

United States
Coast Guard



Fisheries Enforcement Strategic Plan

A collage of images showing Coast Guard personnel in various roles: two crew members in orange life vests on a boat, a large fish being held up, a patrol boat at sea, a helicopter, and a small inflatable boat with crew members. The background is a deep blue gradient.

OCEAN GUARDIAN

**Providing professional and effective
at-sea fisheries enforcement**

U.S. Department of
Homeland Security

United States
Coast Guard



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MEMORANDUM

SEP 20 2004

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Reply to: G-OPL
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To: Distribution

Subj: LETTER OF PROMULGATION

1. As the Nation's premier maritime law enforcement agency, the Coast Guard is deeply committed to supporting living marine resource conservation and management objectives through an effective and professional law enforcement program. Working closely together with fisheries managers, both at home and internationally, the Coast Guard for many years has enforced laws and regulations that prohibit illegal fishing practices.

2. To meet future maritime threats and challenges, including fisheries enforcement, the Coast Guard initiated the Integrated Deepwater System to upgrade existing cutters and aircraft while transitioning to newer, more capable platforms. Deepwater will ensure the Coast Guard has a flexible and agile system of cutters, aircraft and command and control systems to provide the enforcement presence called for in this strategic plan to meet current and future fisheries enforcement challenges.

3. A unified national strategic plan for federal fisheries enforcement, that provides a framework for prioritizing common goals and implementing harmonized enforcement policies, is necessary to meet future challenges in fisheries management and enforcement. NOAA Fisheries manages, conserves and protects living marine resources within the United States' Exclusive Economic Zone, and the U.S. Department of State formulates and implements U.S. policy to achieve sustainable fisheries and to promote U.S. interests in the world's oceans. Enforcement of these management policies is necessary for them to be effective and to achieve national goals and objectives. This strategic plan, together with the NOAA Enforcement Strategic Plan and Department of State Strategic Plan, form the unified national strategy for fisheries enforcement.

4. There is much at stake in getting fisheries regulations and compliance right. The Coast Guard will work with fisheries managers to develop safe and enforceable management plans and then enforce those plans through presence, technology, and partnerships—now and well into the future.

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Enclosure: OCEAN GUARDIAN, Fisheries Enforcement Strategic Plan

Dist: LANTAREA (Ao), PACAREA (Po), All Coast Guard Districts (o), All Regional Fisheries Training Centers, PACAREA TRATEAM, MLE School



OCEAN GUARDIAN

U.S. Coast Guard Fisheries Enforcement Strategic Plan

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EXECUTIVE SUMMARY

Ocean Guardian is the Coast Guard's Fisheries Enforcement Strategic Plan. It is the Coast Guard's ten-year strategy to provide effective enforcement in support of the national goals for fisheries resource management and conservation. It links national and organizational strategies to mission goals and standards, includes a performance measurement plan to evaluate the effectiveness of mission performance, provides strategies to achieve performance goals, and an associated budget to implement those strategies. In addition to a comprehensive task list to improve the fisheries enforcement mission, it includes a specific Coast Guard plan for implementation of the U.S. National Plan of Action to Combat Illegal, Unregulated and Unreported Fishing and the United Nations Fish Stocks Agreement.

Ocean Guardian is the culmination of a revalidation project that incorporates findings from nine regional listening sessions attended by over two hundred stakeholders. It also incorporates findings from the initial 1993 fisheries enforcement study and the 1999 revalidated study; Coast Guard, NOAA and Department of State Strategic Plans; the Office of Management and Budget's Program Assessment Rating Tool process; findings of the Commission on Ocean Policy and the Pew Oceans Commission; the U.S. National Plan of Action for Illegal, Unreported and Unregulated Fishing; the United Nations Fish Stocks Agreement; the Marine Protected Area Initiative; and the Deepwater Performance Gap Analysis.

Enforcement is but one piece of the overall fisheries management process. However, fish stock sustainability cannot occur without proper fishery management measures being effectively enforced both at-sea and ashore. The Coast Guard's Fisheries Enforcement

Strategic Plan, together with the NOAA Enforcement Strategic Plan and the Department of State Strategic Plan, form the National Strategy for fisheries enforcement.

