



*U.S. DEPARTMENT OF COMMERCE
Office of Inspector General*



*National Oceanic and
Atmospheric Administration*

*NOAA's Management of the Joint
Enforcement Agreement Program
Needs to Be Strengthened*

*Final Report No. IPE-19050-1
September 2008*

FOR PUBLIC RELEASE

Office of Audit and Evaluation






September 30, 2008

MEMORANDUM FOR: Conrad C. Lautenbacher, Jr.
Vice Admiral, U.S. Navy (Ret.)
Under Secretary of Commerce
for Oceans and Atmosphere

James W. Balsiger, Ph.D.
Acting Assistant Administrator
National Marine Fisheries Service

Jane C. Luxton
NOAA General Counsel
Office of General Counsel

FROM: 
Judith J. Gordon
Assistant Inspector General
for Audit and Evaluation

SUBJECT: National Oceanic and Atmospheric Administration:
NOAA's Management of the Joint Enforcement
Agreement Program Needs to Be Strengthened
(Final Report No. IPE-19050-1)

As a follow-up to our August 2008 draft report, we are pleased to provide you with the final report summarizing the results of our review related to NOAA's management of the joint enforcement agreement program (JEA). We thank you for your comments on the draft report and enclose them in their entirety as an appendix to this report. We made changes to the final report in response to your comments, where appropriate.

We looked at this program in 2003¹ and identified a number of needed improvements. In our current review, we revisited the program and noted some progress in addressing our concerns. However, we found the JEA program remains hampered by administrative and operational deficiencies that prevent NOAA from maximizing the benefits of these partnerships. The report presents several

¹ *NMFS Should Take a Number of Actions to Strengthen Fisheries Enforcement* (Final Report No. IPE-15154/March 2003).

recommendations to strengthen the JEA program. We appreciate your concurrence with our recommendations. A discussion of your response to our recommendations follows each relevant section in the report. We request that NOAA provide an action plan within 60 calendar days that addresses the status of implementing our recommendations.

If you or your staff have any questions about this final report, please contact me or Lisa Allen on (202) 482-2754.

cc: Dale Jones, director, office for law enforcement
Richard Mannix, assistant general counsel for enforcement litigation, NOAA
Mack Cato, audit liaison, NOAA

INTRODUCTION

OLE relies on the U.S. Coast Guard and coastal state² marine enforcement agencies for help enforcing federal fisheries regulations (figure 1) within the 200 miles of U.S. coastline known as the U.S. Exclusive Economic Zone (EEZ). Its partnership with state law enforcement agencies is extended under two types of agreements: (1) cooperative enforcement agreements that deputize state enforcement officials to enforce federal fisheries laws in federal waters and (2) joint enforcement agreements (JEAs) that provide a mechanism for transferring federal dollars to the states to fund their federal enforcement activities.

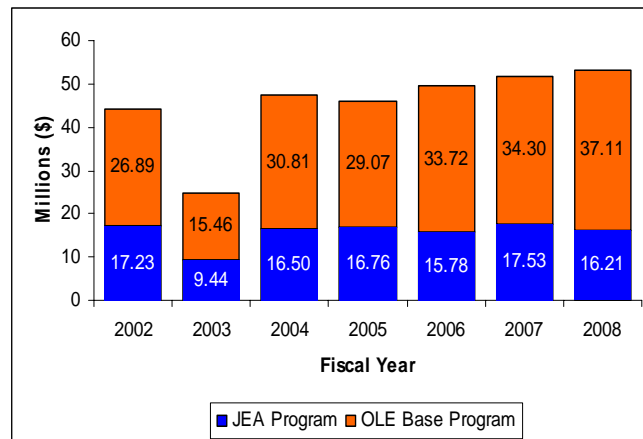
Figure 1. Primary Laws Enforced by the NMFS Office for Law Enforcement

- **Magnuson-Stevens Fishery Conservation and Management Act** (16 U.S.C. §1801 et seq.)
- **Endangered Species Act** (16 U.S.C. §1531 et seq.)
- **Marine Mammal Protection Act** (16 U.S.C. §1361 et seq.)
- **Lacey Act** (16 U.S.C. §3371 et seq.)
- **National Marine Sanctuaries Act** (16 U.S.C. §1431 et seq.)

