

FEDERAL ENFORCEMENT PRIORITIES AND OTHER ENFORCEMENT ISSUES

The Northwest and Southwest Divisions of the NOAA Office of Law Enforcement (OLE) will provide a joint report on National Marine Fisheries Service (NMFS) enforcement activities and achievements over the last year (Agenda Item F.1.b, Supplemental NMFS Report).

In contrast to previous years, NMFS OLE is now soliciting comment on enforcement priorities on a year-round basis. This agenda item provides an opportunity to develop a coordinated comment within the Council process. The Council's 2011 comments on enforcement priorities are provided here as Agenda Item F.1.a, Attachment 1. Comments for 2012 were little different from those in 2011.

Council Action:

- 1. Provide comments on regional enforcement priorities.**
- 2. Other guidance as needed.**

Reference Materials:

1. Agenda Item F.1.a, Attachment 1, December 14, 2011 letter to OLE from Executive Director, Donald McIsaac, on enforcement priorities for 2012.
2. Agenda Item F.1.b, Supplemental NMFS Report.

Agenda Order:

- a. Agenda Item Overview
 - b. Federal Fishery Enforcement Priorities Report
 - c. Reports and Comments of Advisory Bodies and Management Entities
 - d. Public Comment
 - e. **Council Action:** Provide Comments on Regional Enforcement Priorities and Guidance, as Needed
- Jim Seger
Martina Sagapolu and Bill Giles

PFMC
10/10/13



Pacific Fishery Management Council

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Dan Wolford, Chairman
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December 14, 2011

Northwest Division
Special Agent in Charge Vickie Nomura
7600 NE Sand Point Way NE
Seattle, WA 98115

Southwest Division
Special Agent in Charge Don Masters
501 W. Ocean Blvd, Suite 4300
Long Beach, CA 90802

Subject: Annual National and Regional Enforcement Priorities, Comment Deadline December 15, 2011

Dear Ms. Nomura and Mr. Masters:

At its November 1-7, 2011 meeting in Costa Mesa, California, the Pacific Fishery Management Council (Pacific Council) reviewed the letter from National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement (OLE) Director Bruce Buckson, dated October 12, 2011 concerning NOAA Enforcement priorities. The Pacific Council considered public comment and written statements from four established advisory bodies, including their Enforcement Consultants committee comprised of NMFS, 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.

NOAA OLE is seeking input with respect to (1) "setting annual priorities at the national and regional level," and (2) "how the agency can develop national and regional priorities that reflect:

- The potential effective and or threat of non-compliance to the resource
- The status of the resource
- Efforts to improve compliance
- Opportunities for deterrence
- Catch share programs
- Efforts on cases outside specific priorities
- Available resources
- Other considerations as warranted"

In response, this letter (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 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. Field operations are then led by state enforcement personnel that can leverage patrol resources when there is limited Federal presence, complement the investigative role of NOAA Agents, determine compliance, identify and report on regulatory deficiencies, and bridge jurisdictional gaps.

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. Federal and state operations must be complementary of one another in a way that addresses the considerations Director Buckson notes in his letter to the Pacific Council; e.g. status of the resource, opportunities for deterrence, available resources, etc. 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.

NOAA is considering a change in enforcement strategy that places uniformed NOAA Officers in the field at the expense of filling vacant Special Agent positions. The West Coast States have developed and implemented an enforcement model that capitalizes on the strengths of the Federal and state JEA partnership to address Federal and Pacific Council enforcement priorities. The West Coast model has the ability to leverage over 600 general authority officers

that are already present and engaged in the community-based resource protection effort. The model takes advantage of the State partners' infrastructure in place, as well as trained, equipped and supervised personnel, already deployed to meet uniformed patrol needs. An important part of the time-tested West Coast model is the important role current NOAA Special Agents fulfill—as the necessary corresponding “detective force” with state and United States Coast Guard (USCG) partners.

