes the SOPPs and the handbook consistent. That's all
17 the changes I have for the SOPPs at this point.

18
19 **CHAIRMAN RIECHERS:** Doug, are you looking for a final vote from
20 us? I mean obviously we've been working through this for some
21 time now and --

22
23 **EXECUTIVE DIRECTOR GREGORY:** For a year. If there's no
24 objections, I don't -- Other than the committee structure
25 change, most of these are bookkeeping type of stuff and I will
26 just make those changes with the one exception I pointed out,
27 unless there is objections now. I will get with Ms. Levy and
28 see if I can word that sentence about adjudication better.

29
30 **CHAIRMAN RIECHERS:** The only question, Mara, is hearing the
31 other conversations we had regarding penalties or violations, I
32 should say, is if we have to come back and change that -- I
33 understand the rationale for letting the SOPPs settle, if you
34 will, in some respects, but you don't believe there will be an
35 issue of us coming back?

36
37 I mean, in some respects, this is our document that we need to
38 be able to change as business needs to change, in some respects,
39 but I also realize that you all ultimately approve them, even if
40 it seems like it takes a long time for that.

41
42 **MS. LEVY:** I don't necessarily see a problem. It's just that,
43 like you said, you know it does -- There is an official approval
44 process for the document and once you approve this version, it's
45 going to have to run back through DOC GC so we can point out the
46 changes from the last time. Then once they're okay with
47 everything, it has to run through NMFS and up to Headquarters
48 and get approval.

1
2 So it's just a process and I don't know that changing that minor
3 thing would even necessarily require you to go through the whole
4 approval process again. I would have to look at that, but it
5 doesn't seem to be a big substantive type of change that you're
6 talking about.

7
8 **CHAIRMAN RIECHERS:** All right. Any other comments or questions
9 regarding the SOPPs? If not, then I am going to assume that Mr.
10 Gregory is going to work on that one sentence and clean up these
11 items and we're ready for submittal again.

12
13 **(THE COMMENT IS NOT AUDIBLE ON THE RECORDING.)**

14
15 **CHAIRMAN RIECHERS:** You certainly can bring it up as a non-
16 committee member, if you would like, or if you have something
17 you would like to bring up.

18
19 **MR. MYRON FISCHER:** At this time or at full council?

20
21 **CHAIRMAN RIECHERS:** Given where we are in time, I would say if
22 there is something and a committee member -- If it's something
23 that requires a motion, Myron, then we'll see what happens with
24 it, but it's probably worth having the discussion now.

25
26 **MR. FISCHER:** Being that we're ahead of time and it's just
27 something a few of us have talked about and it's not pointing at
28 a particular person, but it came to light. I am not exactly
29 certain of where this would fall, maybe around 3.2.2, somewhere
30 before, or maybe 3.2.1, but it would have to do about
31 participation in a meeting and voting -- Participation and
32 creating motions and voting.

33
34 The feeling was that you should be present, as this is a
35 functioning body. The method would be to deliberate and to
36 create motions you would be present and if this committee feels
37 it's something they want to discuss and possibly reword
38 something possibly around 3.2.2, I would probably vote for that
39 at open council.

40
41 **CHAIRMAN RIECHERS:** Any committee members have a question or
42 want to bring that issue or want to suggest we add that here or
43 add something like that here or further discuss it? Leann.

44
45 **MS. LEANN BOSARGE:** So what we're talking about here is, I
46 guess, someone that can't be physically at the meeting, but they
47 are participating in some fashion, you know whether it be via
48 the webinar or something that nature. What are we limiting them

1 to? They can participate, as in I guess give opinions or
2 feedback or ask questions, but they can't -- Obviously they
3 can't vote already and so we're saying that they can't make
4 motions?

5
6 **MR. FISCHER:** I have been to, as many people here have been to,
7 quite a few governmental body meetings, from local and town
8 commissions and committees all the way up to this. Everything I
9 have ever seen, you have to be present to participate and I
10 understand why we did it. You know it's understandable, but
11 it's just a door that if we open, it could get very tricky down
12 the road.

13
14 **CHAIRMAN RIECHERS:** Leann.

15
16 **MS. BOSARGE:** I can see what you're getting at, but I guess, as
17 a female, I have a little bit of an issue with that, because
18 there are some things that I have no control over and I don't
19 want to miss a meeting, but I gave birth about five days before
20 a meeting and I wanted to participate in that meeting and I did
21 participate via webinar.

22
23 Now, I didn't try and make any motions or anything of that
24 nature, but it's not something I have any control over and so if
25 I'm doing my best to be an active member of the council and do
26 my homework and participate in the meeting and I can do
27 everything except actually physically be there for some reason
28 or another -- I mean I already don't have the ability to send
29 someone in my place.

