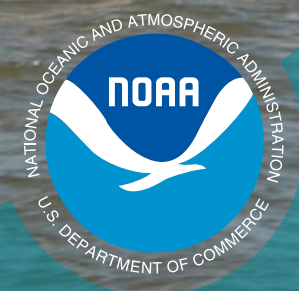




NOAA's Office of Law Enforcement

National and Division Enforcement Priorities for 2012-2017

February 2015



NOAA
FISHERIES

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NOAA's Office of Law Enforcement National and Division Enforcement Priorities for 2012-2017

February 2015

U.S. DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric Administration
National Marine Fisheries Service**



**NOAA
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Director's Message

Dear Stakeholders

Based on the feedback we received during the 2013 stakeholder review of our regional Enforcement Priorities and internal discussions in 2014, we will be synchronizing our priority process more closely with NOAA's Strategy Execution and Evaluation (SEE) Planning Calendar and the larger Federal Government's Performance Management processes, Government Performance and Results Act (GPRA).

NOAA's Office of Law Enforcement established our first ever enforcement priorities in 2012. We took this process seriously, soliciting input from constituents and partners through many channels, including the National Enforcement Summit, the fishery management councils and the interstate commissions, as well as a formal 60-day public comment period. We have committed to continuing to review and enhance our national and Division enforcement priorities to meet our mission and guide our planning. During the last two years, we have developed and reviewed the high-level operational priorities based on input from interested parties across the country: commercial and recreational fisherman, fishery management councils, state enforcement partners and non-governmental organizations. These priorities outline key operational areas of focus for our program; however, at the level of detail currently established, they do not afford us the opportunity to track and make annual progress towards improvements in these priority areas.

With this document, I am pleased to present our national and division strategic enforcement priorities for Fiscal Years 2012-2017. Placing the review for these higher-level priorities on a 5-year planning cycle is an interim step in our broader efforts to improve our strategic planning and priority setting process. Shifting the time of these priorities and better aligning with NOAA's larger planning efforts will afford OLE and our partners the opportunity to focus our collaborative efforts on establishing Annual Operating Plans



with targeted Performance Measures and Milestones each year. Synchronizing these priority-planning efforts with the federal fiscal year will also help support our budgetary planning and justification exercises, and allow this collaborative strategic planning process to have a greater impact in improving our management efforts.

To ensure operational effectiveness in meeting our priorities within congressionally appropriated funding levels, we are phasing in key components of our Workforce Analysis and Staffing Plan. The plan provides a general outline of proposed future staffing levels to better align enforcement personnel and their locations to effectively address priority issues over OLE's area of responsibility.

Engagement of experts from the fishing community and non-governmental organizations as well as federal, state, and local law enforcement officials is critical in the priority setting process. This was evident at the 2010 NOAA National Enforcement Summit as well as in the comments received from stakeholders during the FY 2012 priority setting process and FY2013 divisional priority review. We are committed to continuing to work with these groups as we identify future priorities.

Moving forward, we will revisit and revise our operational enforcement priorities beginning in 2016 to align with the onset of the new Administration and larger federal government planning efforts. We will continue to refine this new approach to strategic planning and welcome your continued engagement and encourage you to contact us with suggestions and/or input at enforcementpriorities@noaa.gov.

Looking to the Future,

Matthew Brandt

Acting Director, NOAA's Office of Law Enforcement

About NOAA: Mission, Vision, Long-Term Goal, and Objectives

The mission of the National Oceanic and Atmospheric Administration (NOAA) is to understand and predict changes in climate, weather, oceans, and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources. Meeting this mission requires not only state-of-the-art science and management programs, but also a fair, effective, and comprehensive compliance and enforcement program. NOAA is establishing priorities to guide its enforcement programs in support of NOAA's mission, vision, long-term goals, and NOAA Fisheries Service objectives.

NOAA's enforcement programs operate primarily under the following provisions of NOAA's Next Generation Strategic Plan:

NOAA's Mission: Science, Service, and Stewardship

To conserve and manage coastal and marine ecosystems and resources

NOAA's Vision: Resilient Ecosystems, Communities, and Economies

Healthy ecosystems, communities, and economies that are resilient in the face of change

NOAA's Long-Term Goal: Healthy Oceans

Marine fisheries, habitats, and biodiversity are sustained within healthy and productive ecosystems

NOAA and Fisheries Objectives

Recovered and healthy marine and coastal species

Sustainable fisheries and safe seafood for healthy populations and vibrant communities

About this Document



NOAA has established enforcement priorities to meet our mission, guide our planning and focus our enforcement assets relative to marine resources. Although we will concentrate our efforts on the identified priority areas, we will continue to enforce all laws for which we are responsible to ensure continued compliance. Enforcement priorities will direct the use of resources while providing the flexibility and capability to respond to other enforcement requirements as conditions and circumstances dictate.