We are concerned NOAA does not have adequate infrastructure in place to properly support a uniformed contingent, as is currently proposed. This approach appears to be duplicative of the state's ability to perform uniformed Federal fishery patrol functions. Investing in a “new” program versus using existing cost-efficient and available state resources does not make good sense in a time of increased fiscal challenges at the Federal and state levels.

Effectiveness on complex enforcement issues/priorities requires both patrol and detective or investigative functions. The patrol and detective/investigative functions are fundamentally different from each other. One aspect of enforcement requires call-for-service patrol officers focused on the responsibilities of day-to-day and emphasis patrols. The other aspect requires an investigative agent that is not consumed with the responsibilities that come with day-to-day patrols, and instead can focus and commit the time required to investigate large, complex cases. While many investigations are often a result of an initial uniformed officer, an investment in an agent/detective force is necessary if violations discovered at the field level are elevated.

Someone needs to have the time and latitude to focus on egregious offenses such as large-scale fraud. The expertise needed to be competent and successful in detecting, investigating, and eventually taking action on major fisheries cases necessitates a well-trained work force. It is critical to hire and train NOAA investigators with the requisite skill set to perform these complex fisheries investigations and ensure their effectiveness.

Recognizing that the highest priority should be maintaining the cohesive web of the successful Federal-state partnership in current existence on the west coast, we offer the following as issue-specific marine resource priorities.

PRIORITY ONE

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 State 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.

Related Federal Activities:

- Coordinate cooperative compliance programs in watersheds with a history of water diversion, barriers to fish passage, and screening.
- Assisting in and coordinating investigations involving egregious hydraulics violations and habitat damage.
- Investigate large-scale ESA take case referrals.

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 State 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.

Related Federal Activities:

- Investigate field referrals involving significant catch accounting violations and fraud.

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.

State Officers/Troopers 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 State Activities:

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

Related Federal Activities:

- Focus on large scale violations involving the movement of illegally taken or marketed fish with interstate or international nexus
- Lead and coordinate multi-jurisdictional approach to investigations

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 State Activities:

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

Related Federal Activities:

- Coordinate the cross jurisdictional investigative response.
- Investigate large scale illegal harvests

USCG COMMENTS

The US Coast Guard is an important partner in the West Coast enforcement efforts. The Pacific Council understands that the USCG will be providing comments separately and strongly encourages their consideration in your decision-making process.

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

C: Pacific Council members
Enforcement Consultants
Mr. Bruce Buckson
Mr. Terry Duhn

ENFORCEMENT CONSULTANTS REPORT ON
FEDERAL ENFORCEMENT PRIORITIES AND OTHER ENFORCEMENT ISSUES

The Enforcement (EC) has reviewed Agenda Item F.1.b and also received an overview of NMFS Office of Law Enforcement's (OLE) 2013 Regional Priorities from Acting Special Agents in Charge William Giles and Martina Sagapolu. The EC appreciates the opportunity to provide comment on these regional priorities as they guide enforcement efforts. The states also utilize the regional priorities to assist in establishing state specific joint enforcement agreements (JEA) priorities each year. Regional priorities have not changed since set through the comment process started in 2011. The EC recommends the Council submit the same comments outlined in the December 14, 2011 Council letter, with one exception: remove from the letter the comments on page two and three related to the potential implementation of an OLE uniformed enforcement officer field force. As the Council is aware, the uniformed enforcement officer program has since been implemented, with officers stationed in West Coast states. As a result, these comments are no longer applicable.

PFMC
11/02/13

**National Marine Fisheries Service
Office of Law Enforcement**

**PACIFIC COAST ENFORCEMENT HIGHLIGHTS
(NORTHWEST/SOUTHWEST DIVISIONS)**

**REPORT TO THE
PACIFIC FISHERIES MANAGEMENT COUNCIL**



November 2, 2013

To report fisheries violations, please call
OLE's National Hotline at 1-800-853-1964

Regional Priorities

Northwest/Southwest Priorities remain the same. National Priorities will be reviewed every five years. Comments concerning Regional Priorities may be submitted to appropriate personnel.

