

Gulf of Mexico Cooperative Law Enforcement Operations Plan

2009-2010



October 2008

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Gulf States Marine Fisheries Commission

Commissioners and Proxies

ALABAMA

Barnett Lawley, Commissioner
Alabama Department of Conservation
and Natural Resources
64 North Union Street
Montgomery, AL 36130-1901

Proxy:

Vernon Minton, Director
Alabama Marine Resources Division
P.O. Drawer 458
Gulf Shores, AL 36547

Representative Spencer Collier
P.O. Box 550
Irvington, AL 36544

Chris Nelson
Bon Secour Fisheries, Inc.
P.O. Box 60
Bon Secour, AL 36511

FLORIDA

Ken Haddad, Executive Director
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

Proxy:

Virginia Vail
FWC Division of Marine Fisheries
620 South Meridian Street
Tallahassee, FL 32399-1600

Representative Will S. Kendrick
P.O. Box K
Carrabelle, FL 32322-1211

Hayden R. Dempsey
Greenberg Traurig, P.A.
P.O. Box 1838
Tallahassee, FL 32302

LOUISIANA

Robert Barham, Secretary
Louisiana Department of Wildlife and Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

Proxy:

Randy Pausina
Louisiana Department of Wildlife and
Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

Senator Butch Gautreaux
1015 Clothilde Avenue
Morgan City, LA 70380

Wilson Gaidry
8911 Park Avenue
Houma, LA 70363

MISSISSIPPI

William Walker, Executive Director
Mississippi Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, MS 39530

Proxy:

William S. "Corky" Perret/Dale Diaz
Mississippi Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, MS 39530

Senator Tommy Gollott
235 Bay View Avenue
Biloxi, MS 39530

Joe Gill Jr., *Chairman*
Joe Gill Consulting, LLC
P.O. Box 535
Ocean Springs, MS 39566-0535

TEXAS

Carter Smith, Executive Director
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Proxy:

Mike Ray
Coastal Fisheries Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

Senator Mike Jackson
Texas Senate
P.O. Box 12068
Austin, TX 78711

David McKinney
10747 Ranch Road, 962 E
Cypress Mill, TX 78663

**GULF OF MEXICO
COOPERATIVE LAW ENFORCEMENT
OPERATIONS PLAN**

2009-2010

by the

Gulf States Marine Fisheries Commission
Law Enforcement Committee

and

Gulf of Mexico Fishery Management Council
Law Enforcement Advisory Panel

edited by
Steve VanderKooy

GULF STATES MARINE FISHERIES COMMISSION
P.O. Box 726
Ocean Springs, Mississippi 39564
www.gsmfc.org

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GULF STATES MARINE FISHERIES COMMISSION
Law Enforcement Committee (LEC)
&
GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
Law Enforcement Advisory Panel (LEAP)

Captain Chris Blankenship
Chair LEAP
Alabama Marine Resources Division
P.O. Box 189
Dauphin Island, AL 36528
(251) 861-2882
chris.blankenship@dcnr.alabama.gov

Harold M. Robbins, Jr.
NOAA Office of Law Enforcement
263 13th Avenue South
Suite 109
St. Petersburg, FL 33702
(727) 570-5344
hal.robbs@noaa.gov

Colonel Walter Chataginer
Chair LEC
Mississippi Department of Marine
Resources
1141 Bayview Avenue
Biloxi, MS 39530
(228) 523-4133
walter.chataginer@dmr.ms.gov

Mark Kinsey (Proxy)
Assistant Special Agent in Charge
Galveston, Texas
(409) 338-9111
mark.kinsey@noaa.gov

Major Brett Norton
Florida Fish & Wildlife Conservation
Commission
620 South Meridian Street
Tallahassee, FL 32399
(850) 488-5600
brett.norton@myfwc.com

Karen Raine
Senior Enforcement Attorney
NOAA General Counsel
263 13th Avenue South
Suite 177
St. Petersburg, FL 33702
(727) 824-5360
karen.raine@noaa.gov

Assistant Chief Robert Goodrich
Vice Chair LEAP
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, TX 78744
(512) 389-4853
robert.goodrich@tpwd.state.tx.us

James R. Gale
Special Agent in Charge
U.S. Fish & Wildlife Service
Office of Law Enforcement
1875 Century Boulevard, Suite 380
Atlanta, GA 30345
(404) 679-7057
james_gale@fws.gov

Lt. Colonel Jeff S. Mayne
Vice Chair LEC
Louisiana Department of Wildlife &
Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000
(225) 765-2987
jmayne@wlf.louisiana.gov

LCDR Carmen DeGeorge
U.S. Coast Guard – Eighth District
500 Poydras Street, Room 11128
New Orleans, LA 70130
(504) 671-2241
Carmen.S.DeGeorge@uscg.mil

Goals and Objectives

GOAL 1: Provide professional law enforcement expertise throughout rule-making processes.