30
31 We do give that ability to our government members and if they
32 have some reason they can't be here, they can actually send
33 somebody else in their place and that person has all the
34 abilities that they have. They can vote and they can do
35 everything.

36
37 As a member that's not in government, I don't have that option
38 and so I am already a little at a disadvantage there and I
39 understand that I can't vote if I am not physically here, but I
40 think I should be able to have every other level of
41 participation, if I want to be an active member of the council
42 but I can't physically be there.

43
44 **CHAIRMAN RIECHERS:** Doug.

45
46 **MR. DOUG BOYD:** I concur with Myron. I think that we're opening
47 a door here that we don't understand what consequences can come
48 about. How far do we extend this would be one question? Do we

1 extend it to the APs and the SSCs, where you can be giving
2 instruction as a college professor also and take time out to
3 just sit on a meeting and make motions and have discussion?
4

5 Another point would be that when we sit around a table that you
6 can look at everyone around the table and you can understand
7 what's going on and you can have discussion, whereas if you're
8 on the telephone or you're on a webinar and you're out there
9 away from this body, it's much more difficult to communicate. I
10 would support the idea that we need to be present to vote and to
11 make motions and to give anything other than just testimony.
12

13 **CHAIRMAN RIECHERS:** Mara.
14

15 **MS. LEVY:** Are you talking about committee meetings, because for
16 the council meeting, we have the language that says in the Act
17 that decisions are by majority vote of the members present and
18 voting and we have interpreted that in the past as being
19 physically present.
20

21 So I guess we said you could make motions at full council, but
22 you couldn't actually vote on them and so I am just -- Whenever
23 you get to what you're actually trying to do, be very clear
24 about whether we're talking committees and council proceedings
25 both and then is it -- I guess I heard motions and voting and
26 not just voting. If you ever get to the point where you're
27 going to make a motion to do something, to just be very specific
28 about what that is.
29

30 **CHAIRMAN RIECHERS:** Myron, since you brought it up, and I'm
31 going to ask you, even though you're a non-committee member, do
32 you or Camp have the thoughts about what it was you're trying to
33 limit folks to here?
34

35 **MR. FISCHER:** My thought would be to work as a council, as we're
36 doing right now, where everyone must be present to deliberate.
37 For all the actions we do at a normal meeting, you should be
38 present, which includes deliberation, creating motions, and
39 then, of course, voting.
40

41 **CHAIRMAN RIECHERS:** Camp, do you have language that you would
42 like to propose with a motion?
43

44 **MR. MATENS:** Yes. I move that the language in the SOPPs reflect
45 that any vote, deliberation, or motion require the member to be
46 physically present.
47

48 **CHAIRMAN RIECHERS:** We have got a motion on the board and do we

1 have a second?

2

3 **MR. BOYD:** I will second it.

4

5 **CHAIRMAN RIECHERS:** The motion is seconded. Leann, obviously
6 this goes further than what you were suggesting. I believe you
7 could still listen in and do those things, but you wouldn't be
8 able to participate, at least as I am reading it. I want to
9 make sure about that. Mara.

10

11 **MS. LEVY:** Just when we say "physically present", I don't know
12 if you have thought about the implications for webinar meetings
13 if you want to hold those. If you actually hold a webinar
14 meeting, nobody is going to be physically present and so I guess
15 if you're limiting this to physically present at those meetings
16 where it's possible -- I guess we would have to think about how
17 to word that, but I don't want you to preclude yourselves from
18 ever having a meeting by webinar, if that's what you need to do.

19

20 **CHAIRMAN RIECHERS:** At least by discussion, I think that's
21 understood, Mara. If the motion were to pass, I think we have
22 at least some license to make sure that we still have the
23 ability to have a conference call that we've done I think in the
24 past and we've done some webinars in the past. Doug.

25

26 **EXECUTIVE DIRECTOR GREGORY:** I think you need to be explicit
27 whether this is for just the council meeting itself or for the
28 committee and the council or for our APs or for our SSCs,
29 because we have had on the SSC in the past, I think twice, a
30 joint webinar/present meeting and I've been talking with staff
31 recently about trying to do that again, because our current SSC
32 is too big to meet in our office meeting room.

33

34 If we let some people participate by webinar, then we could
35 probably continue to use our office meeting room, but the SSC
36 and the Reef Fish AP -- Any AP that's more than eighteen people,
37 we're not going to fit them in our conference room and we will
38 have to go to a hotel. I know that's not a major consideration
39 with everything, but it is a consideration and we were thinking
40 about having joint webinar/in-person meetings, but if you don't
41 want us to do that, then that's the way we'll go forward.

