

# North Pacific Fishery Management Council

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## **Enforcement Committee Agenda**

**June 6, 2017**

**1pm – 4pm**

**Egan Room, Centennial Hall Convention Center  
Juneau, Alaska**

### **I. Elect New Committee Chair**

### **II. OLE National Priorities**

#### **Background:**

The Council has requested the assistance of the Enforcement Committee on soliciting input on crafting new national enforcement priorities for the Alaska Division. OLE HQ is conducting a 5-year strategic review of NOAA's enforcement priorities (see Appendix 1 for further information). This priority-setting process is used to focus the limited resources of OLE and our state and federal enforcement partners on the most critical enforcement challenges. To that end, OLE HQ has requested input from the Council to craft new national enforcement priorities for the Alaska Division. OLE HQ is looking at changing the way they list the enforcement priorities, which was by statutes and ranking of priority (high, medium, low). The categories being considered by OLE HQ are: Sustainable Fisheries, Protected Resources, IUU Fishing, Wildlife Trafficking, and Seafood Fraud. OLE HQ is also looking at developing more operational level actionable priorities vice the current strategic level priorities that were not necessarily specific. Finally, OLE HQ request that the Council's the prioritize the recommendations in order of highest to lowest.

As a reference to our current enforcement priorities and to help generate input on the OLE HQ request, I have included our 2012-2017 Alaska Division Enforcement Priorities as Appendix 2. Our current enforcement priorities fall into three categories: Magnuson-Stevens Act, Endangered Species Act and Marine Mammal Protection Act, and International/Lacey Act. Focusing on our current enforcement priorities for the Alaska division as a start to providing input on the new enforcement priorities, it appears that a good share of the current priorities overlap with three of the new categories: sustainable fisheries, protected resources, and IUU fisheries. For example, most of the current enforcement priorities listed under Magnuson-Stevens Act would likely overlap with sustainable fisheries, priorities listed under the Endangered Species Act and Marine Mammal Protection Act would overlap with protected resources category, and priorities under the International/Lacey Act would overlap with IUU fisheries.

#### **Enforcement Committee task**

Using this overlap of our current priorities in conjunction with the new OLE HQ categories, please provide input on more operational level actionable priorities for the Alaska Division by the five new categories and rank those priorities.

## Appendix 1

### NOAA FISHERIES OFFICE OF LAW ENFORCEMENT PRIORITY SETTING STANDARDS *2017 and Beyond*



#### Priority setting will look across all NOAA statutory authorities **EVERY FIVE YEARS**

1. From **April 1 through May 30**, the ASSISTANT DIRECTOR in each region will:
  - a. Evaluate previous year's priorities and the basis for continued attention. Consult Joint Enforcement Agreement annual reports and OLE eAOP milestone data to assist in this evaluation. Develop draft initial priorities from this analysis
  - b. Seek input from NMFS Regional Administrator as to priorities in their region
    - i. Sustainable Fisheries
    - ii. Protected Resources
  - c. Seek input from Sanctuaries and Monuments
  - d. Seek input from other fisheries programs and fishery management councils
  - e. Seek input from state enforcement partners and the USCG
  - f. Seek input from DOJ/ECS
  - g. Seek input from other sources of data and information as appropriate
  - h. Consult with GCES and obtain their input on their priorities. With GCES, identify high priority enforcement areas (if any) for the next five years for that Region in each of the following primary areas
    - i. Sustainable Fisheries
    - ii. Protected Resources
    - iii. Sanctuaries/Monuments
    - iv. IUU/International
    - v. Seafood Fraud
    - vi. Wildlife Trafficking
  - i. Tentative list of priorities will be developed and sent to OLE HQ for consolidation
2. **June 1 – July 15**, Tentative list of priorities will be posted on the OLE website
  - a. Once posted, members of the public will have the opportunity for input via an email mailbox posted on the OLE website for a period of 30 days.
  - b. ASSISTANT DIRECTORS will evaluate resources available to address priorities
  - c. ASSISTANT DIRECTORS will develop a draft plan that identifies final draft high priority areas of enforcement and a plan for implementation.
  - d. Each ASSISTANT DIRECTOR will provide the draft to the Director of OLE
3. **July 15 - August 15** the OLE Director will:
  - a. Review and revise (if needed) the draft Regional plans in consultation with the Divisional ASSISTANT DIRECTOR
  - b. Have final consultation with the Chief of GCES and DOJ/ENRD (if deemed necessary)
  - c. Determine National Priorities based on Regional and HQ program efforts
  - d. Submit final plan to AA for Fisheries for **August 31 target approval date**.

#### Continuous Evaluation Process

OLE recognizes that priorities may change within a five-year period. Each Division will continuously monitor priorities and possible changes by maintaining communication with internal and external entities that help inform OLE priorities. Any major priority changes shall be discussed with the Deputy Director. If major changes are deemed necessary, the Division AD with the Deputy Director will discuss the proposed change with the Director for ratification.

## Appendix 2

### **2012-2017 ALASKA DIVISION: ENFORCEMENT PRIORITIES<sup>1</sup>**

#### **Magnuson-Stevens Act**

##### **High Priority**

- Observer assault, harassment, or interference violations
- Felony and major civil cases involving significant damage to the resource or the integrity of management schemes
- Commercialization of sport-caught or subsistence halibut
- Maritime Boundary Line incursions by foreign fishing or transport vessels
- Outreach and education

##### **Medium Priority**

- Misdemeanor and civil cases involving observer coverage violations
- Closed Area/VMS Violations, ongoing
- Commercial vessel incursions into closure areas or other Marine Protected Areas
- Recordkeeping and reporting violations that impact data consistency or integrity
- Violations involving lesser damage to the resource or the integrity of management schemes

##### **Low Priority**

- Catch reporting and trip limits
- Noncompliance with trip and cumulative limits and record keeping requirements for landings of federally managed marine species, and specifically catch share programs
- Gear violations
- Deployment of unlawful gear utilized in commercial fisheries under NOAA's jurisdiction
- Lesser permit violations
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#### **Endangered Species Act and marine mammal Protection Act**

##### High Priority

- Violations wherein responsible subject and species are identifiable
- Lethal takes, Level A harassment with the potential to injure marine mammal stock
- Species of interest are Cook Inlet beluga, other whale species, northern fur seal, or Steller sea lion
- Any violation involving injury or potential injury to people, such as a vessel-whale collision
- Outreach and education

##### Medium Priority

- Non-lethal takes, Level B harassment with the potential to disturb a marine mammal stock in the wild by causing a disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering
- Species is threatened rather than endangered

##### Low Priority

- Violations wherein responsible subject is not identifiable
- Injured or dead animal cannot be located
- Objective evidence is not obtainable

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<sup>1</sup> NOAA's Office of Law Enforcement, National and Division Enforcement Priorities for 2012-2017, February 2015

- Takes of individual marine mammal species that appear consistent with legal harvest by Alaska Natives

### **International/Lacey Act**

#### High Priority

- Felony and major civil violations (e.g., interstate or foreign trafficking of commercial quantities of illegally harvested fish or marine resources)
- Harvest or transshipment of marine resources by foreign fishing vessels
- Domestic or international violations involving seafood safety; substantive mislabeling of product in domestic or international commerce
- IUU listed vessels