

# NOAA OFFICE OF LAW ENFORCEMENT (OLE) GULF OF THE FARALLONES SANCTUARY ADVISORY COMMITTEE BRIEFING FEBRUARY 25<sup>TH</sup> 2015

- ▶ Merger
- ▶ Staffing
- ▶ Enforcement Priorities
- ▶ General Counsel Enforcement Section



# WEST COAST DIVISION MERGER

## Merger of the Northwest and Southwest Divisions commenced in June 2014

- Formalized with implementation of the FY2015 Budget October 1, 2014
- Acting Northwest Division Senior Agent In Charge (SAC) William Giles named Assistant Director for the West Coast Division.
- Acting Southwest Division SAC Martina Sagapolu named Deputy Agent in Charge (DSAC) for the West Coast Division.



# West Coast Division - Area Of Responsibility

- Primary: California, Oregon, & Washington
  - Secondary: Arizona, Colorado, Idaho, Montana, Nevada, North Dakota, South Dakota, Utah, and Wyoming
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- 1,293 Miles of Coast Line and 7,863 Miles of Tidal Shorelines
  - 339,275 Square Miles Of Land
  - 222,471 Square Nautical Miles
  - Five National Marine Sanctuaries
  - 36 Major International Airports
  - 21 Major International Seaports
  - U.S. – Canada Border 427 Miles + 900 Miles
  - U.S. – Mexico Border 140 Miles + 372 Miles



# ADVANTAGES TO MERGING

- ▶ Consistent West Coast Enforcement Policies
  - ▶ Need for consistency was first recognized in 1998 in response to the multiple ESA listings of Salmon coast wide.
    - ▶ West Coast Enforcement Coordinator Position
      - ▶ PFMC Representation
      - ▶ Sanctuary SAC Representation
      - ▶ USCG Training



# ADVANTAGES OF MERGING

- ▶ One West Coast Fisheries Council Pacific Fisheries Management Council
- ▶ In Common Fisheries Management Plans:
  - ▶ Salmon / ESA
  - ▶ Groundfish (87 species, most range coast wide)
  - ▶ Trawl Rationalization / LEP Fixed Gear LEP are coast wide programs
  - ▶ Highly Migratory Species
    - ▶ Swordfish and Bluefin tuna are only species in the complex that are unique to California
  - ▶ Coastal Pelagic Species



# ADVANTAGES OF MERGING

- ▶ Other Management Efficiencies
  - ▶ IT
  - ▶ Budgeting
  - ▶ Training/Trainers
  - ▶ Joint Enforcement Agreement (JEA) Management
  - ▶ Consolidation of Offices
  - ▶ Reduction in Higher Management Positions



# STAFFING CHANGES

- Changes were made to the Agent to Enforcement Office Ratio

Investigative Functions performed by a Criminal Investigator, the Special Agent.

Patrol Functions performed by the Enforcement Officer.

- Patrol activity performed by OLE Officers, CDF&W Wardens, and USCG Boarding Officers who discover violations in progress, (citations issued) and forward intelligence to the Special Agents for follow-up of more complex suspicious activity and/or alleged violations.