Source: Office for Law Enforcement

Since 2002, OLE has provided over \$93 million to 27 U.S. states and territories in support of federal fishery enforcement. In fiscal year 2008, OLE's budget for the JEA program totaled \$16.2 million, more than 30 percent of its total budget (figure 2). Generally, JEA dollars fund dockside monitoring, at-sea patrols, air patrols, equipment, vessels, outreach, and education. Some agreements also provide funds for clerical and investigative support staff.

Figure 2: OLE Funding Levels (2002-2008)



Source: NMFS Budget Office

Our 2003 report found, among other things, that OLE was not making optimum use of the JEA program. In response to that report, OLE took the following actions to better manage the program:

- (1) Developed a formal approval process for allocating funds to JEA partners (2005).
- (2) Mandated that each JEA contain an operations plan outlining specific enforcement activities to be performed by the state partner (2005).
- (3) Created and staffed a national cooperative enforcement agreement program coordinator position (2006).

² Our use of the term "state" also includes "territory" and "commonwealth."

- (4) Initiated a performance review process (2006).
- (5) Issued the *Cooperative Enforcement Agreement Program Manual* (2006, revised 2007).

In our current review, we surveyed 146 (of 149) OLE special agents and officers in the field to get their perspective on the JEA program and other NOAA fishery enforcement activities. We used their feedback as a starting point for identifying and assessing the JEA program's operational strengths and weaknesses. (See the appendix for complete details on our objective and methodology.)

FINDINGS AND RECOMMENDATIONS

I. JEA Activities Need to Be More Closely Monitored

Eighty-seven percent of survey respondents indicated that the cooperative relationships with state partners are benefiting federal fishery enforcement activities. They noted that having federally deputized state officers on the docks, at seafood dealers and processors, or patrolling the oceans encourages voluntary compliance and provides safety backup for OLE officers and agents. At the same time, many expressed concern that OLE does not hold state partners sufficiently accountable for their use of federal JEA funds. They commented that OLE's enforcement divisions need to exercise greater oversight to monitor state-reported activities and expenditures and to ensure that these activities met federal fishery enforcement priorities for the specific region.

In our March 2003 report, we recommended that OLE develop a process through which its divisions would regularly verify state-reported activities and expenditures, and institute periodic on-site reviews through which headquarters would confirm a partner's accomplishments and internal controls over program funds. OLE has taken some steps to implement these recommendations: as noted earlier, it developed a *Cooperative Enforcement Program Manual* and initiated performance reviews. But the office has yet to (1) institute an adequate division-level program that fully and regularly verifies state-reported activities or (2) conduct headquarters performance reviews of most JEA partners.

A. OLE enforcement divisions need to verify state-reported JEA data

The JEAs require states to submit monthly, quarterly, and annual reports to OLE summarizing their activities, hours, and costs incurred during the 12-month agreement period. GAO's *Standards for Internal Control in the Federal Government* discusses a number of internal control mechanisms that agencies should implement to assure accountability for financial transactions and performance, including ongoing monitoring and verification of reported data. OLE's *Cooperative*

Enforcement Agreement Program Manual incorporates these standards and requires its special agents-in-charge to take responsibility for monitoring the overall performance of JEA partners in their division, including reviewing JEA progress and analyzing JEA reports.

We found that the division-level review of partners is limited, which supports our survey respondents' concerns. OLE's divisional JEA technicians generally review a partner's monthly reports to assess a state's adherence to its JEA commitments and operational plan (e.g., Do the hours reported equal the hours required by the JEA?), and compare annual report information to the monthly summaries to ensure totals are correct. However, OLE divisions do not systematically verify whether the states actually conducted the activities they claim.

The various JEA annual reports we reviewed typically stated that work specified in the partners' operations plans was performed, man-hour requirements met, and planned procurements made. But in most cases, OLE could not definitively state whether or how well the work was actually done, or determine if the purchased item or service was being used to further federal fisheries enforcement goals.