Supporting Sustainable Fisheries and Safe Seafood

Overall Priority		Northwest	Southwest		
Focus resources on overfished stocks and stocks experiencing overfishing.		Cases involving adverse impacts on overfished stocks.	Noncompliance with trip and cumulative limits, especially catch share programs.		
Expand contact with the regulated communities.		Patrols at sea and shoreside.	Pacific highly migratory species fishery.		
Focus enforcement services to support commercial and recreational catch reporting in support of annual catch limit monitoring.		Noncompliance with trip and cumulative limits, especially catch.	Catch reporting and trip limits.		

Supporting Recovered and Healthy Marine and Coastal Species and Healthy Habitats

Overall Priority		Northwest	Southwest		
Improve compliance with regulations to protect endangered species.		Inadequate water volume and/or barriers to fish passage in streams that impact migration or spawning.	Habitat protection and inadequate water flow and/or barriers to fish passage in streams that impact migration or spawning.		
Expand enforcement services provided to support National Marine Sanctuaries.		Unlawful discharges or groundings of vessels within sanctuaries.	Unlawful discharges or groundings of vessels within sanctuaries.		
Reduce illegal vessel/person/marine mammal interactions.		Lethal, intentional and/or egregious take of any marine mammal.	Lethal takes, Level A harassment with the potential to injure marine mammals.		

Go to http://www.nmfs.noaa.gov/ole/priorities/regional_priorities.html

Send written comments to Acting SAC William Giles concerning Northwest issues and Acting SAC Martina Sagapolu for Southwest issues. See the web link for internet access to NW/SW Priorities.

West Coast Trawl Rationalization Program

Regulatory Compliance and Law Enforcement Assistance Program for the Trawl Rationalization / Catch Shares Fishery

In January 2011, the new West Coast Trawl Rationalization /Catch Share Fishery (TRat) became operational. With this new program came an increase in workload for the Office of Law Enforcement. Due to the reduction of our agent workforce over the last several years, a new way to address potential violations was needed.

As the result of the workload, the Northwest Division developed a program in mid-2011 that was initially designed to relieve the workload on the special agents, but it quickly became apparent that the program had additional benefits in industry compliance. The program provides notice to the industry of enforcement incidents that require corrective action, and does so in near real time.

In the Fall of 2010, the Northwest Division hired three new Trawl Rationalization Technicians in anticipation of the start of the new TRat fishery to monitor participating fishing vessels. The new technicians were trained and currently work alongside four existing Vessel Monitoring System (VMS) Technicians.

Enforcement technicians identify potential violations through their routine monitoring of VMS and TRat vessels; once a potential violation is identified they collect, review and analyze all incident information and then work with the Northwest Division VMS/TRat program manager to resolve issues through a series of corrective actions. Corrective actions range from making telephone calls informing the fisherman of the potential violation, sending compliance letters to those that were not reached by telephone, or the preparation of a case package for review by an Assistant Special Agent in Charge (ASAC). A set of protocols was established for a logical progression in the decision making process in the handling of these incidents and in the gathering of documents and information for a potential case package. If it is decided that the incident is serious enough or there is a history of similar offenses, a case package is prepared and forwarded to an ASAC for consideration for further investigation. The violations that the technicians identify are:

- Closed area incursions
- Declaration incidents
- Non-Reporting VMS units
- Vessels fishing in IFQ deficit (New TRat Regulation)
- Vessels fishing in more than one IFQ area (New TRat Regulation)
- First receiver failure to submit E-fish ticket within 24 hours (New TRat Regulation)

In the development of the process it became evident that a benefit of this program was compliance assistance. Enforcement technicians would make telephone calls to inform industry

members on issues that require corrective action when an incident is identified. Because technicians monitor vessels on a daily basis, (Monday through Friday during business hours) they can quickly identify potential problems, such as a non-reporting VMS unit or fishing in deficit, and contact the fisherman. If the technician was unable to contact the fisherman, after making three attempts over a period of a week, a compliance letter would be sent out to the fisherman advising them of the corrective action that was needed. If an incident deemed to be serious or involved a multiple violator, the technician would be directed to gather pertinent information and documents for completing a case package and then forwarding to the ASAC for further consideration.