MISSION STATEMENT

Ocean Guardian is the Coast Guard's long-range strategy to **provide effective and professional at-sea enforcement to advance national goals for the conservation and management of living marine resources and their environment.**

NOAA Fisheries is responsible for the management, conservation and protection of living marine resources within the United States Exclusive Economic Zone. The U.S. Department of State also has a wide range of responsibilities to achieve sustainable fisheries at the global level, coordinating ocean policy and promoting U.S. interests in the oceans internationally. The Coast Guard must partner closely with NOAA and Department of State to meet the challenges that lie ahead in fisheries management. Enforcement of domestic regulations and international agreements is necessary to achieve U.S. goals and objectives for living marine resource conservation. Living marine resource enforcement is a joint responsibility of both NOAA Enforcement and the U.S. Coast Guard, with assistance from Department of Defense and state enforcement agencies. As the only agency with the infrastructure and authority to project a law enforcement presence throughout the 3.36 million square mile U.S. Exclusive Economic Zone and in key areas of the high seas, the Coast Guard is the lead agency for at-sea enforcement of living marine resource laws. Furthermore, the Coast Guard shares its maritime law enforcement expertise with lawmakers, regulators and international counterparts to ensure management and conservation measures are enforceable.



NATIONAL GOALS AND OBJECTIVES

The Magnuson-Stevens Fisheries Conservation and Management Act¹ was enacted to provide a national program for the conservation and management of the fishery resources of the United States.

Proper application of the Magnuson-Stevens Act will prevent overfishing, rebuild stocks, and facilitate long-term protection of essential fish habitat. The recent average commercial and recreational yield of all U.S. fisheries resources is estimated at slightly more than 60 percent of the long-term potential yield. If all stocks were rebuilt to their long-term potential, an additional \$1.3 billion would be added to the U.S. economy at the point of first sale.²

The Department of State Strategic Plan, NOAA Fisheries and Fisheries Enforcement Strategic Plans, and the USCG and USCG Fisheries Enforcement Strategic Plans complement and support one another, as presented in Figure 2, to ensure adequate enforcement of fisheries management controls to recover and sustain fisheries and protected species.

In addition to linking outward to other agencies, this plan is linked closely to the Department of Homeland Security Strategic Plan as shown in figure 1. Specifically, Strategic Goal 1 of Awareness and the associated Objective 1.1 to analyze and coordinate access to information related to potential threats; and Strategic Goal 3 of Protection and the associated Objective 3.6 to protect the marine environment and living marine resources.

Figure 1: Linkage to DHS Strategic Plan

DHS STRATEGIC GOALS	
Awareness	Prevention
Protection	Response
Recovery	Service
Organizational Excellence	

10-YEAR STRATEGIC VISION

Since the completion of the first Coast Guard fisheries enforcement study in 1993, the Coast Guard has had an effective and coordinated strategy for enforcing our nation's fisheries management regulations. In recent years, there has been a dramatic increase in public and governmental concern about the state of our oceans and their living resources. Fisheries enforcement has been and will continue to be a critical mission for the Coast Guard.

Ocean Guardian is the Coast Guard's long-range vision that provides a strategic framework to provide effective at-sea enforcement to advance national goals for the conservation and management of living marine resources and their environment. It links Coast Guard strategic goals with NOAA and Department of State strategic goals, establishes a performance plan and performance goals, and identifies specific action items and budget to implement strategies to achieve long-term performance goals.