Most OLE managers we spoke with stated that the divisions lack the resources to improve monitoring. We understand there are many competing priorities in the divisions. But five of the six JEA technician positions are fully funded by the JEA program,³ yet we were told that none of the technicians spends 100 percent of their time on JEA activities. According to their own estimates, the individual technicians spend between 30 percent and 75 percent of their time on JEA-related activities. In addition, every division has at least one special agent (with one division having 10 special agents) charging 50 percent of their time to JEA funds. Because the program accounts for a substantial portion of OLE's federal fishery enforcement funding, OLE should ensure that JEA technicians dedicate 100 percent of their time to it. Additionally, OLE special agents-in-charge should assiduously verify partner activities on a regular basis in order to tie program funding decisions to partner performance and thereby optimally leverage the states' enforcement capabilities.

B. Headquarters reviews need quicker turnaround to maximize their impact

OLE's *Cooperative Enforcement Agreement Program Manual* requires periodic reviews of partners' performance "to ensure that the [JEA program] meets the needs of the OLE mission, doesn't unduly burden State resources and efforts, and provides a valuable supplement to OLE's personnel." OLE headquarters initiated

³ One technician position is currently vacant but will be funded 100 percent by the JEA program when filled. The remaining technician position is only funded 25 percent with JEA program dollars.

these independent reviews in September 2006 and to date has reviewed 10 of the 27 states (37 percent) receiving JEA funds.

Of the 10 reviews completed, OLE has reported its findings to only 6 partners (table 1). The remaining 4 were completed in July and August 2007, but the results have not yet been reported to the applicable state partner. In trying to determine when these reports should have been issued, we found that OLE has no set time frame for reporting its results to the JEA partner on completion of the review. Partners need to receive this information in a timely manner so they can take prompt action to improve or change their activities as necessary and maximize the effectiveness of their enforcement support.

Table 1: Headquarters Performance Reviews of JEA Partners

State or Territory	Date of Review	Date of Report
California	September 2006	March 2007
Massachusetts	November 2006	February 2007
Louisiana	March 2007	June 2007
Georgia	April 2007	May 2008
Maryland	June 2007	May 2008
Alaska	July 2007	Pending
American Samoa	August 2007	Pending
Guam	August 2007	Pending
Northern Mariana Islands	August 2007	Pending
Texas	March 2008	July 2008

Source: OLE

OLE's coordinator for the cooperative enforcement agreement program partially attributed the delays to the difficulty headquarters had in getting sufficient documentation on completed JEA activities from the states. In addition, we were told that the delays are the result of a resource issue: headquarters has just one staff person dedicated to coordinating the JEA program, which includes conducting the performance reviews and drafting the reports. Officials indicated they plan to fill a second full-time position to assist with this effort.

Headquarters' performance reviews are a valuable mechanism for assessing the JEA program over the long term, validating reported data, adjusting ongoing monitoring efforts, and ultimately ensuring consistent and effective enforcement among the states. To reap these benefits, OLE needs a strategy for reviewing all partner programs that prioritizes the order in which it assesses them, verifies and evaluates a program's internal controls and accomplishments, and reports results to state JEA officials in a timely manner.

Recommendations

The National Marine Fisheries Service should:

- (1) Ensure that JEA technicians dedicate 100 percent of their time to the JEA program.
- (2) Require OLE's special agents-in-charge to continually verify state-reported activities and expenditures.
- (3) Develop a strategy for reviewing partner programs that prioritizes the order in which to assess them, verifies and evaluates a program's internal controls and accomplishments, and reports results to JEA officials in a timely manner.

Unit Response and OIG Comments

In its response to our draft report, NOAA concurred with all three of our recommendations. Specifically, the response stated that the Director of OLE will instruct each special agent-in-charge to restructure assigned work so that JEA technicians are dedicated to work that is JEA mission-related and that strengthens support for the JEA program. In addition, the response stated that the Director of OLE will confer with OLE's national leadership team to develop and implement an effective and comprehensive monitoring and reporting process that is specifically designed to assure that the special agents-in-charge are engaged, and are verifying and aware of state activities and expenditures in accordance with each state agreement. NOAA's response also stated that OLE will develop a specific set of criteria that will be applied to (1) prioritize the recommended assessments of the individual state partnerships within their respective divisions and nationally and (2) verify and evaluate the implementation of internal controls. Finally, the response stated that OLE's headquarters management team will be integrated with the divisions during assessments and OLE will ensure results are reported to JEA officials in a timely manner. Once implemented, NOAA's actions will meet the intent of our recommendations.