The below statistics demonstrate how effective this program has been in obtaining compliance and reducing the number of incidents, not only for the new TRat program, but also for existing fisheries where VMS is being utilized. Unfortunately, due to the partial government shutdown, we are only able to provide the number of investigations that resulted from incidents for 2013. For the Northwest there were nine investigations and for the Southwest there were two.

Northwest Division Incidents Identified

<u>Year</u>	<u>VMS</u>	<u>TRat</u>
2011	208	51
2012	133	14
2013	44	7 (As of 9/30/2013)

Southwest Division Incidents Identified

<u>Year</u>	<u>VMS</u>	<u>TRat</u>
2011	127	26
2012	88	13
2013	70	1 (As of 9/30/2013)

TOTAL INCIDENTS (COMBINED NW/SW)

2011	412
2012	248
2013	122

Magnuson-Stevens Fishery Conservation and Management Act

A Canadian Citizen falsified a fishing permit to fish for tuna in the US EEZ. During the course of the investigation, the Canadian citizen admitted to knowing it was wrong to falsify information on the permit application. It was estimated that the vessel had harvested \$150,000.00 worth of fish in US waters. Unfortunately, the Office of General Counsel Enforcement Section declined to prosecute the case because the application process was unclear, in that there was no requirement on the application to declare U.S. citizenship. This case helped

solidify and push for changes to the permit process and is requiring applicants to declare their citizenship to meet the requirement of the law. This case, and others like it, was a result of the Tuna Treaty Negotiations that was signed in June that reduced the number of Canadian vessels that can fish in US waters to 42.

In late September, right before the government shut down, Operation *SALMON SLAYER*, an intelligence-driven operation took place between USCG, NOAA OLE, and CDFW from September 26-30, 2013. The operation coincided with the closure of the commercial Salmon season. USCG and CDFW dispatched both water and air support – CGC PIKE, SOCKEYE, TERN provided surface patrols and CDFW dispatched one of the fixed wing planes, while the USCG Air Station San Francisco dispatched a helicopter on daily flights. NOAA OLE provided 2 special agents and 2 Enforcement Officers split among the various assets. The operation resulted in a total of 179 boardings – 140 occurred on shore and 39 were conducted at sea. The operation proved to be a success, resulting in the detention and seizure of catch from a suspected fishing vessel operating in federal waters with no VMS. Two other violations were detected from the shore team involving retention of endangered species and one case of barbed hooks.

National Marine Sanctuaries Act

OLE participated in a joint operation with state partners at the Mavericks Invitational Surf contest at Pillar Point, located within the Monterey Bay National Marine Sanctuary. The operation was to ensure only permitted Motorized Personal Water Crafts (jet-skis) used for safety and rescue purposes, operated outside the Sanctuary's MPWC zone during the high surf contest. The operation resulted in the issuance of a \$500.00 Summary Settlement Notice to an individual for unlawful operation of a motorized personal water craft within the MBNMS.

Marine Mammal Protection Act

A Southwest agent issued two separate \$525.00 criminal CVB tickets as recommended by the United States Attorney's office concerning two squid light-boat operators. Initially OLE was pursuing a criminal case against the boat operator as it appeared he was intentionally harming the marine mammals and was not engaged in fishing activities. The operator was videotaped by a member of the public shooting at marine mammals with a long gun off the coast of Malibu. The operator admitted to being the boat operator in the video and to using a pellet gun to shoot at sea lions. He had no gear in the water and was not protecting catch as required under the exceptions under the MMPA for deterrence while commercial fishing. The boat operator stated that he may have hit marine mammals while shooting at them. The pellet gun was seized as evidence.