42

43 **CHAIRMAN RIECHERS:** Well, to answer your question, at least from
44 the perspective of what it applies to, at least according to --
45 I had to scroll to it real quickly, but I think the 3.2.2 refers
46 to council and it doesn't refer to APs and other things and so
47 with the suggestion of that's where it would go, I think it's
48 confined right now, Doug, at least based on what I was able to

1 read here quickly as we're catching up to this. Mara.

2
3 **MS. LEVY:** And confined to full council or committees also,
4 because that language, at least in the Act, talks about the
5 council and so the way your committees function, you have more
6 leniency and so if that applies to your committees too, then I
7 think we should make that clear.

8
9 **CHAIRMAN RIECHERS:** Camp, what was your intent?

10
11 **MR. MATENS:** Mara, I see that and my intent would be to this
12 committee, committee meetings at this venue.

13
14 **CHAIRMAN RIECHERS:** So the intent is committees and full
15 council?

16
17 **MR. MATENS:** Yes and I am kind of reading this real quickly
18 here. I read it a couple of times and I hate to say something
19 is implied, but it's sort of implied, to me, that it was at a
20 council meeting, but if that's the case, let's clean this
21 language up so it does what at least I propose and let's get a
22 vote on it.

23
24 **CHAIRMAN RIECHERS:** Mr. Williams.

25
26 **MR. ROY WILLIAMS:** Thank you, Mr. Chairman. I was going to
27 suggest that we specify that this apply to appointed council
28 members and not the state directors, specify that -- Myron and I
29 were having a sidebar conversation and this issue came up and so
30 I would like us -- If the maker of the motion would agree to
31 specify that where it says "to require the SOPPs language
32 reflect that any vote, deliberation, or motion require an
33 appointed council member be physically present" and would you
34 accept that?

35
36 **MR. MATENS:** Yes, sir, and thank you.

37
38 **CHAIRMAN RIECHERS:** Does the seconder accept that?

39
40 **MR. BOYD:** I do.

41
42 **CHAIRMAN RIECHERS:** Go ahead, Roy.

43
44 **MR. WILLIAMS:** Just to make it clear, any state director would
45 still have to come, because they can always get somebody else to
46 come to the meeting.

47
48 **CHAIRMAN RIECHERS:** Dr. Crabtree.

1
2 **DR. ROY CRABTREE:** The way I read that motion now, it tells me
3 that an appointed council member has to be physically present,
4 but a state director could dial in by telephone and I don't know
5 why we would do it that way.

6
7 **MR. WILLIAMS:** That isn't what I wanted to do and so --

8
9 **DR. CRABTREE:** Am I reading it wrong? That's what it says,
10 isn't it?

11
12 **EXECUTIVE DIRECTOR GREGORY:** Roy, are you trying to be too
13 precise?

14
15 **MR. WILLIAMS:** Possibly, but my goal is that the state directors
16 would have to come, because there is a whole slew of them that
17 could come to the meeting and so I guess then we just make it
18 any council member has to be physically present. I guess I have
19 damaged the motion and so if Camp would agree --

20
21 **CHAIRMAN RIECHERS:** Okay and so that's been removed and I now
22 have Martha and then Pam.

23
24 **MS. MARTHA BADEMAN:** It was just to that. I think it's better
25 the way it is now.

26
27 **DR. PAMELA DANA:** I don't know and just a point. I don't really
28 care, but there is -- I have never been on any board ever,
29 except for this, that won't allow you to participate by phone if
30 you have a compelling reason for a vote. I mean even bank
31 boards that I sit on you can call in and vote, but whatever.

32
33 **CHAIRMAN RIECHERS:** Mr. Sanchez and then we're going to probably
34 dispense of this.

35
36 **MR. JOHN SANCHEZ:** Thank you and I'm not on the committee, but I
37 can understand the vote part, being physically present, but not
38 to be able to -- As you know, you had an illness, like with
39 Harlon, and something he's been involved in for nine years and
40 he couldn't at least contribute verbally his thoughts? I think
41 that's a little excessive.