II. Use of Summary Settlements Is Limited and Loosely Managed

The summary settlement system was designed to process minor federal fishery violations efficiently by allowing enforcement officials in the field to issue tickets on the spot. A summary settlement gives violators the opportunity to pay a reduced penalty within a specified time period, in lieu of contesting an alleged violation and possibly going to court. If the party chooses not to pay the fine, the case is forwarded for prosecution to NOAA's Office of General Counsel for Enforcement and Litigation (GCEL). Because summary settlements are a type of civil penalty, law enforcement

entities must receive authority to use them from GCEL. It is GCEL's position that it is the only NOAA organization that can delegate summary settlement authority to state JEA partners.

We found that very few states have authority to use summary settlements and that GCEL has loosely managed the process for delegating authority to JEA partners because it lacks policies and procedures governing how partners should use the system. We also noted a consequent miscommunication among GCEL, OLE, and the JEA partners regarding entitlement to use the system.

A. GCEL should extend summary settlement authority to more states

Only 3 of the 27 JEA partner states have authority to issue summary settlements. We found that some GCEL attorneys are resistant to extending this authority to more partners because they are concerned their caseloads will increase because of an influx of unpaid or appealed tickets requiring litigation. Based on the data we collected during the review and supplemented by NOAA at the exit conference, the percentage of unpaid summary settlement tickets averages between 10 to 15 percent, although one GCEL region reported a 100 percent pay rate by its state partner. However, GCEL has not conducted any type of assessment to determine why some regions have better pay rates than others (e.g., are state partners better trained on federal fishery laws and regulations in some regions versus others) or if the type of tickets being written are appropriate (e.g., did the state partner use good judgment in writing the ticket).

Beyond the workload concern, GCEL officials contended that states do not need this authority because the JEA program encourages them to adopt relevant federal fishery regulations as state statutes, in which case they can prosecute the same kinds of violations in state courts and relieve the federal government from pursuing them. However, GCEL was unable to tell us how many states have actually incorporated federal fishery regulations into their own statutes. But as a result of our inquiries, it surveyed its state partners to find out. At this writing, GCEL is still reviewing the survey responses. Its initial findings suggest that, among the 17 states that responded to the survey, some have partially incorporated the locally relevant federal fishery regulations into their legal codes, but none have incorporated all relevant regulations.

Many federal and state law enforcement officials with whom we spoke felt that summary settlements offer an immediate sanction that may deter future violations. Two state partners told us that their officers used summary settlement offers to ticket offending vessels from neighboring states in the EEZ, an option generally not available under state law. GCEL officials also acknowledged that some state partners may benefit from receiving new or expanded summary settlement

authority which in turn can benefit NOAA. We agree. Specifically, this will allow OLE and GCEL to focus resources on more complex cases.

OLE indicated to us that it plans to collaborate with GCEL and JEA partners to determine the most strategic use of summary settlement authority. We support such an effort, and suggest that OLE and GCEL develop specific criteria or guidelines for determining where and how the summary settlement system should be used by JEA partners. GCEL's survey data should help with this initiative by identifying those regulations for which delegated summary settlement authority would enhance partners' enforcement efforts.

B. GCEL needs written policies and procedures for making and managing delegations of summary settlement authority

We found that at least five states had been incorrectly told by OLE that they had summary settlement authority. OLE mistakenly believed that GCEL's delegation of authority automatically applied to JEA partners via their deputization to enforce federal fishery laws and regulations. During our review, GCEL instructed OLE to advise the states to stop issuing summary settlements because they had not been delegated this authority. GCEL subsequently provided two of these states with limited summary settlement authority, bringing the current total of JEA partners with this authority to three.⁴

Two of these JEA partners told us the revocation was not handled formally or at the right level. In the northeast region, OLE provided this direction via electronic mail at the state director level. However, one senior state law enforcement official in the northwest region told us that he first heard of the revocation from one of his state law enforcement officers—not from GCEL or OLE.