Professional law enforcement expertise and input are integral to the development, promulgation, and implementation of clear and effective regulations.

Objective 1.1 – Increase participation in the Gulf States Marine Fisheries Commission (GSMFC) and Gulf of Mexico Fishery Management Council (GMFMC) processes.

- Attend LEC and LEAP meetings in conjunction with GSMFC and GMFMC meetings.
- Evaluate current GSMFC and GMFMC regulatory recommendations/actions.
- Assist in the development of interjurisdictional state and federal management plans.
- Provide timely and substantive comment on GSMFC and GMFMC actions.

Continuing Tasks

Task 1. The LEC/LEAP will attempt to attend all meetings of the GSMFC and GMFMC and schedule LEC/LEAP meetings in concert with the GSMFC spring and annual meetings.

Task 2. The chairmen of the LEC/LEAP will convene monthly conference calls and request discussion items from the membership (upcoming proposals and law enforcement issues) and track previous agenda items to ensure completion.

Task 3. Meeting agendas will be developed based upon monthly conference calls, upcoming law enforcement topics, and issues pertinent to GSMFC and GMFMC business.

Task 4. The chairmen of the LEC/LEAP will ensure members of the LEC/LEAP have the agendas and briefing books for Commission and Council meetings as soon as possible prior to the meeting including copies of any FMPs being developed, amended or otherwise modified by the GSMFC and/or GMFMC.

Task 5. The chairmen of the LEC/LEAP will consult the members and coordinate input to the GSMFC and/or GMFMC on enforceability of regulatory/management issues pertinent to FMP development and implementation.

Task 6. Work sessions should be held, as needed, to continue strategic planning, implementation, and review of yearly enforcement operations. Work sessions would allow continued JEA Program discussion and opportunistic coordination and discussion of regional operations.

Task 7. Meetings will take place with GSMFC/GMFMC staff, NOAA staff, and other interested representatives to discuss law enforcement data pertinent to regulatory consideration and provide recommendations.

New Tasks

Task 1. The chairmen of the LEC/LEAP will consult the members and coordinate input to NOAA on enforceability of regulatory/management issues pertinent to NOAA Secretary of Commerce plans.

Objective 1.2 – Strengthen enforcement’s relationships with the GSMFC and GMFMC.

- Support communication between enforcement and GSMFC commissioners and GMFMC members.
- Provide bi-annual operating plans and interim/annual reports.
- Act as liaison between all law enforcement agencies and GSMFC commissioners and GMFMC members.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP will ensure GSMFC and GMFMC rosters and subsequent updates are distributed to the LEC/LEAP members.

Task 2. The chairmen of the LEAP will ensure that the current GMFMC *Standard Operating Plan* (SOP) is distributed to the members of the LEAP as needed.

Task 3. The chairmen of the LEC will ensure that the current GSMFC *Law Summary - Rules and Regulations* is distributed to the members of the LEC as needed.

Task 4. The LEC/LEAP will provide information, guidance, and representation between all law enforcement agencies and the GSMFC/GMFMC.

Objective 1.3 - Increase participation in Secretary of Commerce management plans.

- Provide timely and substantive comments on Secretarial management plans.

New Tasks

Task 1. Identify the plan coordinators and ensure the LEC/LEAP is added to the distribution list for comments.

Task 2. Provide comment to the plan coordinator at the appropriate time to ensure enforceability of regulatory/management issues pertinent to NOAA Secretary of Commerce plans.

Objective 1.4 – Identify existing regulations that are effective, ineffective, or inconsistent.

- Eliminate or modify ineffective and/or unnecessary regulations.
- Promote statutory and regulatory consistency among all state and federal agencies.
- Support the development of “user friendly” regulations.
- Provide expertise as requested by state or federal agencies.
- Identify enforcement workload impact and cost-analysis.
- Identify tools and technologies that provide effective enforcement measures.