# NOAA Office of Law Enforcement West Coast Enforcement Division

## Organization Structure:

- Current Staffing Model
- Current & Planned Staffing Model

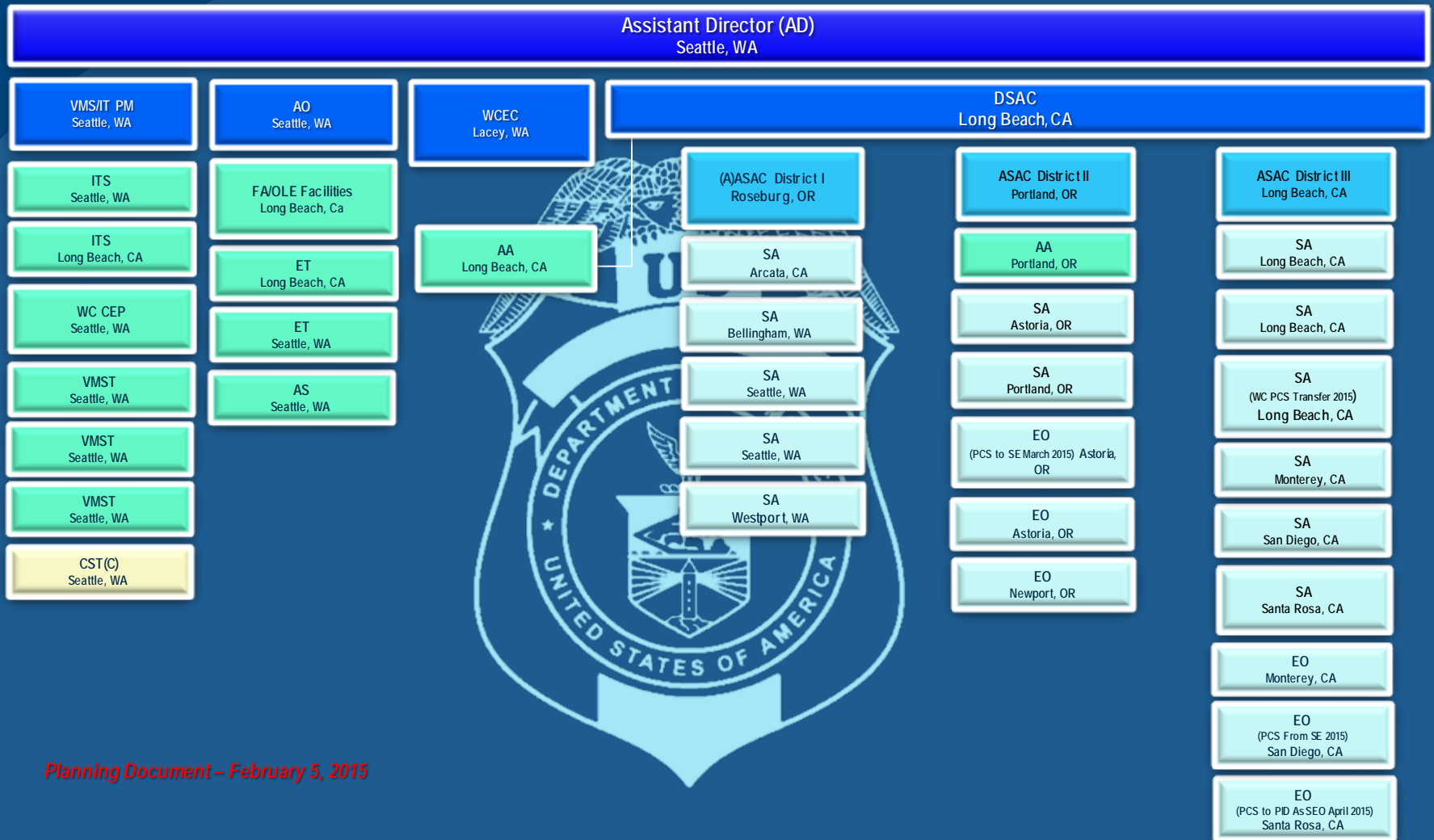




# NOAA Fisheries

## Office of Law Enforcement

### West Coast Division (Current)

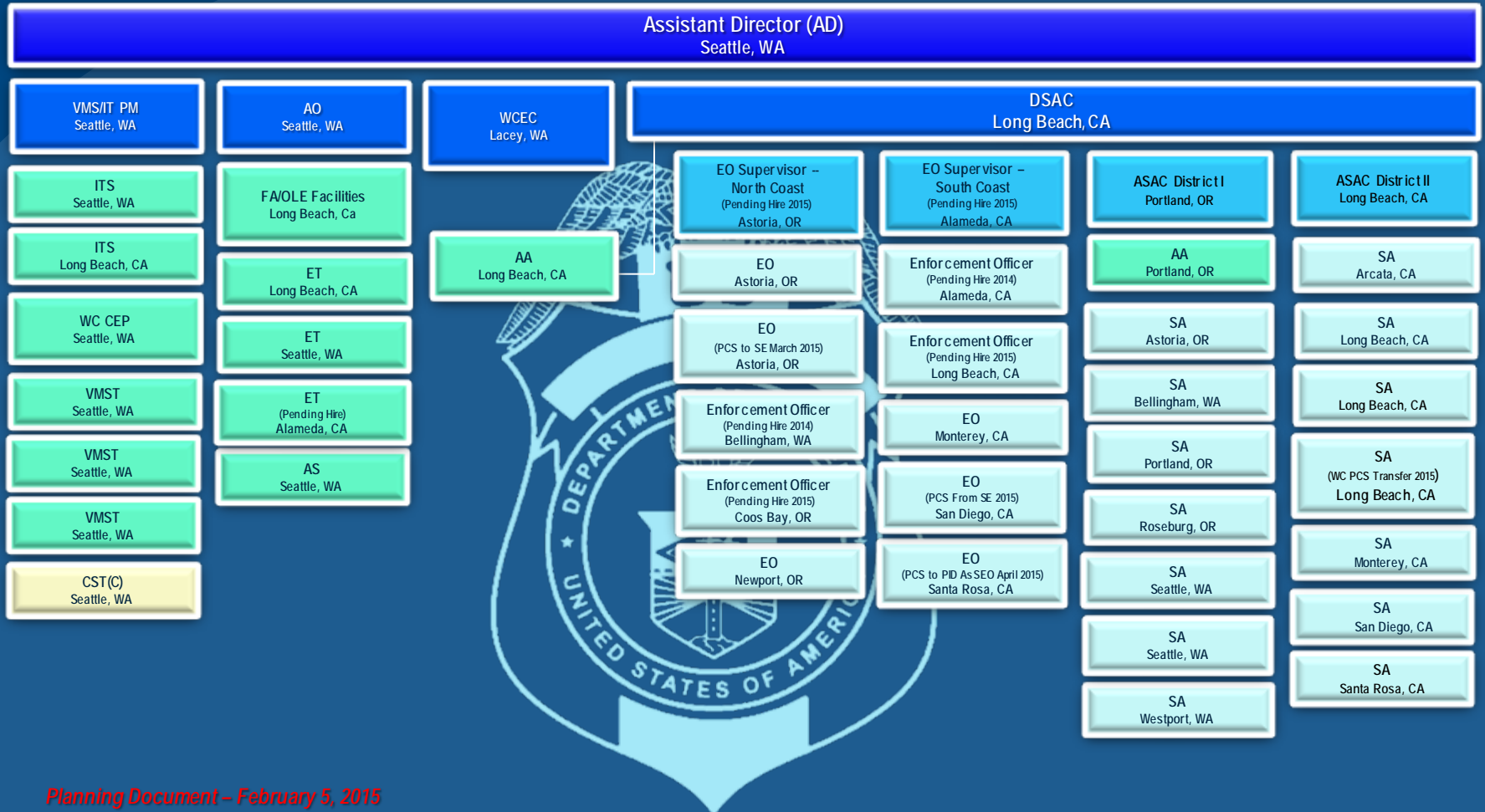


Planning Document – February 5, 2015

# NOAA Fisheries

## Office of Law Enforcement

### West Coast Division (*Current & Planned*)



Planning Document – February 5, 2015

# 2012 - 2017 Enforcement Priorities

## Priority Definitions:

**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.

**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.

**Low Priority**—Designation under this category may illustrate that the program or area is receiving a high degree of compliance by industry and the public. Or perhaps the violations are minor or technical in nature and have little to no impact on the resource. Low priority should not be interpreted as “no priority” and this designation does not translate into selective enforcement or no enforcement.



# Sanctuary Enforcement Priorities

## 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



# Recent Enforcement Actions

- MBNMS at Half Moon Bay-F/V New Captain Pete charter boat boarded by USCG Cutter Sockeye. They discovered an unsecured MSD "Y" valve while operating within sanctuary waters. I issued a \$400.00 summary settlement which was paid.
- GFNMS- A boarding done by USCG Cutter Tern discovered that the MSD was plumbed directly overboard. Investigation ongoing.
- GFNMS Tamales Bay- Complaint of an illegally constructed fence in the bay which is related to oyster farming. Investigation ongoing.
- GFNMS Tamales Bay- Routine patrol observed a sunken sail boat in the town of Marshall. GFNMS contracted a diver to examine vessel and search for any identification numbers. Investigation ongoing.



# General Counsel Enforcement Section

Wes Site: <http://www.gc.noaa.gov/enforce-office.html>

- Enforcement Decisions
- Enforcement Charging Information
- Penalty Policy and Schedule including Summary Settlement Schedule (SS)



# Recent CA Sanctuary Charges and Settlements.

SW1000862; M/V Itajai Express - Owner was charged under the National Marine Sanctuaries Act for discharging or depositing, from within or into the Gulf of the Farallones National Marine Sanctuary, non-exempt materials -- shipping containers. A \$9,000 NOVA was issued. [See, Settled cases, item 68, below, for resolution of this matter.]

\$9,000 NOVA settled for \$8,100.



# Contact Information

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