For the three states that did receive delegation of authority from GCEL, we found very limited documentation supporting the authorizations: there is some electronic mail traffic between GCEL and OLE and OLE (at the assistant special agent-in-charge level) and state partners related to two delegations, but no documentation for the remaining one.

These actions demonstrate the need for guidelines and processes for summary settlement authority, including, at a minimum, written notifications of delegations or revocations of authority.

⁴ One state is authorized to issue summary settlements for marine sanctuary-related violations and two states are authorized to issue them for striped bass violations.

Recommendations

NOAA Office of the General Counsel should:

- (1) Ensure GCEL works with OLE to establish criteria or guidelines to determine where and how the summary settlement system should be used by JEA partners to have the greatest enforcement impact.
- (2) Ensure GCEL establishes national policies and procedures for making and managing delegations of summary settlement authority, including requirements for maintaining written documentation of delegation decisions and providing written notification of these decisions to JEA partners.

Unit Response and OIG Comments

In its response to our draft report, NOAA concurred with both recommendations. Specifically, the response stated that OLE and GCEL will work together to develop national criteria for use of summary settlements and protocols for their implementation by the states. The response further stated that OLE and GCEL will work together to establish (1) written national policies and procedures for making delegations of summary settlement authority and (2) a process to review each summary settlement that has been issued to ensure appropriate application as well as compliance with policies, procedures, and training. Once implemented, these actions will meet the intent of our recommendations.

APPENDIX A: BACKGROUND, OBJECTIVE, SCOPE, AND METHODOLOGY

The National Marine Fisheries Service's Office for Law Enforcement enforces laws that protect and regulate our nation's living marine resources and their natural habitats. Most of its enforcement work focuses on the protection of the nation's fisheries and compliance with fishing regulations, but OLE has authority to enforce over 37 statutes as well as numerous treaties related to the conservation and protection of marine resources. In addition to OLE headquarters in Silver Spring, Maryland, there are six divisions consisting of 53 field offices. OLE's staff consists of 131 special agents, 19 enforcement officers, and 63 technical and support personnel and program analysts.

As part of our ongoing review of select NOAA fishery enforcement activities, we assessed OLE's efforts to target living marine resource violations through its JEA program, focusing on our 2003 fishery enforcement report recommendations related to this program (IPE-15154).

To accomplish our objective we did the following:

• Interviews

- Within NMFS we spoke with the acting assistant administrator; several regional administrators and managers; the chief of budget, planning, formulation and evaluation; and the director and deputy director of OLE.
 - Within OLE we met with the two assistant directors; the special agent responsible for the cooperative enforcement program; all six special agents-in-charge and JEA technicians; numerous OLE agents and officers; and enforcement analysts and technicians.
 - Within NOAA we spoke with the assistant general counsel and deputy assistant general counsel for enforcement and litigation, and all of the regional enforcement attorneys.
 - Externally, we spoke with 12 of the 27 JEA partners; representatives from the Atlantic and Pacific States Marine Fisheries Commissions; and representatives from the fishery management councils' law enforcement committees and advisory groups.
- **E-mail survey.** We prepared and sent an electronic survey to 146 OLE agents and officers (excluding senior headquarters managers) regarding NOAA's fishery enforcement efforts (85 percent responded).
 - **OLE site visits.** In addition to our work at NOAA headquarters, we visited three of the six OLE divisions: Alaska, Northeast, and Southeast.

- **Review of relevant laws, regulations, procedures, and other documents.**
We examined the following materials:

- Enforcement provisions for the five primary laws that OLE enforces (see figure 1, page 2).
- Existing OLE and GCEL policy and planning materials related to the JEA program, including the *Cooperative Enforcement Agreement Manual*.
- The 12 JEAs and operations plans associated with the states we contacted during our review, all available annual reports for 2006 and 2007 submitted by the state partners, and the six JEA performance reviews OLE has completed since 2006.
- External evaluations of federal fishery enforcement efforts conducted by the National Academy of Public Administration, the U.S. Coast Guard, and others.