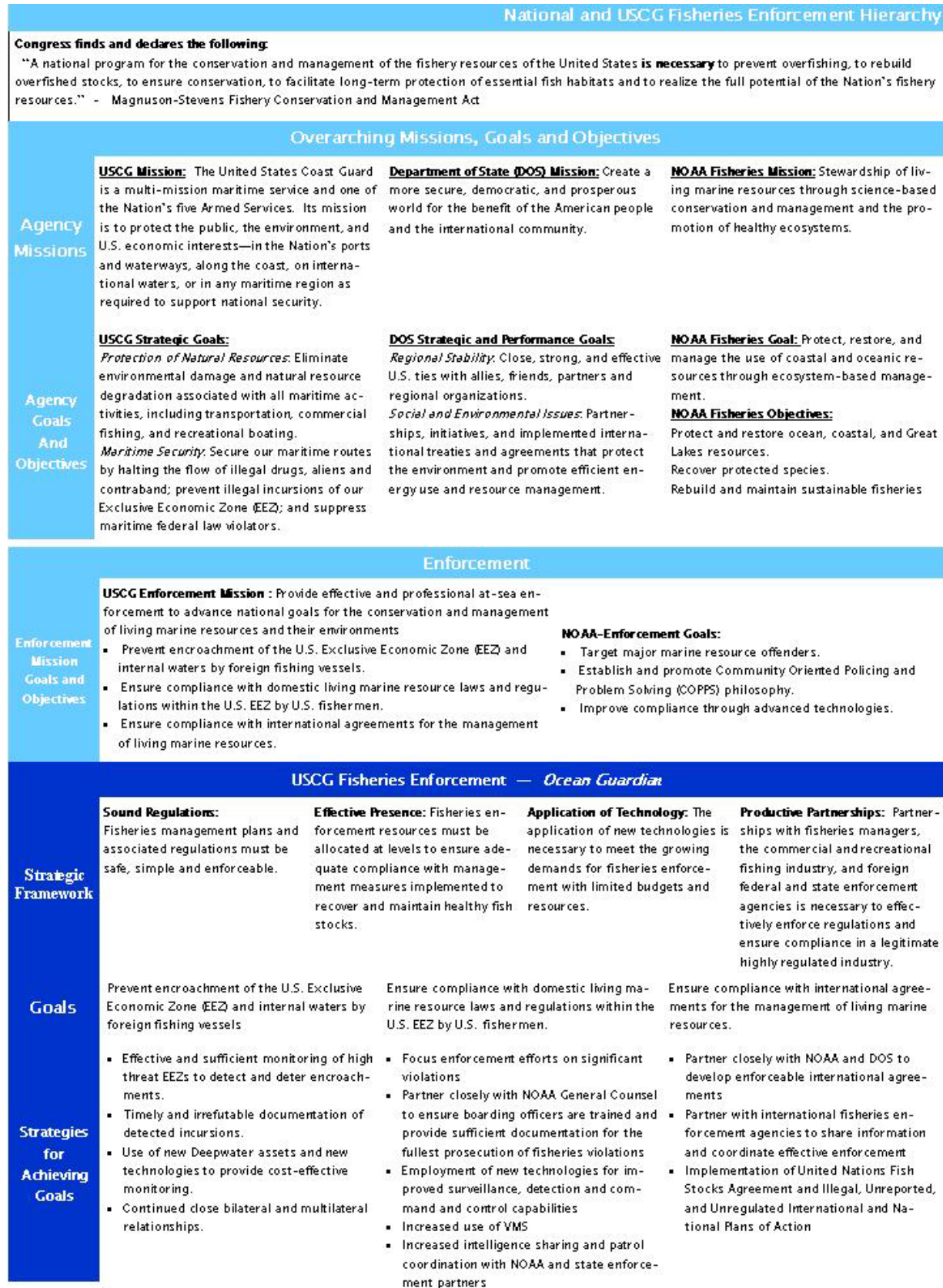
The Coast Guard envisions a future landscape where:

¹ Magnuson-Stevens Fisheries Conservation and Management Act, Public Law 94-265 as amended through October 11, 1996.

² "Fisheries of the United States." Current Fishery Statistics No. 2002. National Marine Fisheries Service, September 2003.



Figure 2 Linkage of USCG, NOAA, and Dept of State Strategic Plans





- Fisheries regulations become more complex in order to balance 10 National Standards³, respond to court orders as a result of litigation, or become more comprehensive as part of an ecosystem management scheme;
- More areas of the oceans will be managed by marine protected areas;
- International emphasis on high seas fisheries management will increase, in areas such as regional fisheries management organizations, Illegal, Unregulated and Unreported (IUU) fishing, deep sea trawling, and sea mount fisheries;
- Domestic fishing effort is reduced, either through vessel buy-back programs or management schemes that limit effort such as days-at-sea or Individual Fishing Quotas (IFQs);
- Relatively well managed fish stocks in the U.S. EEZ will provide an enticing target for distant water foreign fishers as worldwide demand for fish increases and opportunities to fish in the EEZs of other nations decrease;
- Coast Guard capabilities and capacities, such as maritime domain awareness, will improve due to homeland security funding; resulting in improved fisheries enforcement ability; and
- Recommendations from the 2003 Pew Ocean Commission and 2004 Commission on Ocean Policy reports result in dynamic changes to fisheries management.