42
43 **CHAIRMAN RIECHERS:** Okay. We have a motion on the board and we
44 have discussed the intent of the motion and while the language
45 may not be perfect here in the motion to reach that intent
46 completely, but I think Doug has a good idea, if it passes.
47 **With that, I am going to say all those in favor of the motion**
48 **say aye; all those opposed same sign. The motion fails.**

1
2
3 **REVIEW OF HOUSE & SENATE RED SNAPPER RELATED MSA BILLS**
4

5 **EXECUTIVE DIRECTOR GREGORY:** The next topic is Tab G, Number 6.
6 What I have here are three bills before Congress pertaining
7 specifically to red snapper that I said I would bring to the
8 council at the last meeting.
9

10 At the last meeting, we reviewed the House bill that has passed
11 the House, HR 1335, and the Senate bill, the Florida Fisheries
12 Forever Act, that was proposed by Rubio that has not been passed
13 by the Senate.
14

15 The House bill is going to the Senate and so we don't need the
16 bills up there. If you want to put something up on the screen,
17 put the section analysis of any of the three bills. What I have
18 done is there is -- I kind of got bogged down in the weeds at
19 the last council meeting and was asked to do something more
20 concise for the council.
21

22 Fortunately, I have been talking with a gentleman who used to
23 work for Congress, Dave Whaley. I met him at our June Council
24 Coordinating Committee meeting and he pointed out to me that
25 most of the Magnuson Act reauthorization activity is coming out
26 of the Gulf of Mexico.
27

28 We had this idea of hiring him and I didn't hire him, except
29 I've got a small contract with him to work for us through the
30 remainder of the year and also to work for the other councils,
31 through us, to help us keep track of all the legislation and
32 these summaries and section-by-section analyses you see here are
33 the result of his work.
34

35 He has only been on the job for three weeks and he has already
36 analyzed all of the bills that are outstanding right now. There
37 is a couple more coming out and, in conjunction with the other
38 EDs, next year we're going to see about keeping him on, in a
39 collaborative way, to help us through 2016.
40

41 I don't intend to go through these bills in detail at this
42 point. I want to bring them to your attention. Also, we have
43 similar analyses of all the other bills on our website and soon
44 we will have a link on our main page that takes you to the
45 legislation page, but right now, you have to go to the CCC
46 Meeting link and on that page, you will see a link to the
47 legislative page and there you will see an analysis of all the
48 outstanding bills that pertain to fisheries in the U.S. right

1 now. Most of them are House bills and some of them are
2 appropriation.

3
4 I did send to the council earlier this week some overall
5 summaries of all the bills that Mr. Whaley did for us. I didn't
6 want to inundate you with twenty-one or twenty-two documents and
7 so I sent you those three overviews.

8
9 The detailed analyses are on our website and if you have any
10 questions about anything as you read through these, contact me
11 and staff and we will help you in any way in getting more
12 information or understanding what is happening. There is a
13 flurry of activity, as you all know, and some of it is
14 contradicting and some of it's confusing and some of it's
15 duplicative and in this table format, he has identified, in the
16 right-hand column, what parts of the bill are also contained in
17 other bills and how they relate to other bills and that was
18 something the council asked us to do at the last council
19 meeting.

20
21 I hope you find this new format helpful to you. Right now, I
22 don't anticipate that the council is going to be called to do
23 any testimony for the remainder of this year and so I don't
24 think we need to go into anything in detail, but one of the
25 things I've been attempting to do, unlike last year, is to try
26 to get some council input on the legislative activity, so that
27 if the Chair is called to give testimony that we have some
28 feedback from the council.

29
30 Last year, we couldn't really get ahead of the game, because
31 Congress gives you like two weeks' notice to get everything
32 ready and I am just trying to get to the point where when we do
33 that that we have a chance to incorporate more people's input.

34
35 Now, the other thing I will try to do, if we get in a situation
36 like that, is circulate drafts to the entire council and get
37 feedback that way, but it -- Just as you go through this, any
38 feedback you have on how we can do things different to improve
39 the information coming to you would be appreciated. With that,
40 any way you want to go, Robin, at this point -- Any way you want
41 to proceed is fine with me.

42
43 **CHAIRMAN RIECHERS:** I know I have had some discussions with
44 other council members after you sent this out and obviously the
45 formats and the summaries are useful and help put it all in
46 context in a fairly concise manner and so we certainly
47 appreciate you and Mr. Whaley obviously doing that for us. Any
48 other comments or questions here? Again, this is kind of an

1 informational briefing. Mr. Sanchez.

2
3 **MR. SANCHEZ:** More in the form of a question. I know, as
4 council members, we're expected not to lobby Congress, but when
5 you feel strongly about some of these issues and some of this
6 proposed legislation, I guess I am looking for some
7 clarification as to how one would approach their elected
8 official, yet not represent yourself as it being a council-
9 oriented decision and my personal feelings on certain issues.
10 Is that taboo or is there a gray area or I mean how does that
11 work?

