

Gulf of Mexico Cooperative Law Enforcement Operations Plan

2019-2020



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

2019-2020

by the

Gulf States Marine Fisheries Commission
Law Enforcement Committee

and

Gulf of Mexico Fishery Management Council
Law Enforcement Technical Committee

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Introduction

Current state and federal regulatory approaches require development and implementation of concurrent law enforcement strategies. Concerns over ocean ecosystems, living marine resources, coral reefs, coastal habitat conservation, and international fisheries have continued to escalate law enforcement responsibilities throughout the Gulf of Mexico. The foundations of fishery management plans are dependent upon sound regulations and the ability to maintain acceptable levels of compliance.

Understanding the complexities of fisheries management regulations by the public and user groups requires enhanced interaction and communication by enforcement. The role of law enforcement is to provide guidance to ensure effectiveness, consistency, and enforceability of proposed and adopted regulations in the fishery management process. Effective education and outreach programs by enforcement will increase public trust and awareness, maximizing voluntary compliance and identifying illegal activity.

This long-term *Gulf of Mexico Cooperative Law Enforcement Operations Plan* maximizes the effectiveness of interjurisdictional and international fisheries enforcement. This is accomplished by identifying priorities, developing comprehensive planning efforts, and conducting Gulf-wide operations.

Vision Statement

Effect regulations which enhance, protect, and conserve ocean ecosystems and living marine resources to increase compliance throughout the Gulf of Mexico for the safe use and enjoyment by present and future generations.

Mission Statement

Law enforcement is dedicated to providing professional guidance and expertise to the Gulf States Marine Fisheries Commission, the Gulf of Mexico Fishery Management Council, and the National Oceanic and Atmospheric Administration. We are committed to improving enforceability and regulatory compliance through cooperative efforts that enhance, protect, and conserve shared living marine resources and their supporting ecosystems throughout the Gulf of Mexico.

Goals and Objectives

GOAL 1: Provide professional law enforcement expertise throughout all 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 LETC meetings in conjunction with GSMFC and GMFMC meetings.
- Conduct a summer work session to continue strategic and operations plan activities and opportunistic discussion of enforcement hot topics.
- Evaluate current GSMFC and GMFMC regulatory recommendations/actions.
- Provide guidance to identify and prevent unnecessary regulations.
- 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 chair of the GSMFC's LEC may convene conference calls as needed and request discussion items from the membership (upcoming proposals and law enforcement issues) and track previous agenda items specific to GSMFC activities to ensure completion.

Task 2. Meeting agendas will be developed based upon upcoming law enforcement topics, and issues pertinent to GSMFC and GMFMC business.

Task 3. The chairmen of the LEC/LETC 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 4. 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 5. 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.

Task 6. The chairmen of the LEC/LETC will consult the members and coordinate input to NOAA on enforceability of regulatory/management issues pertinent to federal fishery management plans and amendments or other enforcement issues outside of the Council purview.

Task 7. The LEC/LETC will continue to meet in conjunction with the GSMFC spring and fall annual meetings.

Task 8. The GMFMC will provide funding for the LETC state representatives to attend the GMFMC meetings when in their respective home states, at which the LETC state representative will provide a presentation or update on recent JEA activities.

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 and the GSMFC staff will request the current state rules and regulations for the production of the GSMFC’s *Law Summary - Rules and Regulations* which is distributed electronically.

Task 2. The LEC/LETC will provide information, guidance, and representation between all law enforcement agencies and the GSMFC/GMFMC when requested.

Task 3. The chairmen of the LEC and the GSMFC staff will request the current state rules and regulations for the production of the GSMFC’s *Rules and Regulations: Officers’ Pocket Guide* which is distributed to all fisheries officers on the water.

Task 4. LETC members will make an effort to contact their department representatives on the GMFMC to review issues coming before the GMFMC and debrief with them after GMFMC meetings.

Task 5. The GMFMC staff will provide an email with a link to the GMFMC Statement of Operating Practices and Procedures (SOPP) for any new members to the LETC and the whole LETC when changes are made to the SOPP.

New Tasks

Task 1. The GMFMC staff will provide the LETC/LEC with Council agendas ahead of the regular Council meetings to make enforcement aware of items that might need to be addressed or officers be made aware of.

Objective 1.3 – Increase participation in development of federal fishery management plans and amendments.

- Provide timely and substantive comments on federal fishery management plans.

Continuing Task

Task 1. The GMFMC staff liaison will provide background material as federal fishery management plans are being developed.