In FY2012, NOAA's Office of Law Enforcement (OLE) implemented a process for setting strategic operational priorities at the national and regional level. These priorities support NOAA's statutory mandates to manage marine resources, as well as Department of Commerce and NOAA strategic goals, and were developed with input from stakeholders via various venues including the 2010 NOAA National Enforcement Summit. Beginning with this document, these priorities will now be set and reviewed on a 5-year planning cycle and will provide a more tiered and strategic planning approach. The revised planning cycle will synchronize our priority-planning efforts with the federal fiscal year allowing for a greater impact in improving management efforts while affording NOAA and our partners the time to focus on establishing Annual Operating Plans with targeted Performance Measures and Milestones each year. This process will continue to utilize stakeholder input and emphasizes strong relationships with State and Federal partners that result in effective and fair enforcement programs.

The National and Divisional priorities established in this document remain largely unchanged from the original set established in 2012 and are still grouped in a general ranking (high/medium/low) to help inform leadership decisions. While the identified priority areas will remain the focus, we will continue to ensure compliance with all marine statutes and regulations for which NOAA is responsible. Simply not listing a specific stock of fish or area as a priority in this document does not mean that enforcement actions will not be taken when a violation is determined.

As we look to the future, we anticipate increasing demand for our services that are key to maintaining things critically important to our nation: productive fisheries, safe and sustainable seafood, the recovery and conservation of protected resources, and healthy ecosystems. Meeting this mission requires not only state-of-the-art science and management programs, but also a fair, effective, and comprehensive compliance and enforcement program.

FY2012-2017 National Priorities

Support Sustainable Fisheries and Safe Seafood

The nation's continued demand for safe seafood and recreational opportunities exceeds domestic supply from wild stocks. This demand places a premium on effective management of natural fish stocks as well as identifying opportunities for aquaculture initiatives. NOAA's legal responsibilities in this regard encompass management of more than 500 fish stocks or stock complexes under the Magnuson-Stevens Fishery Conservation and Management Act. Implementing management strategies that rebuild and manage fish stocks, maintain access to fisheries, and improve opportunities for aquaculture can build and sustain economically robust coastal communities and contribute to long-term food security for the nation. Management efforts, such as catch share programs, include monitoring to evaluate their impact on stock status, while improved socioeconomic data collection will allow managers to evaluate and improve the social sustainability of recreational and commercial fishery programs.

Increasing compliance and ensuring enforcement of needed regulations is an important part of meeting NOAA's goal of sustainable fisheries. OLE will continue the transition to catch share management and appropriate enforcement strategies including the shifting of existing resources to compliance assistance and monitoring activities designed to foster voluntary compliance and deter violations.

Equally, NOAA must strengthen the enforcement of fishery regulations concerning international imports and exports. International trade in fishery products directly affects the economics of domestic fisheries. Unregulated and unreported harvests and mislabeled product can introduce unsafe product into U.S. markets. Illegal, unregulated, and unreported (IUU) fishing disadvantages the U.S. high seas fishing fleet and decimates migratory stocks important to U.S. markets and the commercial industry.

To meet the needs of the fishing industry and consumers, NOAA's enforcement programs will prioritize:

- Implementing effective compliance and enforcement plans to support catch share management.
- Monitoring fishery product imports for compliance with domestic regulations and international treaty obligations.

During the FY2012-2017 planning cycle, compliance and enforcement plans to support catch share management will continue to be the national priorities. As emerging issues arise, NOAA will revisit its priorities and reallocate resources as necessary.



Support Recovered and Healthy Marine and Coastal Species and Healthy Habitats

The wide range of human and natural impacts on marine, estuarine, and diadromous (fish that migrate between fresh and saltwater) species has led to listing of many of these species as threatened or endangered under the Endangered Species Act, with petitions to list additional species received every year. NOAA has statutory responsibility for these listed species, as well as for most marine mammals under the Marine Mammal Protection Act. As human populations increase and the impacts of global climate change are realized, ensuring the recovery and long-term health of all these species is an important goal for the nation. To ensure the sustainability and resilience of these species and the ecosystems that support them, NOAA, Federal, State, tribal and local agencies, non-governmental organizations, and industry require science-based policy guidance, economic incentive programs, and sound regulations and enforcement. NOAA is working in partnership with other federal agencies; state, local, and tribal entities; non-governmental organizations; and stakeholder groups to ensure that recovery and conservation plans are implemented and useful. The international dimensions of this objective require participation in international species management for anadromous fish, endangered species, and marine mammals.