12
13 **MS. LEVY:** So the council can't lobby as a group. You can't
14 take council funds and do a council position letter. You as an
15 individual can talk to your Congressperson or Senator or
16 whoever. You just need to say I am representing myself and I'm
17 here on behalf of myself.

18
19 **CHAIRMAN RIECHERS:** Any other comments or questions here?
20 Hearing none, then that takes us to our Other Business item,
21 Doug. That was the audit review.

22
23 **OTHER BUSINESS**

24
25 **EXECUTIVE DIRECTOR GREGORY:** Right and we just -- We have an
26 audit done every two years and we just completed the audit that
27 covers the years 2013 and 2014 and, again, as in the past, the
28 audit was clean and nothing was found in the way we handle our
29 finances or our documentation that raised any questions
30 whatsoever with the auditors.

31
32 **CHAIRMAN RIECHERS:** Any questions to Doug about the audit? Yes.

33
34 **DR. KELLY LUCAS:** Are copies of the audit available for review,
35 should a council member wish to do so?

36
37 **EXECUTIVE DIRECTOR GREGORY:** If you would like, yes. We don't
38 have the final copy from the auditors yet. We just had a draft,
39 but we could go -- We had an exit interview with the Chair and
40 Vice Chair and the Chair of the Budget Committee, but I will let
41 you know when the final is approved or given to us. We got the
42 bill already, but we didn't get the final.

43
44 **CHAIRMAN RIECHERS:** I am trying to recall and on the phone call,
45 I thought they were going to be wrapping it up within the week
46 or so and there were some editorial things still going on, but
47 that's what I am recalling and is that right, Doug? Am I
48 remembering that right?

1
2 **EXECUTIVE DIRECTOR GREGORY:** Right and it should have been
3 completed by October 1 and submitted to the Department of
4 Commerce.

5
6 **CHAIRMAN RIECHERS:** So yes, it can be available to all council
7 members or council members who want it when that's done. Any
8 other comments here? Hearing none and seeing no hands, then
9 this committee stands adjourned.

10
11 (Whereupon, the meeting adjourned at 10:00 a.m., October 5,
12 2015.)

13
14 - - -
15

[Back](#)

Administrative/Budget Committee
Action Schedule & Next Steps for Tab G
January 2016

Agenda Item IV: Review of Ad Hoc APs (Tab G, No. 4)

Timeline Status: Initial Review

Background: The Council decided in January 2015 to review the Ad Hoc Advisory Panels each January to determine if they should be continued another year. In August 2015 the Council removed the Ad Hoc APs from the 3-year tiered membership appointment process and decided to consider appointments to Ad Hoc APs yearly at the Council's January meeting. The rationale for not including the Ad Hoc APs in the appointment process for the regular APs is that Ad Hoc APs are created for a specific short-term purpose and membership changes may not always be warranted.

The Next Step: To decide if any of the Ad Hoc APs are to be discontinued and if any needed to be advertised for membership in 2016.

Agenda Item V: Review of 2016 AP Membership Expirations (Tab G, No. 5)

Timeline Status: Ongoing review.

Background: The Coral, Spiny Lobster and Data Collection APs were appointed in 2015 for a 1-year term to initiate the staggered 3-year appointment schedule we established for all the permanent APs. The Coral AP met one time during 2015 but the other two APs have not met. We do plan to convene the Spiny Lobster AP in April 2016 to review the landings data with respect to the Spiny Lobster ACL

The Next Step: To determine if the Coral, Spiny Lobster or Data Collection APs need to be advertised in 2016 or simply be reappointed for the next 3-year term.

Agenda Item VI: Update on AP Background Checks by the States (Tab G, No. 6)

Timeline Status: Ongoing review.

Background: The Law Enforcement Technical Committee met by webinar and discussed the feasibility of conducting AP applicant background checks for violations related to federally managed species. Not all States may be able to separate violations by federally managed species. All states also require a signed request from the applicant authorizing a background check.

The Next Step: To work with the State law enforcement agencies to develop the protocol for obtaining background checks and get final agreement among the States at the spring 2016 Law Enforcement Technical Committee meeting.

Tab G, No. 4

Ad Hoc Advisory Panel Review
Gulf Council Administrative/Budget Committee
January, 2016

Panel	No. of Members	Date Formed	No. of Meetings
Ad Hoc Artificial Substrate	16	October, 2012	2
Ad Hoc Red Snapper Charter For-Hire	19	March, 2015	1*
Ad Hoc Red Snapper IFQ	17	August, 2015	0
Ad Hoc Reef Fish Headboat	14	March, 2015	1

*Original Ad Hoc formed June, 2014 and met once before being split into two Ad Hoc Panels.

