



US Dept. of Commerce
NOAA
National Marine Fisheries Service
Office of Law Enforcement

Galveston, TX Field Office

SA Charles Tyer

SA Richard Cook

SA Matt Clark

ASAC Mark Kinsey

NOAA Office of Law Enforcement

Laws we are responsible for enforcing:

- **Magnuson Stevens Fishery Conservation and Management Act**
- **Lacey Act**
- **Endangered Species Act (ESA)**
- **Marine Mammal Protection Act (MMPA)**
- **Marine Sanctuaries Act**

Magnuson Stevens Fishery Conservation and Management Act

- Provides regulations that govern both recreational and commercial fishing inside the Exclusive Economic Zone (EEZ) of the United States.
- EEZ varies from 3 or 9 miles offshore and extends to 200 miles offshore.
- In Louisiana, Mississippi, and Alabama the EEZ begins 3 miles offshore and extends to 200 miles offshore.
- In Texas, and the Gulf Coast of Florida the EEZ begins 9 miles offshore and extends to 200 miles offshore.

Magnuson Stevens Fishery Conservation and Management Act

- **Mandates regional fishery management councils to set regulations to end over fishing and achieve a sustainable harvest.**
- **The Gulf of Mexico Fishery Management Council (GMFMC) is responsible for regulating the Gulf of Mexico.**

Magnuson Stevens Fishery Conservation and Management Act

- Regulations:

- 50 CFR §622

- FISHERIES OF THE CARIBBEAN,
GULF, AND SOUTH ATLANTIC

- 50 CFR §635

- ATLANTIC HIGHLY MIGRATORY
SPECIES

Magnuson Stevens Fishery Conservation and Management Act

- **Violations**
- **Magnuson mandates civil penalties for violations with a few criminal provisions.**
- **Violations are documented in a case package by the NOAA Office of Law Enforcement. In some cases Agent's or Officers can issue a Written Warning (WW) or Summary Settlement (SS).**
- **Civil cases are then sent to the NOAA Office of General Council for Enforcement and Litigation (GCEL).**

Magnuson Stevens Fishery Conservation and Management Act

- **Violations**
- **GCEL issues a financial penalty in the form of a Notice of Violation and Assessment (NOVA), and /or Notice of Permit Sanction (NOPS).**
- **Some civil cases may turn criminal and those cases are referred to the Assistant United States Attorney (AUSA) for prosecution.**
- **All criminal cases are prosecuted through the AUSA.**

Joint Enforcement Agreements (JEA)

- NOAA provides money to state conservation law enforcement agencies to help enforce federal regulations and patrol federal waters.
- In 2001 NOAA entered into it's first JEA with South Carolina

Joint Enforcement Agreements (JEA)

- State Conservation Officers are federally deputized and have the same authority as a NOAA Agent or Officer.
- As of now NOAA has entered into JEA's with 19 coastal states and 4 territories. These states include Louisiana, Mississippi, Texas, Alabama, and Florida.

Other NOAA OLE Partnerships

- **United States Coast Guard (USCG)**
- **US Fish and Wildlife Service (USFW)**
- **US Food and Drug Administration (FDA)**
- **US Customs and Immigration Enforcement (ICE)**

Lacey Act

- 16 U.S.C. §3371 - §3378
- The Lacey Act provides that it is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law whether in interstate or foreign commerce.

Lacey Act

- Violation of this federal act can result in civil penalties up to \$10,000 per each violation or maximum criminal sanctions of \$20,000 in fines and/or up to five years imprisonment.
- All plants or animals taken in violation of the Act are subject to forfeiture as well as all vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of fish or wildlife or plants in a criminal violation of this chapter.

Endangered Species Act (ESA)

- 16 USC §1531 - §1544
- This is key law at the national level for the listing and protecting of endangered species and their critical habitat.

Endangered Species Act (ESA)

- Marine species include:

Sea Turtles

Various species of sawfish

Several species of whale

Marine Mammal protection Act (MMPA)

- 16 USC §1361 - §1421
- The Marine Mammal Protection Act (MMPA) is the main regulatory vehicle that protects marine mammal species and their habitats in an effort to maintain sustainable populations.
- The statute outlines prohibitions, required permits, criminal and civil penalties, and international aspects in addressing marine mammals.

Marine Mammal protection Act (MIMPA)

- Dolphins, whales, seals, etc...
- Major issues:
 - Harassment
 - Dolphin Feeding
 - Illegal Takes

Marine Sanctuaries Act (MSA)

- 16 USC §1431 - §1445
- Authorizes the Secretary of Commerce to designate and protect areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities as national marine sanctuaries.
- NOAA OLE's responsibility is to enforce laws as they pertain to the individual sanctuaries.

Real Life Case Example

- FGBNMS Office Staff receives a complaint from a witness regarding the use of a spear gun with the FGBNMS boundary
- FGBNMS Staff notifies NOAA OLE of the complaint
- A NOAA OLE agent interviews the witness, locates the suspect, and obtains a written statement.

Case Example (cont.)

- NOAA OLE agent submits all evidence to the prosecuting attorneys
- The NOAA Attorneys issue a civil penalty to the suspect.
- The suspect paid his fine.

Available Assets

- NOAA OLE has three 26' patrol boats and one 37' patrol boat on order
- Texas Parks and Wildlife has two 65' patrol boats and numerous 22'-25' patrol boats.
- USCG has ten 87' patrol boats at least ten 47' patrol boats and numerous 25' patrol boats.

Available Assets

- NOAA OLE has 9 local enforcement agents (TX & LA) as well as numerous additional agents as needed
- TP&W has approximately 50 Game Wardens which are cross deputized as federal agents
- USCG has countless boarding officers
- Louisiana has approximately 25 Game Wardens (in the area which would cover the FGBNMS) which are cross deputized

THE END!

Questions??????