Continuing Tasks

Task 1. The LEC/LEAP will meet with the GSMFC/GMFMC to discuss enforceability and provide data pertinent to rules and regulations and proposed changes.

Task 2. The chairmen of the LEC/LEAP, with the support of its membership, will provide oral and written comments for the record, when appropriate, at state and federal hearings. Members may provide independent comment at those hearings, when appropriate.

Task 3. The LEC/LEAP will review for consistency state/federal laws and regulations applicable to interjurisdictional fisheries and/or relating to interstate transportation of seafood.

Task 4. The LEC/LEAP will, as appropriate, participate in relevant state and federal legislative agendas.

Task 5. The chairmen of the LEC/LEAP will place current legislative topics on the monthly conference call agenda for discussion.

Task 6. The LEC/LEAP will identify regulatory enforcement concerns and report to the GSMFC and GMFMC.

Task 7. Available enforcement tools and technologies will be researched and discussed as a continuing agenda item at semi-annual LEC/LEAP meetings.

Task 8. Provide input to GMFMC Socioeconomic Panel on the cost analyses associated with enforcement of proposed regulations.

New Task

Task 1. Provide feedback to the GSMFC and GMFMC on enforcement issues due to ineffective or inconsistent regulations and include these issues in the semi-annual meetings of the LEC and LEAP.

GOAL 2: Develop and implement effective educational programs.

A cooperative interface between state and federal partners and the public is essential to maximize resources in order to achieve Gulf-wide regulatory compliance.

Objective 2.1 – Improve community-oriented policing programs.

- Continue to implement and establish joint programs to increase contact and law enforcement presence among user groups.
- Continue to publicize different state and federal actions through mass media.
- Establish user group feedback programs to evaluate enforcement performance.

Continuing Tasks

Task 1. The LEC/LEAP will review and evaluate the means to combine successful programs and program elements into current state and federal efforts.

Task 2. The LEC/LEAP will explore options and mechanisms to establish joint programs between state/state and state/federal agencies.

Task 3. The LEC/LEAP will review successful public affairs' programming in other local, state, and federal law enforcement agencies for potential application to LEC/LEAP efforts.

Task 4. The LEC/LEAP will identify and develop methods to obtain user group feedback (including surveys) on enforcement performance.

New Tasks

Task 1. Explore documentation of community oriented policing events conducted by enforcement officers which encompass regulatory and management information.

Task 2. Identify other forms of fishery education and public outreach.

Objective 2.2 – Promote Gulf-wide information programs.

- Identify and continue to provide web-based services for fishermen and the public to easily obtain current state/federal regulations.
- Encourage the GSMFC, GMFMC, and NOAA to develop mechanisms to compile up-to-date state/federal regulations into an understandable, multilingual guide.

Continuing Tasks

Task 1. Develop an inventory of all community outreach activities in the Gulf region.

Task 2. Pursue grant funding for law enforcement related public service announcements to engage, advise, and inform individuals, partners, communities, and industries to facilitate information flow, assure coordination and cooperation, and provide assistance in the use, evaluation, and application of information.

New Tasks

Task 1. Develop an officer-friendly guide for the Gulf of Mexico regulations by state in addition to the current GSMFC publication *Law Summary – Rules and Regulations* which is no longer useful for field officers in its current format.

Objective 2.3 – Enhance awareness of the importance of state and federal prosecution to the successful adjudication of natural resource regulations.

- Continue outreach to prosecutors and litigators.
- Identify mechanisms to meet with prosecutors and litigators.

Continuing Tasks

Task 1. The LEC/LEAP continues to identify relevant judicial entities involved in marine resource violation adjudication.

Task 2. NOAA General Counsel serves as a repository for briefs, case laws, etc. and receives state input.

GOAL 3: Promote cooperative law enforcement partnerships.

A cooperative interface is essential to maximize resources in order to achieve Gulf-wide regulatory compliance.

Objective 3.1 – Maintain cooperative enforcement agreements (CEAs), joint enforcement agreements (JEAs), and reciprocal agreements among the states and federal agencies.

- Whenever appropriate, provide comments in support of CEAs, JEAs, and reciprocal agreements to state and federal representatives.
- Promote the streamlining of processing and tracking JEAs.
- Ensure annual state and federal law enforcement needs are reflected within CEAs and JEAs.
- Encourage state and federal law enforcement goals and objectives are included in the JEA operations plans.