The Coast Guard will provide effective at-sea enforcement to ensure adequate levels of compliance are achieved to meet the

³ Any fishery management plan prepared and any regulation promulgated to implement any such plan must be consistent with the 10 national standards defined in the Magnuson-Stevens Fisheries Conservation and Management Act, Public Law 94-265 as amended through October 11, 1996.

conservation and management goals of current and future regulations. The Coast Guard will meet these future challenges with the necessary ingredients for effective compliance – sound regulations, effective presence, technology, and productive partnerships.

STRATEGIC FRAMEWORK

Four key concepts—**sound regulations, effective presence, application of technology, and productive partnerships**—will serve as the framework for implementing this strategic plan. They are the foundations upon which the Coast Guard will contribute to achieving the national goals and objectives, and also provide a sound basis for planning operations, cooperative efforts, and regional engagement activities. A general overview of these strategic foundations is provided below. More detailed, specific actions to implement these strategic foundations are available in Appendix B, the Fisheries Enforcement Strategy Implementation Plan.

SOUND REGULATIONS

Fisheries management plans and associated regulations must be simple, enforceable and provide for safe fishing operations. Clear, easily enforceable regulations are critical to the success of living marine resource management policies. Regulations that are complex, unenforceable, or unsafe tie-up law enforcement resources, frustrate law enforcement efforts, and lead to poor compliance. For this reason, a non-voting seat on each of the eight Fishery Management Councils was established for the cognizant Coast Guard District Commander to provide guidance to policy makers on the safety and enforceability of proposed management regimes. Coast Guard guidance to the Interstate Marine Fisheries Commissions (Atlantic, Pacific, Gulf and Great Lakes) is becoming increasingly more important as



these Commissions implement additional fisheries management plans. To ensure sound regulations, the Coast Guard will:

- Take an active role in the development of regional, national and international goals and strategies;
- Participate at the earliest stages of management measure development through membership on the Regional Fishery Management Councils;
- Participate at the earliest stages of conservation and enforcement measure development through membership on U.S. delegations to international Regional Fisheries Management Organizations;
- Ensure that our representatives to the Regional Fishery Management Councils are educated and experienced in fisheries law enforcement and management, and are provided adequate opportunities to participate in the Council process;
- Develop and nurture close relationships with the Regional Fisheries Management Councils and appropriate sub-committees. These relationships will provide the Coast Guard's best opportunities for influencing the development of safe, enforceable management schemes; and
- Remain actively involved in the preparation of management measures external to the Fishery Management Council process, such as proposed new national legislation, highly migratory species management, and U.S. positions on emerging international living marine resource issues.

EFFECTIVE PRESENCE

Effective presence is the allocation of fisheries enforcement resources at levels that ensure adequate compliance with management measures implemented to recover and maintain healthy fish stocks. This presence can be provided through

traditional means such as cutter and aircraft patrols, or by cutting-edge technologies such as Vessel Monitoring Systems (VMS) and Unmanned Aerial Vehicles (UAVs), or through improved targeting of illegal fishers using maritime domain awareness, intelligence and random, focused pulse operations. **Effective presence requires the maintenance of a threshold level of physical presence.** The professionalism of Coast Guard personnel, their level of training and expertise, their sensitivity to the needs of the community they serve, and the quality and timeliness of reporting enforcement activities all play a key role in maintaining effective presence. To accomplish this, the Coast Guard will:

- Execute fair, consistent, and appropriate enforcement using a diversity of asset types;
- Maintain an adequate level of compliance with domestic fisheries regulations to achieve management objectives;
- Focus patrol and enforcement efforts to detect and enforce significant violations of fisheries regulations;
- Adequately patrol the U.S. Exclusive Economic Zone (EEZ) to prevent encroachment by foreign fishing vessels;
- Dispatch appropriate resources to intercept detected encroachments by foreign fishermen suspected of illegal fishing in the U.S. EEZ;
- Use national technical means and coordinate real-time flow of intelligence information internally and externally to target illegal fishers;
- Operate intelligently, efficiently, and effectively to promote compliance; and
- Maintain a knowledgeable, disciplined, and professional maritime law enforcement force.