A Southwest Enforcement Officer responded to a call about a woman who had taken a harbor seal pup to home in northern California. The woman was issued a monetary fine of a \$100.00 through a Summary Settlement Notice. Throughout the year, OLE has seen an increase in human interaction with marine mammals – water users attempting to get a close look at pods of whales that have come closer to shore. On a daily basis, we receive calls involving Stand Up Paddlers (SUP), kayakers and whale watching tours getting close to the marine mammals. OLE, along with NMFS Protected Resource Division personnel work together with local vendors and hand out informational pamphlets about the MMPA regulations.

Endangered Species Act

Puget Sound Steelhead and Chum Salmon Habitat Destruction on Tahuya River

This was a joint investigation with EPA-CID involving a 1,000 feet of river that was rechanneled with heavy equipment. The case involved *take* of active Reds and attempts were made to salvage stranded juveniles. The case has been presented to the US Attorney's office and is pending charges of Felony Clean Water Act and Misdemeanor Endangered Species Act violations.

UBF Seal Oil Case involving Mislabeling & Conspiracy

In October 2013, a nine count Indictment and two arrest warrants were issued to UBF company officers. A U.S. company conspired with a Chinese business to falsely label seal oil shipments from China. The Chinese national and business entered a plea agreement and agreed to pay \$500,000.00. Prosecution is pending on remaining President of the company who is currently in China. About four million capsules were seized during a search warrant, valued between \$50,000 and \$100,000.

Community Relations

Addressing Poaching Activities of Listed Species on the Garcia River

On October 19, 2013 The Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, a federally recognized sovereign Indian Tribe, announced the recent resolution adopted by the Rancheria Pomo Tribal Council. The Resolution focuses on the protection of Endangered Species on the Garcia River and authorizes CDFW to enforce state wildlife regulations within tribal boundaries along the Garcia River. The push for closer collaboration among partners stemmed from an article in a local paper about poaching activities occurring on the Garcia. The article contained false information and caused a stir within the Manchester-Pomo tribe. Nelson Pinola, chairman of the Manchester-Pomo Arena Band of Pomo Indians was adamant in proving the story was wrong. The tribe wanted something done to address the poaching activities and contacted NOAA OLE. Pinola reached out to Congressman Jared Huffman's office for assistance. Congressman Huffman joined Nelson Pinola to convene multiple meetings over the past four months involving representatives from the NMFS, CDFW, North Coast Water Quality Control Board, as well as conservation groups to address the poaching problems on the river. (*see attached press release from Congressman Huffman*)

For Immediate Release

Huffman Announces Historic Anti-Poaching Agreement Between Tribes, Federal and State Agencies

Huffman: "This will serve as a guide for partnerships across the country"

WASHINGTON—Today, Congressman Jared Huffman (D-San Rafael) announced a historic accord on a shared responsibility and common strategy to combat poaching of critically low populations of steelhead and coho salmon on the Garcia River in northern California.

Huffman joined Nelson Pinola, chair of the Manchester-Point Arena Band of Pomo Indians, to convene multiple meetings over the past four months involving representatives from the National Marine Fisheries Service, California Department of Fish and Wildlife, North Coast Water Quality Control Board, as well as conservation groups to address the poaching problems on the river.

The Manchester-Point Arena Band of Pomos drafted a resolution to work with agencies and abide by state and federal fishing regulations. Under the resolution, tribal members will not fish for endangered and listed fish such as coho salmon and steelhead, but instead will accept fish from other sources for ceremonial and other tribal purposes. In addition, fishing IDs will be issued to all members of the tribe for identification purposes. New fishing information signs are being created to hang throughout the Garcia Watershed, and plans for multi-agency and tribal monitoring are being formulated.