In addition, the conservation and protection of key marine and estuarine areas is important to sustaining marine resources. While an increasing range of uses will allow coastal communities to create diverse economies, care must be taken to ensure continued access to coastal areas, sustained ecosystems, maintained cultural heritage, and limited cumulative impacts. The National Marine Sanctuaries Act plays a pivotal role in protecting these areas. The 13 sanctuaries and four marine national monuments encompass more than 150,000 square miles of U.S. ocean and Great Lakes waters. Protected within these areas are important habitats like breeding and feeding grounds of whales, sea lions, sharks, and sea turtles; coral reefs; kelp forests; and historic shipwrecks.

To ensure the protection of protected species and places, NOAA's enforcement programs will prioritize the following:

- Enforcement services supporting Marine Protected Areas, including National Marine Sanctuaries and National Marine Monuments.
- Protection of marine mammal and endangered species through monitoring and enforcement actions regarding
 - Bycatch reduction regulations
 - Gear restrictions
 - Closed areas
 - Marine mammal interactions with humans
 - Healthy habitats



Supporting Priorities

In support of the national priorities outlined above, and to benefit NOAA's resource-based mission goals, our enforcement programs will also support two national priorities that cut across all regions and programs:

- **Compliance assistance**-As the commercial and recreational fishing industries have developed, and as fishery managers have worked to afford them the maximum opportunities, regulations have become more complicated. As a result, more effort is required to help the fishing industry understand and follow regulations that support the long-term sustainability of marine resources and the economic activity those resources support.
- **Observers**-Observer programs provide critical scientific data on fish stock status, bycatch, and fish harvest interactions with protected species. Observer programs require enforcement support to maintain safe work environments that support accurate and objective data collection and reporting.

FY2012-2017 Regional Priorities

Regional priorities vary according to region-specific resources, activities, and threats. For example, endangered salmon are a priority in the Northwest and Southwest, whereas other Enforcement Divisions are more concerned with other species, such as sea turtles in the Southeast and monk seals in Pacific Islands. Because fish stocks, fishing gear, and management programs are not identical across the country, enforcement programs must tailor their priorities appropriately.

It is important to point out that NOAA will continue to seek to improve compliance with and enforce all marine statutes and regulations. Simply not listing a specific stock of fish or area as a priority below does not mean enforcement actions will not be taken.

In addition, circumstances such as new or revised regulations may require us to depart from these priorities to ensure marine resources are protected. The priorities below will help us focus our enforcement assets on the areas that will most benefit the marine resources for which we are responsible.

Listed below are regional priorities in support of each national priority. Examples given under each priority are not meant to be exhaustive but illustrative.

Regional Priorities Supporting Sustainable Fisheries and Safe Seafood

Focus resources on overfished stocks and stocks experiencing overfishing. Examples of this priority include:

- *Northeast Region:* The illegal harvest or sale of highly migratory species, such as bluefin tuna.
- *Southeast Region:* Monitoring the red snapper and grouper catch share programs.
- *Northwest and Southwest Regions:* Quota share deficits under the catch share program and noncompliance with trip and cumulative limits.

Expand contact with the regulated communities including compliance support, monitoring and inspections of regulated activity to identify problems, deter violations, and detect violations requiring enforcement action. Examples include:

- *Alaska Region:* Selling recreationally caught fish, such as halibut.
- *Pacific Islands Region:* Violations of international treaties or agreements regarding tuna fisheries.
- *Northwest and Southwest Regions:* Monitoring for restricted gear types in groundfish conservation areas.





Focus enforcement services to support commercial and recreational catch reporting in support of annual catch limit monitoring. Examples include:

- *Northeast Region:* Noncompliance with trip and cumulative limits under catch share programs for Northeast multispecies or other fisheries.
- *Northwest Region:* Mislabeling of seafood imports such as king crab.
- *Southwest Region:* Implementation and monitoring of the tuna tracking and verification program.

Regional Priorities Supporting Recovered and Healthy Marine and Coastal Species and Healthy Habitats

Expand compliance assistance, monitoring, and enforcement actions to improve compliance with regulations to protect endangered species. Examples include:

- *Southeast Region:* Turtle excluder device (TED) regulations in the South Atlantic and Gulf of Mexico.
- *Northeast and Southeast Regions:* Expand programs to gain compliance with speed restrictions in Northern right whale seasonal management areas.
- *Northwest and Southwest Regions:* Habitat protection and inadequate water flow and/or barriers to fish passage in streams that impact migration or spawning.

Expand enforcement services provided to support National Marine Sanctuaries. Examples include:

- *Northeast Region:* Fixed gear violations (e.g., lobster traps, gillnets) within sanctuaries.
- *Northwest, Southwest and Pacific Island Regions:* Unlawful discharges or groundings of vessels within sanctuaries.
- *Southeast Region:* Protection of coral reefs and listed corals wherever they may exist.