Ad Hoc Artificial Substrate (16)

James Ballard, Chair
Mark Belter
David Dale
Glenn Delaney
Jon Dodrill
Thaddeus Dubois
Ted Falgout
William Gala, Ph.D.

Alan Matherne
Mike McDonough
Douglas Peter
Todd Phillips
Ben Raines
James Sanders III
Harvey "Sonny" Schindler
Troy B. Williamson II

Staff Representative: John Froeschke

Ad Hoc Red Snapper Charter For-hire (19)

Gary Bryant
Shane Cantrell
Daryl Carpenter
Michael Eller
Troy Frady
James Green III, Chair
Charles Guilford
Gary Jarvis
Mark Kelley
Robert "Robbie" Langlinais

Thomas Marvel, Jr.
Mike Nugent
Richard "Rene" Rice
Scott Robson
Harvey "Sonny" Schindler
Thomas (Tom) P. Steber, Jr., Vice Chair
Frank M. "Skipper" Thierry, Jr.
Edward Walker
Troy B. Williamson II

Staff Representative: Assane Diagne

Ad Hoc Red Snapper IFQ (17)

Billy Archer
Jeffrey Barger
Jane Black
James Clements
Dean Cox
Jason DeLaCruz
Michael Eller
Bob Gill, Chair
Keith "Buddy" Guindon

Scott Hickman, Vice Chair
Gary Jarvis
David Krebs
James Swindle
Wayne Werner
Mike Whitfield
Troy B. Williamson II
Jim Zurbrick

Staff Representative: Assane Diagne

Ad Hoc Reef Fish Headboat (14)

Pamela Anderson
Randy W. Boggs, Chair
Clifton Cox
James Green III
Captain Chad Haggert
Mark Hubbard, Vice Chair
Gregory Mercurio

Kelly Owens
Charles Paprocki
Eric Schmidt
Thomas (Tom) P. Steber, Jr.
Frank M. "Skipper" Thierry, Jr.
Dustin Trochesset
John Williams

Staff Representative: Assane Diagne

Tab G, No. 5

Advisory Panels Gulf Council Administrative/Budget Committee January, 2016

Panel	No. of Members	Date Appointed	No. of Meetings
Coral	6	March, 2015	1
Data Collection	18	March, 2014	0
Spiny Lobster	6	March, 2015	0

Coral

Jon Paul (J.P.) Brooker
Shelly Krueger
Dr. Steve W. Ross

Portia Sapp
John Talbott
Joseph Weatherby

Staff Representative: Morgan Kilgour

Data Collection

Shane Cantrell
Michael Colby
Jason DeLaCruz
F.J. Eicke
Michael Eller
Troy Frady
James Greene III
Chad Hanson
Francis (Frank) Helies

Barry Ingram
Gary Jarvis
Robert Leaf
Paul Mickle
Todd Phillips
Harvey "Sonny" Schindler
Nicole A. Smith
Raymond Weldon
Jerry D. Westmoreland

Staff Representative: John Froeschke

Spiny Lobster

Robert Gaitanis
Bill Kelly
Joshua Nicklaus

George Niles
Daniel Padron
Simon Stafford

Staff Representative: Morgan Kilgour

Meeting Summary
Law Enforcement Technical Committee Webinar
December 14, 2015
1:00 PM EST – 3:45 PM EST

Chairman Rama Shuster convened the meeting at 1:00 pm. The agenda was adopted with the addition under other business of a discussion of enforcement concerns for Amendment 39 and related actions. Staff reviewed the Scope of Work document.

AP Member Background Checks for Violations in State Waters

Doug Gregory reviewed the Council process for doing background checks on advisory panel (AP) appointees. Previously, the Council requested background checks from the NOAA Office of Law Enforcement. However, the Council would like to begin getting background checks at the state level as well. To determine if this is possible, each state representative is asked to provide the following information.

1. Can your agency provide the Council with records of violations, if any, if provided with the names, current address, and date of birth of AP appointees?
2. Can your agency specifically provide records of violations for federally managed species only?
3. What is the protocol for requesting this information from your agency?
4. How long will it take you agency to conduct such background checks?

Rama Shuster noted that the enforcement representatives might need to confer with their agency attorneys concerning any legal implications, but could give preliminary answers today. Mr. Gregory noted that there were three APs scheduled for appointments in June, so he would like to have the protocols worked out by March. This will be put on the agenda for the March LETC meeting. Captain Shuster then asked each state representative for his or her input.

