



### WEST COAST JEA STATES OF WASHINGTON, CALIFORNIA, AND OREGON

In response to a request by Council member, Mr. Phil Anderson, the state partners of the Enforcement Consultants (EC) have prepared a briefing paper regarding the reduction of Joint Enforcement Agreement (JEA) funding for the West Coast States for 2011. The state partners respectfully request that the Council consider writing a letter to NOAA supporting an increase in funding for the West Coast States, based on the following theme:

***The protection of recovering fish populations and their habitats, along with increasing regulatory complexity associated with management of West Coast recreational and commercial fisheries requires additional funded enforcement presence, not less.***

The West Coast States have been involved in a decades-long Cooperative Enforcement Agreement (CEA) with the National Oceanic Atmospheric Administration Office for Law Enforcement (NOAA OLE). That partnership was eventually supported with funding through an annual Joint Enforcement Agreement (JEA) opportunity available to the nations coastal states.

The 2011 JEA solicitation period resulted in funding reductions from previous levels for all three West Coast States (WA – 5.32%; OR – 6.74%; CA – 2.57%). At the same time at least 11 other states (10 East Coast States and Hawaii) received increased allocations totaling almost \$1.2 million, with Hawaii nearly doubling.

While the allocation of JEA funds for federal fisheries protection is based on a number of criteria in the NOAA award matrix being pounds of commercial and recreational catch, angler trips, and number of processor/wholesale dealers. The formula is heavily weighted toward the total amount of pounds of federally regulated fish or shellfish that are delivered into a given state. This model design favors abundant and sustainable fisheries. No value is placed on the protection of stocks that have declined. Nor has the thousands of miles of inland rivers and creeks requiring an enforcement presence been considered, something that is necessary to protect migrating species relying on freshwater as part of their life cycle. It is unclear if the reductions for the West Coast were used to fund increases for other regions. We do know that some award enhancements were based on increases in fish landings resulting in a higher funding score for some states, but the rationale behind the others is unclear.

The West Coast States are home to 33 salmon and steelhead stocks listed as threatened or endangered under the Endangered Species Act (ESA), with more salmonid populations listed as a “species of concern”. Eulachon and Green Sturgeon are also listed under the ESA. Enforcement of ESA regulations in either state inland or Federal waters is an important part of the NOAA-OLE function in our region, and is currently addressed in the various JEA agreements as a patrol priority. Since many of these ESA listed species migrate through marine and freshwater boundaries, the three jurisdictions rely on one another to provide adequate protection. Some salmon and steelhead populations are returning to freshwater to spawn in smaller and smaller numbers (single digits in some cases), a far cry from when they numbered in the tens of thousands. Illegal take or spawning habitat damage can result in irreversible impacts to stock recovery.

In addition to the ESA concerns, the West Coast has seven Pacific Coast rockfish populations and Petrale Sole designated as overfished under the Magnuson Stevens Fishery Conservation and Management Act. These fish are long lived and slow to reproduce. The effects of non-compliance with regulations in place to ensure rebuilding plan success can have major stock and industry-wide consequences.

In light of virtually every marine and fresh water area on the West Coast occupied by an ESA listed or an over fished designated species, access to healthy federal fisheries by commercial and recreational interests is often constrained. As a result, fisheries managers struggle with how to provide harvest opportunity on healthy populations without impacting rebuilding efforts for species that require recovery. Minimizing impacts is in part achieved through a combination of season structures, area closures and mandated specialized gear and release techniques meant to increase survivability for incidentally caught fish. As a consequence, we probably have the most complex set of fisheries regulations in the world.

The expertise required to monitor these fisheries necessitates officer specialization in order to be effective. The West Coast fisheries enforcement agencies are facing the most complex set of regulations ever implemented with the onset of Trawl Rationalization, a program involving over 90 species of groundfish. The West Coast fisheries enforcement agencies are facing the perfect storm of limited resources combined with additional demands for service. Now is not the time to reduce funding for the JEA partners.

The West Coast States again appreciate the Council’s consideration in writing a letter to NOAA to express how further funding consideration should be given to overfished species and ESA related issues as it relates to West Coast fisheries protection and enforcement.

PFMC  
11/08/10