

ACHIEVING COMPLIANCE

Group 1

Key Recommendations

- Industry and industry scientist more involved in rulemaking
 - Include OLE
- Education for fishers: job aides, informal meetings with NOAA and states
 - Classes with scientists
 - Multi-media outreach (not just online)
- Move GCEL to DOJ to handle adjudicatory process
- Criminal vs. civil
 - More warnings
 - Intent vs. confusion
- Training for LE officers with fishers about impact of boarding
- Same standards for penalties used by all general counsels
- Keep regulations for longer time before revising—give time to understand

Additional Ideas:

- Sanction allocations—overall cut-back on allocations
- Put cameras on boats—for by catch issue
- National level standards needed—priority settings guidance (i.e. job aide for OLEs coll. with fishers)

Group 2

Key Recommendations

- More funding for enforcement (including JEAs)
- Reduce complexities: LE, USCG, fishers meet with councils to audit existing regs and provide feedback on enforceability
- More funding for stock assessments (especially in-water) Compliance is aided by good science
- Enhanced presence on the ground and/or SAs/and/or use of technology

Additional Ideas:

- State and federal laws mirror one another (ideal)
- Self-enforcement = [more] buy-in
- Fair penalties to match violation and harm to resource
 - Tailor to region
- Measuring enforcement effectively
 - More accuracy—allows for bench-marking, evaluating compliance measurements

Group 3

Key Recommendations

- Enforceability, ability to comply, and complexity should be considered by fisheries councils in developing rules
- Get word out on enforcement action promptly (press releases)
- Prosecutions should be timely—reduce gap from documentation of violation to prosecution

- Officers develop better relationships on the docks
- Consider overcapacity in developing regulations—engage all groups

Additional Ideas:

- Consider extending review of comment period for regulations
- Council needs advisory panel with enforcement
- Amend statute of limitations on prosecution (make shorter)
 - Complexity of regulations
 - Reduce gap from documentation of violation to prosecution

Group 4

Key Recommendations

- Outreach/education
 - Highlight positive compliance
 - Clarify regulations—reader friendly
 - Non-uniform “out-reachers” as educators/trainers
 - “One stop shop” for questions
- Communication (by/with agents)
 - Increase access/presence
 - 24-hour
 - On dock
 - Build mutual trust/respect
 - Increase community involvement
 - Informal in-person meetings between fishers and agents
 - Joint enforcement agents
- Focus on the most egregious violators
 - Prioritize harmful resource implications
 - Follow-up publication of case outcomes

Group 5

Key Recommendations:

- Provide more enforcement resources (including outreach and penalties) to JEAs and OLE
- Strike a proper balance between the responsibility of the regulated community to know regulations and outreach by the agency
- Minimize the complexity of the regulations and look at the regulations in totality, while balancing the necessary specificity with ease of understanding
 - Idea: put regulations into Q & A format
- Use a consistent approach to evaluating violations and penalties nationally. Use objective criteria, but recognize the outcomes may differ
- Educate the regulated community on criteria that determine the penalty within the schedule
- Commit to improving/increasing communications between enforcement and regulated community

Additional Ideas:

- Be cognizant that there is both over- and under-enforcement (what’s different about the Northeast?)

- ID the source of the tension
 - Going from unregulated to very regulated
- Status of stock and evaluation of meeting plan impacts enforcement strategy
- Enforcement has negative impact on fishermen (has economic loss)
 - Needs two-way communication
 - No “us vs. them”

Group 6

Key Recommendations:

- Develop effective communication program
 - Intra (within NOAA)
 - Inter (NOAA to Coast Guard, etc.)
 - External (public, industry, etc.)
- Maximize enforcement visibility
- Strive for stability in regulations
 - As few changes as possible
- Compliance guide
 - Simple
 - Phone number for questions
- NOAA leadership set enforcement priorities

Additional Ideas:

- Complex/confusing regulations
 - Industry and enforcement clarity
- Criminal
 - Intent?
 - Level of violation
 - Training
 - Educate/inform
- Lack of understanding why
 - Industry as other public
 - Regulations
- Enforcement: operate within management priorities
 - Other agencies form report
- Continuity
 - Enforced how/where/when
- Explore e-tools
 - Fish regulation application
 - More discretion enforcement
 - Limit (agenda driven policies)
- Compromise solutions to regulations
 - Certain allowances will have to be removed to make simpler
- Enforcement involved with rule making early on
- Sufficient resources to enforcement
- Maximize visibility of presence

Group 7

Key Recommendations:

- Optimized use of enforcement assets, including:
 - Increase enforcement assets
 - Proper use of current assets
 - JEAs between NOAA and Partners
 - Need to be realistic
- Goal of well crafted regulations including:
 - Simplified
 - Enforceable
 - Need culture shift in councils
 - Need compromise
 - Prioritization
 - Help to stay in compliance
 - Enforcement to take complex regulations into account
- GCEL need to:
 - Increase staff resources
 - Be involved in council process
 - Be involved in development of the regulations
- Compliance should be prioritized over enforcement
 - OLE most embrace public face and increase outreach
- Professionalize commercial captain and crew base
 - National registry
 - Licensing

Group 8

Key Recommendations:

- Continuing education and outreach (constant)
 - Updating compliance guides
 - Forums
 - Increased accessibility of information, flexibility/grace period
- Increase staff with differentiated assignments
 - I.e. 7 motion-marked boats (those who do education don't enforce)
 - Interact in non-confrontational situations
- Observers should be trained in regulations
- Validity of scientific/regulatory basis
 - More money for science center
 - Eliminate perception of politics driving process
- Increase timeliness of resolution of enforcement action
- NOAA should approve press releases quickly (i.e. same or next day)
- Increase available penalties for knowing/repeating violations, decrease first-time penalties for accidental violations

Group 9

Key Recommendations

- Publish a comprehensive report of violations
- Involve GC, Fish management, and non-enforcement staff in education efforts

- Develop a penalty policy that encourages self-reporting
- Sunset some regulations
- Follow up when summary settlement is not paid

Additional Ideas

- Targeting OLE resources on violators
- Comprehensive report of violation
- GC and FM involved in local education efforts and partnerships
- Assign outreach work to non-enforcement NOAA staff
- Press releases out on timely basis
- Tools and technologies
 - Use them to track violations on water
 - Electronic reporting
- Track individuals self-reporting under catch shares
- Find additional money
 - Include from other feds (e.g. CG)
 - Grants for enforcement
 - Assess enforcement costs for new regulations and seek funding for it