Brandi Reeder (TX) – Each AP candidate would need to provide a signature authorizing a background check. Texas could provide an overall history of violations, but it would be more difficult to provide a history of violations regarding only federally managed species. Texas has species codes for the more commonly encountered species, but not all species. Protocol would be for the Council to make an open records request which would go through the open records request attorney. Turnaround would be 10 days.

Chad Herbert (LA) – The AP candidate should sign a waiver giving Louisiana permission to check his wildlife history and provide that history to the Council. This is not a requirement, but it would be advantageous. Louisiana has the necessary species codes and could probably provide a breakdown for federally managed species. Protocol would be to provide the request to Captain Hebert who would pass it through to the legal section. Turnaround would probably be within a week.

Rusty Pittman (MS) – The procedure for Mississippi would be the same as for Louisiana, but Mississippi does not have species codes. The AP candidate should sign a waiver. The request could go through Lt. Col. Pittman, who would have it reviewed by the agency attorneys.

Scott Bannon (AL) – The Council should provide a letter stating what the request is for, and it should include a waiver signed by the AP candidate. Providing the candidate’s driver’s license number would make it easier to track that individual. Turnaround would be about a week.

Rama Shuster (FL) – The procedure would be the same as that described by the other state representatives. However, ample time should be provided for the legal review.

Doug Gregory asked whether a generic request and waiver form would be acceptable, and if the waiver could be submitted electronically. LETC members responded that they would need to check with their attorneys regarding electronic submissions. A generic request would be acceptable, but the LETC would like to be provided with a draft request for legal review.

Doug Boyd asked whether each state holds the owner or a crew member responsible for violations. The responses were as follows.

Rama Shuster (FL) – Florida holds the operator responsible for state violations, and the owner for federal violations.

Scott Bannon (AL) – Alabama generally holds the individual responsible for the violation, but on some occasions where there are multiple violations on a vessel or the total number of fish on the vessel is over the limit, the captain will get the violation. The owner is generally not cited because, with a misdemeanor violation, the person being cited has to be present.

Rusty Pittman (MS) – Mississippi cites the violator. If there are numerous charges they cite the captain. As with Alabama, the person being cited has to be present,

Chad Herbert (LA) – Louisiana is the same as the other states. The person committing the violation is cited.

Brandi Reeder (TX) – Texas is the same as the other states with the exception of water safety. If a boat is not registered, Texas can cite either the captain or the person who allowed the boat to be operated without being registered.

Chad Herbert asked if the Council was looking for a complete history or just convictions. Mr. Gregory responded that the Council was only looking for convictions.

Review of Officer of the Year Program

Charlene Ponce reviewed the Officer of the Year Program. She reminded LETC members that she had sent them the award description and nomination forms a few weeks back, and will be sending a reminder out in January. She would like to get the nominations from the states and NOAA Enforcement by February 1, 2016. The LETC will review the nominations at its March meeting and will select the top three candidates. The Council will review these candidates in June and make a final decision on the winner. The award will be presented to the winning officer at the August Council meeting.

Scott Bannon asked if the nominee could be a part-time officer. Ms. Ponce replied that the nominees had to be full-time officers.

Rama Shuster noted that a similar program already exists on the Atlantic side. He explained that, for the Atlantic program, he forwards the nomination requests on to the Florida regions. The regional field commanders submit nominations to headquarters where a single nominee is selected to send on the program.

Rama Shuster expressed appreciation on behalf of all the enforcement officers for the Council approving this program.

LETC Representative Duties at Council Meetings

Doug Gregory noted that the Council has invited a LETC member from the state in which the Council meeting is held to each Council meeting since August. These representatives have generally just sat in the audience and not participated. He suggested having the LETC representative give a brief presentation to the Council on Joint Enforcement Agreement (JEA) activities in the preceding year for that state. Mr. Gregory also expressed appreciation for law enforcement presence at Council meetings, which sometimes get controversial. LETC members expressed approval for the proposal. A suggestion was made that the presentation be expanded to allow the LETC representative to bring any other notable state activities to the attention of the Council. One LETC member who had been the designated representative at an earlier Council meeting stated that it was awkward to come to the meeting but then have no involvement. He suggested that the LETC representative be given a seat at the Council table. However, it was noted that the representative could only provide the perspective of his state, not the entire Gulf. A NOAA Enforcement representative, usually Tracy Dunn, typically attends Council meetings and sits in the audience usually in or near the front row. Staff suggested that the LETC representative either sit in the front row near the podium along with Tracy Dunn, or be given a seat at the staff table, where he would be visible to be called upon if the Council needed a state enforcement perspective on an issue. One member expressed support for sitting at the staff table, noting that he felt uncomfortable having his back to the audience.