Expand compliance assistance to the whale watching/marine mammal viewing industry to reduce illegal vessel/person/marine mammal interactions. Examples include:

- *Alaska Region:* Violations involving injury or potential injury to marine mammals, such as a vessel-whale collision.
- *Northwest and Southwest Regions:* Unlawful interactions with orca whales and harassment or killing of sea lions.
- *Pacific Islands Region:* Harassment or killing of monk seals and illegal interaction with humpback whales.

FY2012-2017 Enforcement Priorities by Division

The Division, or Regional, priorities support each national priority by providing specificity for geographic areas considering specific resources, activities and threats. The more specific priorities provide the direction for compliance and enforcement activities.

NOAA is committed to improving compliance with and enforcing all marine statutes and regulations. While these priorities are being set to help guide planning efforts, it is important to also note that enforcement actions will be taken as appropriate for all regulatory violations regardless of whether the impacted resource is or is not listed as a priority planning area.

Definitions: What we mean by High, Medium and Low Priority

HIGH PRIORITY—Identifies areas of significant importance to NOAA, NMFS, OLE, stakeholders, and the public and require the utmost attention to ensure the sustainability of the identified resources or program. *High Priority includes items with low rates of compliance, or areas where there could be significant impact to the resources for non-compliance*

MEDIUM PRIORITY—Identifies areas requiring continued attention by OLE to maintain the level of compliance desired to obtain maximum protection of the resource or program. *Medium priorities include items where there maybe he good levels of compliance, but a large risk of impact for non-compliance.*

LOW PRIORITY—Low priority should not be interpreted as “no priority” and this designation does not translate into selective enforcement or no enforcement. *Low priority may include items where there are good levels of compliance and lower levels of risk to the resource for non-compliance.*



Alaska Division: Enforcement Priorities*

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

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

* NOAA will enforce any and all violations of the law as we are able to and all of these items are a priority for us. In the list above, High Priority includes items with low rates of compliance, or areas where there could be significant impact to the resources for non-compliance. Medium priorities includes items where there maybe he good levels of compliance, but a large risk of impact for non-compliance. Low priority may include items where there are good levels of compliance and lower levels of risk to the resource for non-compliance.



LOW PRIORITY

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

MEDIUM PRIORITY

- Misdemeanor and civil violations (e.g., interstate or foreign trafficking of small quantities of illegally harvested fish or marine resources)
- Mislabeling violations
- IUU identified productt

LOW PRIORITY

- Minor mislabeling violations
- Violations wherein responsible subject/vessel not identifiable

Northeast Division: Enforcement Priorities*

Magnuson-Stevens Act

HIGH PRIORITY

- Dealer and Vessel Reporting Requirements
 - Noncompliance with trip and cumulative limits and recordkeeping requirements directly for landings of federally managed marine species, and specifically catch share programs
- Sector/catch shares enforcement
 - Dockside monitoring
 - At-sea boardings in coordination with State and USCG partners
 - Trip/reporting analysis
- Limited access, fishery management plans, overfished, prohibited and protected species, for example:
 - Atlantic sea scallops
 - Northeast Multispecies
 - Atlantic bluefin tuna
- Fishing in closed or other prohibited areas
 - Commercial vessel incursions into closed areas or other Marine Protected Areas
- Criminal and civil/administrative investigations involving violations that could potentially cause significant damage to a fishery resource or the integrity of a management scheme
- Investigate complaints of observer assault, harassment and/or interference
- Maintain and foster relationships with industry and the general public through voluntary compliance assistance efforts, outreach and education events

MEDIUM PRIORITY

- At-sea enforcement of unlawful gear violations in coordination with state and USCG partners
 - Deployment of unlawful gear utilized in commercial fisheries
- Fishing for and possessing Atlantic striped bass in EEZ

LOW PRIORITY

- Open access permit violations
 - Noncompliance with state/federal fisheries permitting requirements pertaining to fisheries under NOAA's jurisdiction (open access permits)
 - Operator permit violations
 - Charter/headboat permit violations

Endangered Species Act & Marine Mammal Protection Act

HIGH PRIORITY

- Atlantic Large Whale Take Reduction Plan
 - Review and analysis of Automatic Identification System (AIS) data for enforcement of right whale ship strike reduction speed rule
- Large Whale Disentanglement Program
 - Investigate non-compliant gear removed from entangled large whales
- Lethal takes and Level A harassment with the potential to injure marine mammal stock
- Atlantic sturgeon – Aid in plan development, outreach, and education