Task 2. Provide comments to the GMFMC or GSMFC staff at the appropriate time to ensure enforceability of regulatory/management measures pertinent to federal fishery plans

Objective 1.4 – Provide guidance and input on existing regulations to ensure enforceability.

- Provide guidance to modify ineffective regulations.
- Promote statutory and regulatory consistency among all state and federal agencies.
- Identify enforcement workload impact and cost-analysis resulting from regulations and changes.
- Identify tools and technologies necessary to provide effective enforcement.

Continuing Tasks

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

Task 2. The LEC/LETC will review for consistency state/federal laws and regulations applicable to interjurisdictional fisheries and/or relating to interstate transportation of seafood.

Task 3. The LEC/LETC will, as appropriate, participate in relevant state and federal legislative agendas.

Task 4. The LEC/LETC will identify existing regulatory enforcement concerns and report to the GSMFC and GMFMC.

Task 5. The LEC/LETC will research and discuss enforcement tools and technologies as a continuing agenda item at semi-annual LEC/LETC meetings.

Task 6. The LEC/LETC will 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 LETC.

Task 7. The LEC/LETC will encourage consistent enforcement of federal and state requirements under the Endangered Species Act and Marine Mammal Protection Act.

Task 8. Utilize the existing LETC process to provide formal input on the cost analyses associated with enforcement of proposed regulations to the GMFMC to avoid unfunded mandates or liabilities.

New Tasks

Task 1. Establish a routine agenda item for the LETC to review existing federal fisheries regulations that may no longer be applicable or may be in need of rewriting for the GMFMC to consider revising or removing.

GOAL 2: Develop and implement effective outreach programs.

A working partnership 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 (COPPs).

- 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 and social networking.
- Utilize user group feedback to evaluate enforcement performance.
- Coordinate with the GMFMC Outreach and Education Committee on specific public events.

Continuing Tasks

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

Task 2. The LEC/LETC will review successful public affairs programming in other local, state, and federal law enforcement agencies for potential application to LEC/LETC efforts.

Task 3. The LEC/LETC will explore documentation of community-oriented policing events conducted by enforcement officers which encompass regulatory and management information.

Task 4. The LEC/LETC will identify other forms of fishery education and public outreach.

Objective 2.2 – Promote Gulf-wide fisheries information programs.

- Identify and develop web-based services such as social media and smart-phone technology 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 easily accessible, understandable, multilingual format.

Continuing Tasks

Task 1. 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.

Task 2. Continue updating and supporting the information provided through the GMFMC's and other mobile apps for Smartphones on fish identification, closed areas, Marine Protected Areas (MPA), and local/federal regulations.

New Tasks

Task 1. Publicize all enforcement tip line and electronic reporting system for the public to contact state or federal enforcement.

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.
- Work with the case agent or officer to aid in adjudication and disposition of evidence.

Continuing Tasks

Task 1. The LEC/LETC 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.

Task 3. Utilize existing tools to promote education of prosecutors on current enforcement efforts and develop additional tools that assist in apprehension of violators.

New Task

Task 1. Develop mechanisms to inform prosecutors of new or revised rules/regulations, violation progression, or change of class of violations which may occur.

GOAL 3: Promote cooperative law enforcement partnerships.

Working partnerships are essential to maximize enforcement resources in order to promote Gulf-wide regulatory compliance.

Objective 3.1 – Maintain cooperative enforcement agreements (CEAs), joint enforcement agreements (JEAs), memorandums of understanding (MOUs), and reciprocal agreements across state and federal agencies.

- Whenever appropriate, provide comments in support of CEAs, JEAs, MOUs, and reciprocal agreements to state and federal representatives.

- Promote the streamlining of processing and tracking JEAs.
- Promote continuation of National JEA Working Group.
- Encourage JEA-related training for state enforcement personnel.

Continuing Tasks

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

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

Task 3. The LEC/LETC will work with NOAA OLE, to identify specific goals and milestones that must be met under the JEA Program.

Task 4. The LEC/LETC will provide routine reporting to the GSMFC and GMFMC on past years' JEA activities for the whole Gulf through the LEC/LETC reports at the annual fall meeting.

Task 5. The LEC/LETC supports continuation of 'officer sharing' programs for joint operations and JEA patrols for better agency/agency cooperation and information sharing.

Objective 3.2 – Identify state and federal programs supporting fisheries enforcement.

- Identify and enhance law enforcement equipment for states.
- Enhance communications among federal and state enforcement partners on Homeland Security issues.
- Enhance inter-operable communications among state and federal enforcement partners.

Continuing Tasks

Task 1. The LEC/LETC will identify and evaluate funding sources applicable to law enforcement training and equipment.

