

NOAA ENFORCEMENT PRIORITY SETTING PROCESS

Office of Law Enforcement, National Marine Fisheries Service
Office of the General Counsel for Enforcement and Litigation
National Oceanic and Atmospheric Administration

The NOAA Fisheries Office of Law Enforcement (OLE) and the NOAA Office of the General Counsel for Enforcement and Litigation (GCEL) have developed a extensive process for setting annual priorities at the national and regional level. Throughout the process, OLE and GCEL will work closely with stakeholders to indentify priorities and proposals to address them. To ensure a wide range of input, suggestions will be sought through postings on the OLE and GCEL websites.

These priorities will support NOAA's statutory mandates to manage marine resources, Department of Commerce and NOAA strategic goals, utilize stakeholder input, increase compliance, emphasize partnerships with State and Federal partners, and result in effective and fair enforcement programs. The priorities developed through this process will be used to inform NOAA's out-year budget submissions through incorporation in its annual guidance memo, annual program decision memo, and out-year budget requests.

Regional enforcement proposals will be reviewed annually and national priorities every two years. Priorities and proposals will be evaluated through: annual and quarterly milestones; budget tracking; OLE and GCEL case tracking systems; State enforcement agency information; and Coast Guard information.

Process, key dates, and products:

- October 1 to December 31 – Consult with stakeholders on potential priorities.
 - Stakeholders;
 - NOAA Fisheries Headquarters and Regional Offices;
 - Sanctuary Advisory Councils and Sanctuary management;
 - Regional fishery management council enforcement committees;
 - Take reduction teams;
 - Marine Mammal Commission;
 - State enforcement agencies;
 - Interstate marine fisheries commissions;
 - US Coast Guard;
 - US Attorneys' Office;
 - National Ocean Service; and
 - General public
- January – National meeting of NOAA leadership to develop draft national and regional priorities:
 - Development of two broad national priorities, and

- Provide guidance for priority setting at the regional level
- February 1 to February 28 – Draft national and regional priorities developed based on the national leadership meeting. These priorities should reflect:
 - The potential effect and/or threat of non-compliance to the resource (high, medium, low);
 - The status of the resource (e.g., endangered, threatened, depleted, overfished, overfishing occurring, etc.);
 - Efforts to improve compliance;
 - Opportunities for deterrence;
 - Catch share programs;
 - Efforts on cases outside specific priorities;
 - Available resources; and
 - Other considerations as warranted.
- March 1 to April 30 – Draft priorities posted for public input.
- May 1 to May 30 – Draft proposals revised based on public input to:
 - Identify national and regional priorities for each region;
 - Include appropriate links to statutory authorities and agency strategic goals and objectives;
 - Establish a proposal to address the priority which includes:
 - Specific identification of the problem;
 - A specific approach or approaches to address the problem;
 - Specific measures aimed at increasing compliance;
 - Identify desired outcomes, milestones, and performance measures associated with the project; and
 - Methods for evaluating for success.
- June 1 – Draft regional priorities and proposals submitted to the Director, OLE, and Assistant General Counsel, GCEL, for review and approval.
- July 1 – Draft plan outlining national and regional priorities submitted to NOAA Assistant Administrator for Fisheries and NOAA General Counsel for review.
- August 1 – National and regional priorities approved by the Assistant Administrator and General Counsel and posted to OLE and GCEL websites.
- October 1 – Implementation of national and regional priorities reflected in new fiscal year operating plans.

Background: Appendix 6 to the March 18, 2010, NOAA action plan in response to the OIG Report “Review of NOAA Fisheries Enforcement Programs and Operations.”