We conducted our review from February through July 2008 under the authority of the Inspector General Act of 1978, Department Organization Order 10-13, and Department Administrative Order 213-2, and in accordance with the *Quality Standards for Inspections* (President's Council on Integrity and Efficiency, rev. January 2005).

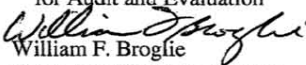
APPENDIX B: AGENCY RESPONSE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

September 26, 2008

MEMORANDUM FOR: Judith J. Gordon
Assistant Inspector General
for Audit and Evaluation

FROM: 
William F. Broglie
Chief Administrative Officer

SUBJECT: *National Oceanic and Atmospheric Administration:
NOAA's Management of the Joint Enforcement
Agreement Program Needs to Be Strengthened*
Draft Report No. IPE-19050-1/August 2008

Attached is the National Oceanic and Atmospheric Administration's response to the Office of Inspector General's draft report on the National Marine Fisheries Service/Office of Law Enforcement's efforts to target living marine resource violations through the joint enforcement agreement program. Because the OIG draft report was issued prior to the exit conference, our staff provided additional documentation at the exit conference to help clarify certain points. The references to information previously provided to the OIG in the "Recommended Changes to Factual/Technical Information" portion of the attached response refer to information provided after the OIG's draft report had already been issued. I am hopeful the information provided will be reflected in the final report. Please let me know if there are questions or concerns regarding the comments provided.

The response was prepared in accordance with Department Administrative Order 213-3, *Inspector General Auditing*. We appreciate the opportunity to respond to your draft report.

Attachment



**Department of Commerce
NOAA Comments on the Draft OIG Report Entitled
“National Oceanic and Atmospheric Administration: NOAA’s Management of the
Joint Enforcement Agreement Program Needs to Be Strengthened”
(Draft Audit Report No. IPE-19050-1/August 2008)**

General Comments

The National Oceanic and Atmospheric Administration (NOAA) appreciates the efforts the Office of Inspector General (OIG) has put into preparing this report. NOAA’s National Marine Fisheries Service (NMFS) and General Counsel for Enforcement Litigation (GCEL) will work together to address the recommendations that have been made. As the report suggests, the Joint Enforcement Agreement (JEA) program is a valuable and productive program. NMFS’s Office of Law Enforcement (OLE) and the GCEL have worked to build the program and to improve both its management and effectiveness since its inception. The OIG recommendations and the perspective provided in this report will assist the OLE and GCEL in further improving the program.

The OIG findings and recommendations regarding past, ongoing and future use of summary settlements by our state partners are also helpful. Summary settlements are designed to address minor violations. However, extensive delegation of summary settlement authority may potentially generate significant and somewhat uncontrolled work load for NOAA attorneys. Given this, GCEL has been judicious in delegating summary settlement authority to the states to ensure that enforcement resources are not inappropriately diverted from major cases of a much higher priority. Where applicable, the OLE and GCEL plan to utilize the information contained within the final report to develop a more formal policy on the use of summary settlements. We anticipate such a policy will help further NOAA’s enforcement mission and ensure a controlled and monitored approach to whether and how best to extend and manage the use of summary settlements.

Recommended Changes to Factual/Technical Information

Page 5, last paragraph:

The OIG indicates GCEL has no data to support its concern that caseloads will increase because of an influx of unpaid or appealed tickets requiring litigation.

We recommend deletion of this sentence. Data supporting this concern have been provided to the OIG. It shows that 10% to 15% of summary settlements issued go unpaid. As noted above, if the number of enforcement personnel authorized to issue summary settlements increases, it is reasonable to assume that there will be a proportionate increase in the number of unpaid tickets.

Page 6, last paragraph:

The OIG indicates at least five other states were incorrectly told by OLE that they had summary settlement authority and that the office does not know the extent to which these five states actually used the system.