Continuing Tasks

Task 1. The LEC/LEAP will provide input to the NOAA Office of Law Enforcement (OLE) concerning methods to streamline JEAs.

Task 2. The LEC/LEAP will continue to work with NOAA OLE to develop standardized formulas (man hours, vessel hours, recreational/commercial contact, etc.) for JEAs.

Task 3. The chairmen of the LEC/LEAP will request that NOAA OLE provide the membership with a list of all JEAs and funding levels.

Task 4. The LEC/LEAP will provide input and support to NOAA OLE concerning current allocation models.

Task 5. Work to improve software for the JEA program to include consistency of data reporting, specific data elements, and vessel categories.

Task 6. Work with NOAA OLE, identify specific goals and milestones that must be met under the JEA Program.

New Tasks

Task 1. Provide routine reporting to the GSMFC and GMFMC on past years JEA activities for the whole Gulf through the LEC/LEAP reports at the annual fall meeting.

Task 2. Investigate and develop a natural resource task force or ‘officer sharing’ program for joint operations and JEA patrols for better agency/agency cooperation and information sharing.

Objective 3.2 – Seek and share information on federal programs supporting state law enforcement.

- Obtain law enforcement training for states.
- Identify and enhance law enforcement equipment for states.
- Enhance communications among federal and state enforcement partners on Homeland Defense issues.
- Enhance inner-operable communications among state and federal enforcement partners.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP will request lists of enforcement training and equipment available from state and federal agencies.

Task 2. The LEC/LEAP will identify and evaluate funding sources applicable to law enforcement training and equipment.

Task 3. Continue working on improved communication systems among agencies under all conditions.

Objective 3.3 – Explore a uniform enforcement data collection and reporting system.

- Evaluate available technology.
- Identify funding sources.
- Analyze and distribute information.
- Promote the use of the Federal Bureau of Investigation’s National Crime Information Center (NCIC) and NLETS as a point source for natural resource violations and provide input to that system.
- Acquire the wireless ability to access this system in the field by enforcement officers in real time.

Continuing Tasks

Task 1. The LEC/LEAP members will continue to work towards the inclusion of fisheries violations (criminal and civil) into the NCIC/NLETS database.

Task 2. The chairmen of the LEC/LEAP will research federal grants to support enforcement data collection and reporting.

Task 3. The LEC/LEAP will prioritize available technology for data collection based on job safety and job effectiveness.

Task 4. The LEC/LEAP will share specifications and vendor information on available data collection technology and equipment.

Objective 3.4 – Plan and analyze law enforcement effort and performance.

- Conduct state/federal strategic plan work sessions to evaluate progress and determine milestones as needed.
- Conduct state/federal law enforcement meetings concerning joint Gulf-wide programs and operations.
- Explore tools and methodologies to chart performance.
- Ensure law enforcement program development in support of fisheries management plans.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP will request funding and convene cooperative law enforcement strategic plan work sessions at times and locations acceptable to the membership.

Task 2. Continue to work with the JEA software programmers and vendors to enhance the ability of the states to generate performance and activity reports from the JEA database easily.

GOAL 4: Promote regulations to protect and enhance the health and sustainability of the ecosystem.

Ecosystem health and sustainability is the foundation for a viable living marine environment in the Gulf of Mexico. Regulations that manage, protect, and conserve the ecosystem are critical to maintain its health and sustainability now – and in the future.

Objective 4.1 – Share information to ensure the highest quality of biological data to support ecosystem sustainability.

- Support the inclusion of law enforcement statistics and other information in scientific modeling plans.
- Identify negative impacts of noncompliance to living marine resources.
- Identify and evaluate law enforcement strategies to address unique ecosystem enforcement challenges.

Continuing Tasks

Task 1. The LEC/LEAP will invite select NMFS fisheries managers and scientists to discuss how law enforcement statistics are incorporated into scientific modeling plans.

Task 2. The LEC/LEAP will provide recommendations and input when regulations are being developed in support of ecosystem management.

GOAL 5: Protect the American consumer.

Ensure the American consumer is receiving a legal and properly identified aquatic product regardless of where harvested.

Objective 5.1 – Ensure the integrity of imported fisheries products.