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- Complaint response and gear inspections concerning compliance with configuration requirements designed to limit marine mammal and endangered species gear interactions for example:
 - Turtle Excluder Devices for trawl gear
 - Turtle Deflector Dredges for dredge gear
 - Pinger and weak link requirements for gillnets

MEDIUM PRIORITY

- Harbor porpoise take reduction regulations
- Fisheries in which NMFS has established specified target bycatch rates within certain New England management areas that, if exceeded after two consecutive management seasons, would trigger seasonal closure areas
- Particular areas of focus could include Mid-Coast Management Area (area of historically high bycatch) as well as the new Southern New England Management Area due to new pinger requirements going into effect
- 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
- Wayward marine mammals—significant strandings
 - Lost or stranded marine mammals
- Complaint response regarding compliance with poundnet gear restrictions

LOW PRIORITY

- Marine Mammal Stranding Network response
 - OLE presence on site during events as needed that do not involve apparent gear and/or other human interaction causes of stranding
- Permit violations
 - Proceeding with a project in a manner inconsistent with the terms and conditions of the permit
 - Noncompliance with conditions of any permit associated with taking or possessing of marine mammals or parts thereof
- Harassment, incidental
 - Harassment caused by careless, but unintentional acts (e.g., flushing of group of marine mammals due to boating or beach activities)
- Wayward marine mammals—strandings
 - Remote stranding or wayward marine mammal

International Laws and Treaties/Lacey Act/Seafood Fraud

HIGH PRIORITY

- Violations involving the Convention on International Trade in Endangered Species (CITES)
 - CITES-listed animal or animal parts illegally sold in interstate/international commerce under the jurisdiction of NOAA
- Trafficking in marine mammal and/or endangered species parts



- Marine mammals (parts) and sea turtles (parts) (e.g., whale meat, sea turtle meat, ivory, shells, illegally imported or exported)
- Fraudulent activity that has a nexus to public health and/or safety
- Seafood fraud/product substitution/false labeling
- Large scale trafficking in unlawfully taken or possessed fish or wildlife

MEDIUM PRIORITY

- Fraudulent importation/exportation
 - Fraudulent documentation is evident or likely, for a commodity in interstate/international commerce under the jurisdiction of NOAA
- Non CITES violations
 - Non-CITES listed products illegally imported or exported under the jurisdiction of NOAA
- Import/export live marine species
 - Live animals illegally transported/sold in interstate/international commerce under the jurisdiction of NOAA

LOW PRIORITY

- Marking violations
- Minor labeling violations on commodities transported and/or sold in interstate/international commerce under the jurisdiction of NOAA

Marine Sanctuaries Act

HIGH PRIORITY

- Fixed gear unlawfully positioned within the sanctuary boundaries
 - Lobster traps, sink gillnets, bottom longlines, etc.
- Whale harassment/approach and vessel speed restriction enforcement
- Closed area violations
 - Unlawful operation of a vessel in a closed area within any sanctuary boundary

MEDIUM PRIORITY

- Shipwreck protection

Pacific Islands Division: Enforcement Priorities*



Magnuson-Stevens Act

HIGH PRIORITY

- Observer assault, harassment, or interference violations
- Violations of international treaties and or agreements
- Tampering, obstruction of VMS equipment/data
- Closed area/VMS violations, ongoing
 - Commercial vessel incursions into closure areas or other Marine Protected Areas
- Felony and major civil cases involving significant damage to the resource or the integrity of management schemes

MEDIUM PRIORITY

- Other fisheries permit violations
 - Noncompliance with state/federal fisheries permitting requirements pertaining to fisheries under NOAA's jurisdiction

LOW PRIORITY

- Data discrepancy—reported logbook discrepancy, late and or failure to turn in logs, reported regulatory violations by the observer office (e.g., gear markings)

Endangered Species Act and Marine Mammal Protection Act

HIGH PRIORITY

- Ongoing take
 - An observed or reported ongoing/in-progress take as well as any vessel strike

- Lethal takes, Level A harassment with the potential to injure marine mammal

MEDIUM PRIORITY

- Take
- Imported ESA parts or products (also Lacey Act)
- 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
- Imported marine mammal parts or products (also Lacey Act)

LOW PRIORITY

- Permit violations
- Harassment, incidental
 - Harassment caused by careless but unintentional acts

International/Lacey Act

HIGH PRIORITY

- Fraudulent importation/exportation
 - Fraudulent documentation is evident or likely, for a commodity in interstate/international commerce under the jurisdiction of NOAA
- Species of health concern
 - Public health and safety is at risk with commodities in interstate/international commerce under the jurisdiction of NOAA

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- Import/export live marine species
 - Live animals illegally in interstate/international commerce under the jurisdiction of NOAA

MEDIUM PRIORITY

- Marine mammal and/or endangered species parts
 - Marine mammal and endangered species products and/or parts illegally exported