We recommend that this sentence be modified to reflect information that has been provided to the OIG. That information shows that three individual agents in Washington State had issued 23 summary settlements during 2006-2007, all of which were paid. New Jersey, Delaware, Maryland and Virginia had together issued 114 unauthorized summary settlements during 2006-2007. Eighty-six percent of these were paid and 14% were unpaid and were referred to GCEL for prosecution. Oregon, New York, Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut all chose not to issue summary settlements, although their agents thought they had the authority to do so in 2006-2007.

Page 7, first full paragraph:

The OIG indicates “GCEL instructed OLE to ‘revoke’ the authority, and several of these JEA partners told us the revocation was not handled formally or at the right level.”

We recommend that this sentence be modified to reflect information that has been provided to the OIG. The term “revoke” incorrectly suggests that the states had been properly delegated authority. We suggest that the sentence be revised to state that GCEL instructed OLE to advise the states to stop issuing summary settlements because the states had not been delegated that authority. OLE provided that direction to New Jersey, Delaware, Maryland, Virginia, New York, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut in writing (via electronic mail) at the state Director level.

In Washington State, three individual state agents were told they could issue summary settlements. When the Northwest Special Agent in Charge (SAC) learned of this communication, the SAC directed that OLE agent to tell the state agents that they did not have such authority. This latter communication was made at the same level of the original communication—the level of agent.

Page 7, second full paragraph:

“For the three states that did receive delegation of authority from GCEL . . . In all three cases, the states received only verbal notification of the delegation from either GCEL or OLE.”

We recommend that this sentence be modified to reflect information that has been provided to the OIG. The delegation of authority to Florida was made in the early 1990s by the Southeast regional office. At the time, enforcement was managed within each region and not from headquarters. Available documents suggest that the delegation was made and revised in writing.

Delegations of limited authority to Maryland and Virginia to issue summary settlements for striped bass in the U.S. Exclusive Economic Zone were made in writing in 2008. These were transmitted by electronic mail to appropriate management officials, including the Northeast SAC and Deputy SAC. The delegation was then transmitted to the state-provided JEA ~~contact~~ persons who acknowledged receipt of the authorization.

NOAA Response to OIG Recommendations

Recommendation 1: The National Marine Fisheries Service should ensure that JEA coordinators dedicate 100 percent of their time to the JEA program.

NOAA Response: We concur. The Director will instruct each SAC to restructure assigned work so that JEA Technicians (referred to by the OIG as JEA coordinators) are dedicated to work that is JEA mission related and that strengthens support for the JEA program.

Recommendation 2: The National Marine Fisheries Service should require OLE's special agents-in-charge to continually verify state-reported activities and expenditures.

NOAA Response: We concur. The Director will confer with the OLE's National Leadership Team to develop and implement an effective and comprehensive monitoring and reporting process that is specifically designed to assure that SACs are engaged, verifying and aware of state activities and expenditures in accordance with each state agreement.

Recommendation 3: The National Marine Fisheries Service should develop a strategy for reviewing partner programs that prioritizes the order in which to assess them, verifies and evaluates a program's internal controls and accomplishments, and reports results to JEA officials in a timely manner.

NOAA Response: We concur. The OLE will develop a specific set of criteria that will be applied (1) to prioritize the recommended assessments of the individual state partnerships within their respective Divisions and nationally and (2) to verify and evaluate the implementation of internal controls. In addition, the OLE HQ management team will be integrated with the Divisions during assessments and the OLE will ensure results are reported to JEA officials in a timely manner.

Recommendation 4: NOAA Office of the General Counsel should ensure GCEL works with OLE to establish criteria or guidelines to determine where and how the summary settlement system should be used by JEA partners to have the greatest enforcement impact.

NOAA Response: We concur. OLE and GCEL will work together to develop national criteria for use of the summary settlements and protocols for their implementation by the states.

Recommendation 5: NOAA Office of the General Counsel should ensure GCEL establishes national policies and procedures for making and managing delegations of summary settlement authority, including requirements for maintaining written documentation of delegation decisions and providing written notification of these decisions to JEA partners.

NOAA Response: We concur. OLE and GCEL will work together to establish written national policies and procedures for making delegations of summary settlement authority. OLE and GCEL will work together to establish a process to review each summary settlement that has been issued to ensure appropriate application as well as compliance with policies, procedures and training.