Other Business

The LETC discussed Reef Fish Amendment 39 and related amendments, specifically the Generic Electronic Logbook Amendment. Rama Shuster noted that the LETC has not reviewed Amendment 39 since last March, and the members were not that familiar with it at that time. He felt that it was worth having the LETC review it again since it has a large enforcement component, particularly:

- How to extend state authorities into federal waters
- How to apply enforcement to vessels from other states when there are regulatory inconsistencies
- Transit issues
- Dockside enforcement

Brandi Reeder noted that Texas does not have a transit provision and therefore no transit issues that may exist for other states. In Texas state waters and in the extended jurisdiction under regional management, vessels would need to comply with state regulations regardless of where the vessel is from. However, she expressed concern about issues in related amendments, specifically electronic logbooks for for-hire vessels. She felt this is a great idea, but was concerned about implementation. Under the headboat collaborative EFP, there are about 39 vessels that have hail-out/hail-in notification requirements. The sheer volume of notifications from these vessels is overwhelming. Furthermore, the notifications are a moot point if enforcement does not have immediate access to the information contained in the electronic logbooks in order to verify the information. Under this situation, hail-out/hail-in is not a useful tool. Enforcement would have to be either on-the-water or after the fact.

LETC members discussed having a for-hire IFQ system. Members felt that this has been an enforceable system for the commercial sector and could work for the for-hire sector as well. However, since recreational landings are reported in numbers of fish, it would be helpful if the for-hire IFQ were in numbers rather than pounds. Also, the commercial sector has a fixed number of pre-approved landing sites that have been inspected by enforcement while the for-hire sector has many more locations.

LETC members expressed concern about Amendment 39's emphasis on dockside management. The states manage several species, and enforcement should have the ability to enforce regulations on the water as well as at the dock. With respect to private recreational vessels which may leave from private docks, dockside enforcement could mean that enforcement officers would need to go into people's back yards or cover over hundreds of miles of residential canals. This could create potential officer safety issues. Rusty Pittman noted that Mississippi has cut back on its number of hours of dockside enforcement, but has implemented mandatory recreational trip reporting. This allows Mississippi officers to check vessels using an app.

Scott Bannon stated that dockside enforcement was not as much of an issue in Alabama, but he was concerned about transit of fishermen from states where fishing is closed to states where fishing is open, and how that would be enforced. Rama Shuster stated that it is difficult to comment on all of the options. For that reason, and because Amendment 39 and related amendments have a large enforcement component, he would like to see the LETC stay actively involved in all future progressions of these actions including all meetings and workshops.

The LETC discussed enforcement in EEZ waters under regional management. It was suggested that an officer making an on-the-water inspection of a catch in the EEZ could enforce regulations for species other than red snapper, but if the vessel had red snapper aboard, the officer could only inform and try to educate the vessel operator that he could be in violation of a state's red snapper regulations once he crossed the state boundary. Rusty Pittman stated that in Mississippi, if a vessel lands red snapper while the Mississippi season is closed, but the operator claims that the fish were legally caught off Louisiana, the officer will ask to see a valid Louisiana offshore fishing permit and non-resident fishing license. If the operator has the permit and license, he would be allowed to land his fish in Mississippi as long as the fish met Louisiana's creel and size limits.

Jeff Mayne stated that it was his understanding that if a state adopted a regional management plan, NMFS would adopt the same regulations in federal waters off that state, which would allow

state officers to enforce state regulations in federal waters off that state. An out-of-state vessel would need to obtain the appropriate non-resident state license in order to fish the waters off of that state. He did not agree with allowing all EEZ waters to remain open any time any state waters were open. Rama Shuster stated that he did not see Amendment 39 operating in this way. In order to do so, he felt that:

1. The state must extend its authority into federal waters
2. The vessel must be registered in that state, and
3. The state plan must be consistent with the federal management plan, and the federal plan must delegate authority to the state.

In addition, some states may need to implement statutory changes in order to enforce state regulations in federal waters.

Following discussion, the LETC passed the following motion in order to emphasize the need for enforcement concerns to be discussed as Amendment 39 and related amendments proceed.

Motion: Request that the LETC remain updated on any changes in development of Amendment 39 and related actions in order to retain enforcement capabilities while moving forward with regional management. (RS, BR)

Motion carried without objection.

The webinar was adjourned at 2:45 pm, Eastern Time.

Law Enforcement Technical Committee Members Present

Rama Shuster, FWC, Chair
Brandi L. Reeder, TPWD, Vice-chair
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