Task 2. The LEC/LETC will develop additional 'shared' experience training between the states and the NOAA OLE agents.

Task 3. The LEC/LETC supports continued development of partnerships and potential access to aerial surveillance aircraft in support of off-shore enforcement activities.

Objective 3.3 – Explore a uniform enforcement data collection and reporting system for violation and management trends across the Gulf states.

- Evaluate available technology.
- Identify funding sources.
- Analyze and distribute information.

- Promote development and use of a shared database for natural resource violations across the state and federal resource agencies similar to NCIC or the TPWD's Pocket Cop inquiry tool.
- Acquire the wireless ability to access this system in the field by enforcement officers in real time.
- Identify and evaluate under-reporting issues and address gaps in state reporting requirements along with federal reporting requirements to determine possible trends in neighboring states.

New Task

Task 1. Determine the individual needs of the various agencies to build a framework for a unified system.

Task 2. Evaluate the ability to merge or modify existing agency reporting structures to meet the needs of a uniformed framework system.

Objective 3.4 – Coordinate law enforcement effort and evaluate observed compliance with regulations based on federal fishery management plans.

- Conduct state/federal strategic plan work sessions to evaluate progress and determine milestones.
- Conduct state/federal law enforcement meetings concerning joint Gulf-wide programs and operations.
- Ensure that future law enforcement programs support fishery management plans.
- Ensure enforcement partners are informed of federal rule/law changes in a timely manner and provide training if needed.

New Task

Task 1. Request GMFMC and GSMFC staff to develop a matrix for use by the LEC/LETC of the timing of routine closures over the last several years to plan for potential closures in advance to better forecast potential fishery closures based on recent history.

Task 2. Conduct an annual or biannual review of the relevant regulations and management concerns with the federal and state partners.

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 – Incorporate realistic compliance estimates into stock assessment models in support of ecosystem sustainability.

- Support the inclusion of law enforcement statistics and other information in stock assessments and biological opinions.
- Identify 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/LETC will provide recommendations and input when regulations are being developed in support of ecosystem management.

Task 2. The LEC/LETC will provide input through the GSMFC IJF Program Coordinator for inclusion and consideration of enforcement statistics in stock assessment efforts through the SEDAR and GDAR programs.

GOAL 5: Protect the consumer.

Ensure the consumer is receiving properly identified aquatic product that legally entered the domestic market.

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 Task

Task 1. The LEC/LETC will continue to stay involved in the product substitution and relabeling issues.

Task 2. The LEC/LETC will identify current documentation and procedure requirements used for importing marine species.

New Tasks

Task 1. State and Federal partners and other agencies (US Customs, USFDA, USFWS Wildlife Inspectors, etc.) will work cooperatively to address the movement of fishery products coming from foreign nations that may not meet safe processing regulations.

Objective 5.2 – Ensure the integrity of domestic fisheries products.

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

- Work with partner agencies to identify and deter illegal fisheries activities from neighboring foreign nations.

Continuing Tasks

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

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

Task 3. State and Federal partners will continue to coordinate joint resources to ensure a strong response regarding IUU activities.

Task 4. Partners will monitor levels of IUU fishing for coordination of effort and for potential inclusion in stock assessment.

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.

Continuing Tasks

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

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

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

Task 4. The LEC/LETC will 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/LETC will discuss additional workload indicators as a result of changes in US Coast Guard fisheries enforcement resulting from Homeland Security priorities.

Task 2. The LEC/LETC will continue developing management strategies to include funding for personnel and vessels for offshore patrols.

Task 3. The LEC/LETC will request the GSMFC and GMFMC to send letters in support of the JEAs to the appropriate federal partners to highlight the need for secure, long-term funding/appropriations in support of JEA.

Task 4. The LEC/LETC will work with the GMFMC to identify increased JEA funding needs for enforcement when implementing new FMP regulations in order to call attention to any added enforcement costs.

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

- Seek funding from the GSMFC and GMFMC for the LEC and LETC to attend the GSMFC spring and fall annual meetings.
- Fund the LETC state representative to attend each of the GMFMC meetings when in their home state.

Continuing Task

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

GOAL 7: The five states will work together for the short-term response and long-term recovery from manmade and natural disasters.

- Evaluate the needs of officers responding to the disaster.
- Determine the effectiveness of large-scale closures due to disasters.
- Evaluate the cost of enforcing large-scale closures.

Continuing Task

Task 1. The LEC and LETC will share post-event evaluations with state and federal partners as part of routine state reporting at joint LEC/LETC meetings.



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