"I'm glad the Manchester-Point Arena Band of Pomo and all government agencies were able to come together to create a unique cooperative framework to prevent poaching on the Garcia River. This is not only critical for fragile salmonid populations on the river, it could serve as a guide for partnerships across the country," Congressman Huffman said. **"After more than two decades of hard restoration work, the Garcia River is in recovery. But fishery populations are still critically low and we must ensure that these endangered fish are protected, all while respecting the tribe's right to fish in their waters."**

"We started working on these issues when a newspaper story ran with incorrect information," said Nelson Pinola, chair of the MPA Band of Pomos. **"Native Americans don't live in a black and white world when it comes to the law. For us it's a gray mix out there of federal laws, state regulations and local ordinances. Independence is infringed by who has jurisdiction over what. This has been a productive interaction with the agencies. The BIA is interested in our outcome as this cooperation is unique in Indian Country."**

Over the last 15 years more than \$13 million has been invested in conservation and mitigation efforts for the Garcia River Watershed. As more fish return to the Garcia to spawn, reports and one major citation of poaching fueled the need to address this issue. The inter-agency meetings and tribal resolution were unprecedented according to participants.

The multi-agency cooperation will continue as the first salmon and steelhead begin to enter the west coast rivers in the next few weeks. A formal announcement will be made on October 19 at the MPA Rancheria in Point Arena. Agency representatives and The Nature Conservancy, Conservation Fund, and Trout Unlimited will participate in the announcement.

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COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT ON
FEDERAL ENFORCEMENT PRIORITIES AND OTHER ENFORCEMENT ISSUES

The Coastal Pelagic Species Advisory Subpanel (CPSAS) and Coastal Pelagic Species Management Team (CPSMT) received a joint briefing from Ms. Martina Sagapolu and Mr. Bill Giles on regional enforcement priorities.

The CPSAS would like to thank enforcement representatives for taking the time to meet and consult with the CPS advisory bodies. The CPSAS is supportive of enforcement representatives meeting with the fishing community and soliciting public input on their priorities.

Noting limited overlap with the priorities identified and CPS fisheries, the CPS advisory bodies asked enforcement about the performance of the CPS fleet and received a positive report. To date, there have been minimal regulatory violations in the CPS fisheries.

At this time, the CPSAS does not have specific comments on the enforcement priorities.

PFMC
11/02/13

GROUND FISH ADVISORY SUBPANEL REPORT ON FEDERAL ENFORCEMENT PRIORITIES AND OTHER ENFORCEMENT ISSUES

The Groundfish Advisory Subpanel (GAP) heard presentations from Ms. Martina Sagapolu and Mr. Bill Giles about enforcement priorities for the coming year.

While the GAP understands the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) enforcement priorities had not changed dramatically from 2012, GAP members offer comments about two issues of particular concern.

Trawl rationalization issues

GAP members note that under a rationalized system, less enforcement is needed in the field and that OLE should consider concentrating more of its efforts on tracking data issues and problems. OLE's own data supports this. The numbers of enforcement incidents related to the trawl rationalization and vessel monitoring system (VMS) programs have steadily and significantly declined in both the Northwest and Southwest Divisions over the past three years (see Page 4 of [Supplemental NMFS Report](#) under this agenda item) and the fleet should be commended.

The rationalized trawl program is now more efficient; it also operates under a more cooperative strategy between the industry and NMFS. Examining differences or glitches in data may be simply resolved by calling the fleet or co-op manager instead of boarding a vessel at sea. Increasing technological advances in communications and data analysis make these resolutions commonplace.

Besides being a fundamental shift in the way the fishery is prosecuted, the rationalization program also represents a fundamental shift in the way enforcement procedures are carried out.

We understand NMFS OLE is in the process of hiring people to help agents with data review but that it's a slow process. Therefore, the GAP recommends that expediting hiring be a priority, not only for NMFS OLE, but for the agency departments responsible for making this change happen.

Our other concern related to the trawl rationalization program pertains to cost recovery: it is imperative the OLE budgets do not depend on the trawl program to cover the cost of hiring personnel or allow personnel hours that are not strictly related to the trawl rationalization program. We need to keep the costs as low as possible to make this program work and not put undue burdens on the industry.

Poaching south of Pt. Conception

The GAP suggests the Southwest Division prioritize enforcement of poaching south of Pt. Conception. The GAP was informed that poaching is a problem in this area.

Poaching, whether by the sport or commercial sector, creates a negative perception of the fishing industry as a whole, the management process and enforcement, while harming the long-term health of specific stocks and of the fishery.