



## Pacific Fishery Management Council

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Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

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### Northwest Division

Acting Special Agent in Charge William Giles  
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Seattle, WA 98115

### Southwest Division

Acting Special Agent in Charge Martina Sagapolu  
501 W. Ocean Blvd, Suite 4300  
Long Beach, CA 90802

Subject: Annual National and Regional Enforcement Priorities

Dear Mr. *Bill* Giles and Ms. *Martina* Sagapolu:

At its November 1-6, 2013 meeting in Costa Mesa, California, the Pacific Fishery Management Council (Pacific Council) received a report from National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement (OLE) Acting Special Agents in Charge William Giles and Martina Sagapolu concerning an opportunity for the Pacific Council to comment on 2014 NOAA Regional Enforcement priorities for the Northwest and Southwest Divisions. The Pacific Council considered written statements from three established advisory bodies, including their Enforcement Consultants committee comprised of National Marine Fisheries Service, Washington State, Oregon State, California State, and US Coast Guard law enforcement representatives, before tasking the transmittal of this letter. The Pacific Council sincerely appreciates the NOAA OLE outreach efforts on this important matter, and asks that you distribute this letter appropriately for full consideration in relevant decision-making.

The Pacific Council (1) recommends a process or a road map that prioritizes living marine resource protection issues, and (2) identifies regional priorities so that they can be compared nationally in an effort to set direction. The planning model used on the west coast normally results in a consistent set of living marine resource enforcement priorities between the state and Federal enforcement programs.

### IDENTIFYING A PROCESS

Our experience on the West Coast demonstrates that the processes associated with the Pacific Council and Joint Enforcement Agreements (JEAs) maximize the effectiveness of law enforcement by defining Pacific Coast and the nation's marine fisheries protection priorities, supporting comprehensive cooperative planning efforts, and enabling inter-jurisdictional fisheries enforcement operations. The Pacific Council has convened an Enforcement Consultants advisory body that actively participates in the Pacific Council process and

advises the Pacific Council on regulations and outcomes associated with implementation. The enforcement representatives on that panel report that the Pacific Council takes their enforcement concerns seriously when making regulatory decisions. This connectivity is central to success in identifying priorities and carrying them out in a manner that results in real protection for the resource.

The Pacific Council view is that, at least in the broad sense, national priorities should mirror regional priorities, and vice-versa. Priorities should be set at the regional fisheries management council level and cascade down in the form of direct patrol and investigative operations. Pacific Council protection priorities are heavily considered when developing the operational portion of JEAs.

## **REGIONAL ENFORCEMENT PRIORITIES**

The Pacific Council believes that the highest priority should be effective and efficient enforcement of the Pacific Council's enforcement priorities and Federal regulations protecting endangered species. When it comes to enforcing Federal regulations, uniformed state officers, wardens, and troopers have a role, and NOAA OLE agents have a role. While there is concern about NOAA's choice with respect to the placement of uniformed NOAA officers in the field, state representatives on the Pacific Council Enforcement Consultants value and have pledged their continued effort to optimize their partnership with the NOAA OLE. In the Pacific Council's view, the enforcement priority-setting mission cannot be accomplished without analyzing the roles of Federal and state officers at the same time.

### **PRIORITY ONE**

**Endangered Species Act- (ESA) listed fish/Overfished species:** Given that virtually every west coast marine and associated freshwater tributary is occupied by ESA-listed or Overfished species, providing access to healthy populations while avoiding impacts to recovering species is a typical challenge for the Pacific Council. As a result, commercial and recreational opportunities are tied to some of the most complex management strategies in the nation. Trawl rationalization involving over 90 species of groundfish provide one example. Adequate enforcement of related measures is the key to being able to successfully prosecute fisheries without negative effects on stock rebuilding efforts.

Anadromous species provide a second example. For these species, adequate enforcement means providing a law enforcement presence throughout the range of migrating fish, not just saltwater areas. Pacific salmon, steelhead, and Eulachon rely on thousands of miles of freshwater spawning and rearing habitats far inland from the Pacific Coast. If illegal take of sensitive species and habitat destruction goes unchecked, the repercussions will be felt in fisheries that occur elsewhere.

Unfortunately, West Coast ESA listings are not limited to just fish. Several marine mammals have this distinction, and require law enforcement presence to monitor and control human interactions.

Related Enforcement Activities:

- ESA-listed fish protection in marine/freshwater: patrolling closed seasons and

take prohibitions, enforcing selective fishery regulations, detecting and enforcing hydraulic and other habitat laws.

- ESA-listed marine mammals: enforcing vessel interactions with Southern Resident Orca Whales, human interactions with other listed marine mammal species along the coast.
- Overfished groundfish stocks: patrolling marine protected areas and conservation lines, enforcing laws related to Trawl Rationalization and other sectors of the groundfish fishery, monitoring catch accounting.

## **PRIORITY TWO**

**Protection of Healthy Stocks:** At-sea and dockside law enforcement presence during commercial and recreational fisheries under a Federal management plan is important to both a fair playing field for participants and fishery sustainability.

Related Enforcement Activities:

- Patrolling the Exclusive Economic Zone (EEZ) by vessel to ensure compliance with limits, gear requirements, area closures, and seasons.
- Patrolling dockside to ensure compliance with limits and seasons. Particular focus should be on species, daily, trip, weekly, monthly and cap limits, and total catch accounting.

## **PRIORITY THREE**

**Lacey Act Enforcement/Domestic Undocumented Fish:** In general, when fish and shellfish resources have been taken in violation of state, Federal, or tribal law, have a nexus with commerce, and are transported across a state or an international border, a violation of the Federal Lacey Act has occurred. Expanding patrol and inspection activities beyond fishing grounds and typical fish delivery sites is critical to taking the profit out of poaching, protecting the integrity of legitimate commercial industry, and determining whether catch was fully accounted for. Successfully tracing products through a highly mobile market is reliant on an investment of time conducting inspections at border crossings with Canada, Mexico and adjoining states, as well as cold storage facilities, shippers, and retail markets.

Officers have the broad inspection authority over commercial businesses engaged in dealing, shipping, transporting, storing, selling, or buying natural resources that is necessary to detect large-scale abuses.

Related Enforcement Activities:

- Border inspections on inbound and outbound commercial fisheries products to ensure compliance with harvest and catch accounting regulations
- Ground and air shipper inspections
- Marketplace inspections that detect undocumented fish, illegal commercialization, and misbranding or mislabeling events that undermine commercial fishing business and defraud consumers

## **PRIORITY FOUR**

**Illegal Foreign Fishing Incursions:** Obviously the presence of vessels fishing illegally disadvantages our fishermen and industry through competition for limited resources. But just as important, it compromises fishery management plans. Other ancillary impacts occur through unreported catch and failing to follow strategies that were designed for fishery sustainability. Given how tightly resources are managed today, a small number of non-compliance events can have profound impacts on legitimate U.S. commercial fishing operations.

Related Enforcement Activities:

- On the water patrol presence
- Collaborating with other law enforcement entities with joint border concerns

Thank you for this opportunity to provide comments on enforcement priorities on behalf of the Pacific Council.

Sincerely,



D.O. McIsaac, Ph.D.  
Executive Director

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C: Pacific Council members  
Enforcement Consultant members  
Mr. Bruce Buckson