LOW PRIORITY

- Fraudulent importation/exportation—markings
 - Less complex labeling violations anticipated on commodities in interstate/international commerce under the jurisdiction of NOAA

Marine Sanctuaries Act

HIGH PRIORITY

- Discharges
 - Discharging or depositing any material injurious to sanctuary and monument resources
- Vessel groundings
 - Vessels or tows that become grounded within the boundaries of any marine sanctuary or monument

MEDIUM PRIORITY

- Prohibited taking or possession
 - Unlawful removal or possession of historical artifacts as well as protected marine resources from within the sanctuary and/or monument boundaries

LOW PRIORITY

- Permit violations
 - Noncompliance with conditions of any permit associated with the sanctuary and monument

Observer Program

HIGH PRIORITY

- Reported observer harassment
 - Any reported observer harassment and or obstruction/interference with observer functions

MEDIUM PRIORITY

- Reported fishery management plan (FMP) violations
 - Any reported FMP violations (e.g., blue dye bait, seabird mitigation)

LOW PRIORITY

- Data discrepancy
 - Reported logbook discrepancy, late and/or failure to turn in logs, reported regulatory violations by the observer office (e.g., gear markings)

Southeast Division: Enforcement Priorities*



Magnuson-Stevens Act:

HIGH PRIORITY:

- Snapper/Grouper/Tilefish Catch Share (IFQ) Program
- Red Snapper Recreational catch
- Fishery closures—closed areas and closed seasons, highly migratory species
- Observer harassment

MEDIUM PRIORITY:

- Dealer non-reporting on overfished species
- Enforce gear and permit sanctions/restrictions
- VMS violations
 - Commercial vessel incursions into closure areas and other Marine Protected Areas

LOW PRIORITY:

- Investigate minor permit violations
 - Monitor, patrol commercial/charter fishery

Endangered Species Act and Marine Mammal Protection Act

HIGH PRIORITY

- Turtle Excluder Device (TED) Compliance
- Lethal takes, Level A harassment with the potential to injure marine mammal stock
- Caribbean corals and coral reef protection in the region's National Marine Sanctuaries
- Any take, importation/exportation/possession of commercial quantities of endangered species or marine mammal items

MEDIUM PRIORITY

- Right whale approach and vessel speed restriction enforcement in South Atlantic waters
- Response to human interaction-caused stranding/mortality
- 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
- Noncompliance with conditions of incidental take permits

LOW PRIORITY

- Importation/exportation/possession of non-commercial quantities of endangered species or marine mammal items
- Response to non-human interaction strandings not involving fishing gear, ship strike, or human causation

International/Lacey Act

HIGH PRIORITY

- Illegal importation/exportation of commercial quantities of ESA/MMPA/corals (CITES)
- Mislabeling/fraudulently labeling commercial seafood imports/exports
- Detection and intervention of contaminated safety/health risk seafood products

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MEDIUM PRIORITY

- Illegal importation/exportation of non-commercial quantities of ESA/MMPA/corals (CITES)

LOW PRIORITY

- Detection-correction of minor import/export document-marking discrepancies

Marine Sanctuaries Act:

HIGH PRIORITY

- Any discharge of materials injurious to sanctuary resources
- Prohibitive taking of commercial quantities of sanctuary artifacts or protected marine resources

- Damage caused by negligent act or violation of law/regulation, damage to sanctuary natural resources (e.g., vessel grounding, anchoring in unlawful areas, setting and use of illegal habitat)

MEDIUM PRIORITY

- Unlawful fishing and/or use of restricted fishing gear

LOW PRIORITY

- Unlawful operation of vessel/aircraft/conveyance

West Coast Division: Enforcement Priorities*

OLE is in the process of following the National Marine Fisheries Service's reorganization by merging its Northwest and Southwest Divisions into a West Coast Division. NMFS announced the unification of its Northwest and Southwest Regional Offices to operate as a single West Coast Region in the fall of 2013. The goal of the integration is to pursue closer program coordination throughout the west coast of the contiguous United States. The OLE reorganization is designed to maintain consistency with this larger NMFS restructure. At this time OLE is maintaining separate operational priority for the Districts within the new West Coast Division, but will work to combine these priorities into a single Divisional set during the next review cycle.