- Identify illegal fisheries products.
- Identify participants of illegal interstate trade.
- Support enhanced development of documentation for imported fisheries species.
- Work cooperatively with other state and federal law enforcement agencies to identify and apprehend traffickers in illegal international trade.

Continuing Tasks

Task 1. The chairmen of the LEC/LEAP will invite representatives from the FDA and the U.S. Customs and Border Department (Import Specialist) to explain regulations and documentation necessary for imported fisheries products.

Task 2. The LEC/LEAP will continue to stay involved in the product substitution and relabeling issues.

Objective 5.2 – Protect consumers regarding mislabeled or adulterated product.

- Work with partner agencies in using forensic tools to improve fisheries law enforcement capabilities.
- Identify persons who provide mislabeled or adulterated products.
- Support enhanced development of documentation for all marine species.

Continuing Tasks

Task 1. The LEC/LEAP will explore development and use of forensic technology in fisheries enforcement.

Task 2. The LEC/LEAP members in their respective states will identify current forensic resources, laboratories, species-specific and other capabilities, and laboratory contact information.

Task 3. The LEC/LEAP will identify current documentation and procedure requirements used for marine species.

GOAL 6: Obtain funds to aid state and federal law enforcement agencies.

State and federal agencies do not have sufficient resources or assets to provide continuous support of state/federal marine resource enforcement operations.

Objective 6.1 – Explore and enhance federal grant and funding programs for law enforcement.

- Identify and evaluate law enforcement grant and funding programs.
- Promote adequate long-term funding for JEAs that takes into account increased operation costs at a minimum of the current Consumer Price Index (CPI) to maintain historical JEA patrol levels.
- Promote and seek funding for a Gulf-wide marine enforcement communication system.

Continuing Tasks

Task 1. The LEC/LEAP will research, identify, track, and discuss grant and funding opportunities and resources for marine enforcement.

Task 2. The LEC/LEAP will discuss potential funding sources and identify appropriate processes to obtain funds.

Task 3. The LEC/LEAP will request GSMFC/GMFMC assistance in using their resources and expertise to seek funding for state law enforcement programs.

Task 4. The LEC/LEAP will arrange to meet with state and federal legislators and/or committees to request support for grant and funding initiatives, as appropriate.

Task 5. The LEC/LEAP members will initiate and maintain contact with each state's respective Congressional delegation or their aides to determine the status of potential enforcement issues.

New Tasks

Task 1. Pursue funding for a communication system to improve communication ability and compatibility between agencies under all conditions.

Task 2. Pursue funding for law enforcement related public service announcements to engage, advise, and inform individuals, partners, communities, and industries to facilitate information flow, assure coordination and cooperation, and provide assistance in the use, evaluation, and application of information.

Objective 6.2 – Seek a long-term, dedicated source of funding/appropriations for the JEA program to support regulatory compliance initiatives in the Gulf of Mexico.

- Identify the positive performance of the JEA program.
- Evaluate the cost effectiveness of current federal funding in fisheries law enforcement in the Gulf of Mexico.

Continuing Tasks

Task 1. The LEC/LEAP will arrange to meet with state and federal legislators and/or committees to increase funding for state agencies.

Task 2. The LEC/LEAP will discuss additional workload indicators as a result of the reduction in U.S. Coast Guard fisheries enforcement.

Task 3. Continue developing management strategies to include funding for personnel and vessels for offshore patrols.

New Tasks

Task 1. Request the GSMFC and GMFMC to send a letter to the appropriate federal legislative delegates to help identify and secure long-term funding/appropriations in support of JEA.

Task 2. Request the GMFMC to identify increased JEA funding needs for enforcement when implementing new FMP regulations in order to prevent the lowering of work effort to existing FMPs currently under the JEA.

Objective 6.3 – Obtain adequate funding for the strategic planning process and greater representation of the LEC and LEAP at GSMFC and GMFMC meetings.

- Seek funding from the GSMFC and GMFMC for the LEC and LEAP to attend the GSMFC spring and annual meetings; the LEAP to attend GMFMC meetings twice per year; and the LEAP state representative to attend all GMFMC meetings when in their home state.

Continuing Task

Task 1. The chairmen of the LEC/LEAP will request funding assistance from the GSMFC and GMFMC to conduct law enforcement meetings to accomplish the *Strategic Plan*. When possible, these meetings will be held in conjunction with other LEC/LEAP meetings.



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