

## Report from the Enforcement Consultants Representing the States of Washington, Oregon, and California regarding continued JEA Funding

Enforcement Consultants (EC) representing the states of Washington, Oregon, and California ask the Council for their continued support in maintaining Joint Enforcement Agreement (JEA) funding to the states for Federal fisheries-related enforcement.

The Magnuson-Stevens Fisheries Management and Conservation Act (MSA) authorized NOAA to enter into JEAs in 2001 with participating state marine enforcement agencies. JEAs maximize the effectiveness of law enforcement efforts by defining national marine fisheries priorities, supporting comprehensive cooperative planning efforts, and enabling inter-jurisdictional fisheries enforcement. The JEAs provide the states with funding for this important work.

The Department of Commerce FY20 budget, based on the President's budget proposal, calls for the elimination of funding for JEAs. This highly productive and results-oriented program, funded at a rate of \$17-\$18 million per year, allows states to leverage more than 3,500 officers to partner with NOAA to protect living marine resources. Just in FY18, the west coast states of Washington, Oregon, and California have agreed to direct over 17,000 hours of enforcement work towards Federal priorities in support of their respective JEAs.

At the April 2018 Council meeting the EC made a similar request for Council support of continued JEA funding. Refer to Agenda item H.3.a for the Supplemental EC Report from Washington/Oregon/California. The Council wrote a letter, dated May 3, 2018, in support of continued JEA funding to Secretary Wilbur Ross of the Department of Commerce. The previous letter has been attached for your reference.

PFMC  
06/25/19



## Pacific Fishery Management Council

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May 3, 2018

The Honorable Wilbur L. Ross, Jr.  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230

Re: Need for Secure Joint Enforcement Agreement (JEA) Funding and Budget Line Item

Dear Secretary Ross:

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. §1801 *et seq.*, authorizes the National Oceanic and Atmospheric Administration (NOAA) to enter into JEAs with participating state marine enforcement agencies, a practice which began in 2001 and has continued since. JEAs maximize the effectiveness of state and Federal law enforcement efforts by coordinating national marine fisheries priorities with state law enforcement, supporting comprehensive cooperative planning efforts, enabling inter-jurisdictional fisheries enforcement, and augmenting state and Federal law enforcement capacities. Thus, the JEAs provide the states with funding which enhances their ability to work hand-in-hand with Federal partners to ensure the effectiveness of a management system responsible for fishery sustainability. On the West Coast, these fisheries contribute over a billion dollars of economic activity annually to the nation's economy.

The Department of Commerce FY19 budget, based on the President's budget proposal, calls for the elimination of funding for JEAs. This highly productive and results-oriented program, funded at a rate of \$17-\$18 million per year, allows states to leverage more than 3,500 officers to partner with NOAA to protect living marine resources. In FY17 alone, the West Coast states of Washington, Oregon, and California have agreed to direct over 25,000 hours of enforcement work towards Federal priorities in support of their respective JEAs. One significant reason JEA funding should be maintained is simply because the states, through the JEAs, are carrying out responsibilities for enforcing Federal laws not only in the Exclusive Economic Zone but also other geographic areas.

There is a continued need to enhance the Federal enforcement presence at landing sites and on the water. Many stocks of federally regulated fish have been designated as "overfished" or listed as "threatened" or "endangered." In the last ten years, new management strategies to address conservation concerns have resulted in a magnified patrol responsibility for the entities charged with the enforcement of a very complex, but important, set of regulations.

Without question, state officer deployment through JEAs has proven to be an extremely valuable and effective approach to achieving compliance in federally managed fisheries and is important to

achieve the conservation objectives set by Regional Fishery Management Councils. Losing or diverting JEA funds will result in less protection at a greater cost to the Federal government, the states, and the communities that rely on sustainable fisheries. With adequate and protected funding, the states have demonstrated they are capable of fulfilling the fisheries enforcement mission with officers who:

- have the ability to leverage state authorities that fill gaps in Federal authority and regulations;
- can relate to the communities that depend on these resources; and
- can demonstrate a great return for the investment.

There may also be opportunities to strengthen enforcement efforts through coordination with tribal law enforcement departments. The Pacific Council has a designated tribal seat and we coordinate management closely with our tribal management entities. Many tribes have dedicated enforcement programs and coordination between NOAA and the tribes' enforcement personnel could add to the efficiency of NOAA's enforcement efforts.

Without adequate and protected funding, the following are examples of the types of functions that may be at risk:

- Maintaining order in domestic federally regulated fisheries. Consistent law enforcement presence is required for effective fishery management. JEA funding to eligible states provides for increased patrol effort and increased ability to support compliance programs.
- Ensuring the fairness in international trade. Millions of dollars in illegal natural resources are imported and exported annually to ready markets. JEAs have provided funding for an increase in the monitoring of this activity with measurable results. This monitoring is now at risk. With funding surety, states are able to leverage additional local authorities to conduct inspections and more effectively discover violations.
- Protecting the fish habitat in marine and freshwater environments that is essential to fishery sustainability and consequent benefits to commercial and recreational industries and the U.S. economy. JEAs have provided funding for more law enforcement presence to address habitat destruction in areas where species are sensitive. Without adequate protection, commercial, recreational, and Native American communities are negatively affected.

In order to support these activities and the longer-term commitments that can enhance governmental efficiency, the Council respectfully requests that you **move to protect and maintain funding for the JEA program as a line item in the budget**. Such a commitment will help ensure ongoing production from valuable fishery resources by supporting the state enforcement activities necessary for an effective Federal-state partnership—a partnership that makes best use of taxpayer dollars to address what are, in large measure, Federal responsibilities.

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Sincerely,

A handwritten signature in black ink, appearing to read "Phil Anderson". The signature is fluid and cursive, with the first name "Phil" and last name "Anderson" clearly distinguishable.

Phil Anderson  
Council Chair

JLS:aef

Cc: Council members  
Enforcement Consultants  
RMFC Executive Directors  
Sheila Lynch