Northwest Districts

Magnuson-Stevens Act

HIGH PRIORITY

Cases involving:

- Recidivism
- Foreign fishing incursions
- Adverse impacts on overfished stocks
- Observer assault, harassment, interference violations
- Observer coverage
- Catch reporting and trip limits:
 - Noncompliance with trip and cumulative limits and recordkeeping requirements for landings of federally managed marine species, and specifically catch share programs
- Closed area/VMS violations:
 - Ongoing commercial vessel incursions into closed areas or other Marine Protected Areas
 - IFQ declarations
- Patrols at sea and shoreside
- Education and outreach

MEDIUM PRIORITY

Cases involving:

- Other VMS violations
- Commercial salmon

LOW PRIORITY

- Highly migratory species cases involving catch reporting, log books, failure to hail in/out of Canadian Waters
- Permit violations

Endangered Species Act & Marine Mammal Protection Act

HIGH PRIORITY

Cases involving:

- Violations having a significant impact on listed populations, which might include:
 - Fish kills
 - Chemical discharges
 - Habitat destruction
 - Intentional direct take

* NOAA will enforce any and all violations of the law as we are able to and all of these items are a priority for us. In the list above, High Priority includes items with low rates of compliance, or areas where there could be significant impact to the resources for non-compliance. Medium priorities includes items where there maybe he good levels of compliance, but a large risk of impact for non-compliance. Low priority may include items where there are good levels of compliance and lower levels of risk to the resource for non-compliance.



- Habitat loss and degradation:
 - A wide range of issues involving dead animals
 - Major types of habitat degradation might include:
 - Inadequate water volume in streams that impact migration, spawning, and rearing; barriers to passage for both adults and juvenile fish
 - Poor water quality in streams
 - Loss of stream structure that provides for spawning and rearing
 - Puget Sound Habitat Initiative near-shore priorities involving bank armoring, flood plain management, and water quality
- Lethal, intentional, and/or egregious take of any marine mammal or listed species

MEDIUM PRIORITY

- Take likely to occur without dead animals:
 - Violations might include unscreened diversions, barriers to migration, uninitiated or planned project with likely take implications, no observed taking
- Patrols:
 - Especially in critical habitat areas and where marked selected fisheries occur
 - Puget Sound and coastal waters
- Education and outreach
- Level A Harassment with the potential to injure marine mammal stock

LOW PRIORITY

- Cases where take has little or no impact on recovery of listed population
- Permit violations:
 - No permit obtained
 - No significant impact to the resource or habitat
- Enforcement of federal laws or regulations for which NOAA does not have primary authority
- 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
- Beachcomber, loan program, permits

International/Lacey Act

HIGH PRIORITY

- Seafood safety:
 - Domestic
 - International
- Mislabeling violations:
 - Having a significant impact on national and international commerce
- Felony violations
- IUU identified vessels

MEDIUM PRIORITY

- Mislabeling violations having a significant impact on regional commerce
- IUU identified product
- Patrols/inspections:
 - International ports of entry
 - Market
 - Cold storage
 - Processing facilities
- Education and outreach

LOW PRIORITY

- Mislabeling where there is no significant impact to commerce
- Underlying law violations having no significant impact on regional commerce
- Enforcement of federal laws or regulations for which NOAA does not have primary authority

Marine Sanctuaries Act

HIGH PRIORITY

- Cases involving large amount of damage to resources; e.g., oil tanker running aground and causing major oil spill (unlawful discharge)

MEDIUM PRIORITY

- Investigations involving minor damage to resource
- Protection of historical resources
- Patrols
- Education and outreach

LOW PRIORITY

- Harassment of wildlife
- Low-flying aircraft
- Protection of EFH Olympic 2 Area



Southwest District*

Magnuson-Stevens Act

HIGH PRIORITY

- Observer assault, harassment, or interference violations
- Pacific highly migratory species (HMS) fishery
- Catch reporting and trip limits
 - Noncompliance with trip and cumulative limits and recordkeeping requirements for landings of federally managed marine species, and specifically catch share programs
- Closed area/VMS violations, ongoing
 - Commercial vessel incursions into closure areas or other Marine Protected Areas

MEDIUM PRIORITY

- Felony and major civil cases involving significant damage to the resource or the integrity of management schemes
- Other fisheries permit violations
 - Noncompliance with state/federal fisheries permit requirements pertaining to fisheries under NOAA's jurisdiction
- Gear violations
 - Deployment of unlawful gear utilized in commercial fisheries under NOAA's jurisdiction, including but not limited to, undersized trawl mesh, barbed salmon hooks, etc.

LOW PRIORITY

- Commercial salmon, seasonal
- High seas fishing permit

Endangered Species Act and Marine Mammal Protection Act

HIGH PRIORITY

- Ongoing take with dead animals
 - An observed or reported ongoing take with dead animals present and removable
- Habitat loss and degradation
 - A wide range of issues from minor riparian vegetation removal to massive sediment loading or major chemical spill without obvious dead animals
 - Major types of habitat degradation are:
 - Inadequate water volume in streams that impact migration, spawning, and rearing; barriers to passage for both adults and juvenile fish; poor water quality in streams and; loss of stream structure that provides for spawning and rearing
- Lethal takes, Level A harassment with the potential to injure marine mammal stock

MEDIUM PRIORITY

- Take with dead animals
 - Generally after the fact reported or observed take with dead animals present and recoverable
 - No witnesses of take present
- Take likely to occur without dead animals
 - Unscreened diversions, barriers to migration, uninitiated or planned project with likely take implications, no observed taking

* NOAA will enforce any and all violations of the law as we are able to and all of these items are a priority for us. In the list above, High Priority includes items with low rates of compliance, or areas where there could be significant impact to the resources for non-compliance. Medium priorities includes items where there maybe he good levels of compliance, but a large risk of impact for non-compliance. Low priority may include items where there are good levels of compliance and lower levels of risk to the resource for non-compliance.

- 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
- Wayward marine mammals—significant strandings
 - Lost or stranded marine mammals
- Commercialization and sales of listed species parts and products

LOW PRIORITY

- Permit violations
 - Proceeding with a project in a manner inconsistent with the terms and conditions of the permit
 - Loaner programs, permits

International/Lacey Act

HIGH PRIORITY

- Import/export of Fish and Wildlife species
 - Fish and Wildlife illegally shipped, transported in interstate/international commerce under the jurisdiction of NOAA
- Violations involving the Convention on International Trade in Endangered Species (CITES)
 - CITES-listed animal or animal parts illegally in interstate/international commerce under the jurisdiction of NOAA
- Species of health concern
 - Public health and safety is at risk with commodities in interstate/international commerce under the jurisdiction of NOAA
- IUU fishing
- Tribal fisheries cases involving Lacey Act violations
 - Tribal fishing activities involving salmonids that pose a real threat to the continued existence of local populations. Main focus should be pursuing prosecution in cases involving large-scale, organized illegal fishing conspiracies with non-tribal commercial fish dealers
 - Special emphasis on incidents that may involve ESA-listed salmonids

MEDIUM PRIORITY

- Tuna Tracking and Verification Program
- Fraudulent importation/exportation
 - Fraudulent documentation is evident or likely, for a commodity in interstate/international commerce under the jurisdiction of NOAA
- Non CITES violations
 - Non-CITES listed products illegally imported or exported under the jurisdiction of NOAA (e.g., various fish species)
- Marine mammal and/or endangered species parts

LOW PRIORITY

- Species of economic concern (example: shrimp)
- Illegal import or export of commodities of concern to NOAA for economic gain (e.g., forged/fraudulent DOC inspection documents)
- Fraudulent importation/exportation—markings
 - Less complex labeling violations anticipated on commodities in interstate/international commerce under the jurisdiction of NOAA

Marine Sanctuaries Act

HIGH PRIORITY

- Discharges
 - Discharging or depositing any material injurious to sanctuary resources (e.g., pollution issues)
- Vessel groundings
 - Vessels or tows that become grounded within the boundaries of any marine sanctuary
- Vehicular operations
 - Unlawful operation of motorized personal watercraft, aircraft, etc.

MEDIUM PRIORITY

- Prohibited taking or possession
 - Unlawful removal or possession of historical artifacts, or protected marine resources, from within the sanctuary boundaries
- Restricted areas, Marine Protected Areas
 - Unlawful operation of a vessel in a closed area within any sanctuary boundary

Background on the FY 2012-2017 Priority-Setting Process

In fall 2010, NOAA's Office of Law Enforcement and the NOAA Office of the General Counsel for Enforcement and Litigation solicited recommendations from within NOAA and from the fishery management councils; interstate fishery commissions; interested stakeholders representing public, private, and non-governmental organizations; and other entities on setting annual priorities at the national and regional levels.

This solicitation was initiated following the NOAA National Enforcement Summit earlier that year that brought together more than 60 stakeholders from the commercial and recreational fishing industries, non-governmental organizations, and state and federal enforcement officials to focus on how NOAA might better manage marine resources through fair, consistent, and transparent enforcement of natural resource laws.

NOAA's 2012 Enforcement Priorities were open for public comment for 60 days. These comments and a summary of stakeholder recommendation can be found in the 2012 Priorities document at http://www.fisheries.noaa.gov/ole/docs/2012/ole_priorities_2012.pdf.

Beginning in FY2014, the national priorities document is shifting to be set and reviewed on a 5-year planning cycle. The existing priorities, outlined in this document, will serve as the operational priorities for FY2012 to FY2017. Progress made on meeting priorities will be evaluated through NOAA's Enforcement Program's annual and quarterly milestones, Office of Law Enforcement and Office of General, Enforcement Section case tracking systems, State enforcement agency information, and US Coast Guard information.





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