APPLICATION OF TECHNOLOGY

The demand for Coast Guard fisheries enforcement services is growing, and **the application of new technologies is necessary to meet the growing demands for fisheries enforcement.** Through the innovative use of technology, fisheries enforcement resources will be focused on key threats and will respond more efficiently. Expansion of VMS; improved Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance (C4ISR) capabilities of the Integrated Deepwater System (Deepwater); improved maritime domain awareness; focused intelligence-driven fisheries enforcement operations; and information sharing with enforcement partners are a few examples of how technology must be applied to meet growing fisheries enforcement demands. To accomplish this, the Coast Guard will:

- Provide near real-time information on the identities, locations and numbers of vessels of interest to allow operational commanders to accurately dispatch response assets in a timely manner, and plan effective patrols;
 - Employ intelligence-based operations to better target high threat areas during periods when fisheries regulations are likely to be violated or when industry may push weather and safety parameters;
 - Develop trained fisheries intelligence analysts to sort through various fisheries data to provide meaningful intelligence;
 - Combine technology with information sharing to identify an optimal mix of resources and methodologies to provide cost-effective law enforcement operations;
 - Advocate the expansion of VMS to fisheries where closed or protected areas must be monitored;
 - Improve Days-at-Sea monitoring; and
- Fill existing shortfalls in operating platforms through the Integrated Deepwater System, to replace older, and more maintenance-intensive enforcement resources. The technologies employed by Deepwater will make it possible to meet the increasing demand for enforcement with more capable resources.

PRODUCTIVE PARTNERSHIPS

Productive partnerships with fisheries managers, the commercial and recreational fishing industry, and foreign, federal and state enforcement agencies are necessary to effectively enforce regulations and ensure compliance in a legitimate, highly regulated industry. It is vital to further cooperative enforcement agreements with other agencies; develop international fisheries enforcement agreements; and improve communications with industry to better understand trends, issues and concerns. To accomplish this, the Coast Guard will:

- Participate in all Fishery Management Councils and other appropriate fora with appropriate personnel trained/experienced in living marine resource enforcement and management policy;
- Participate with the Departments of State and Commerce, and other governmental bodies (e.g., states), in development of regulatory measures affecting living marine resources enforcement;
- Participate with resource user groups (recreational, commercial, NGOs, etc.) to promote and market the goals and objectives of the fisheries law enforcement program;
- Develop, increase, and strengthen domestic and international partnerships to meet programmatic goals;
- Hold periodic workshops with resource users, resource managers, and enforcement organizations;



- Walk the docks, visit local fish processing houses and local officials to listen, observe and ask questions;
- Participate in industry trade shows, presenting the Coast Guard fisheries law enforcement mission and monitor industry trends, interests and concerns;
- Establish ad-hoc working groups with all interested parties on specific fisheries enforcement issues as they arise; and
- Coordinate enforcement action and share law enforcement information with international partners (i.e. North Pacific Heads of Coast Guard Agencies and North Pacific Anadromous Fish Commission Information Sharing Work Group).

PROGRAM MISSION, GOALS AND STANDARDS

The mission of the fisheries law enforcement program is **to provide effective and professional at-sea enforcement to advance national goals for the conservation and management of living marine resources and their environment.** Allocation of resources and mission priorities must be balanced as the Coast Guard operates in a resource-constrained environment. In order to further focus and prioritize fisheries enforcement operations, three program goals and their associated standards⁴ shall guide fisheries enforcement operations planning and execution. These goals are listed in rank order, with the purpose and importance of the

⁴ The purpose of standards is to describe the desired state for fisheries enforcement; they are used for operational planning and to define program requirements. Performance metrics, on the other hand, are a measure of current capabilities. Program standards and performance metrics complement one another, to identify the gap between current capabilities and the desired state for the fisheries enforcement program. Where standards can be measured, they have been included in Appendix D to provide a more robust evaluation of CG performance.

goal, standards to define program requirements, and strategies to achieve the goal provided.

Goal 1: Prevent illegal encroachment of the U.S. Exclusive Economic Zone by foreign fishing vessels

Purpose & importance

Protection of the EEZ is both a Maritime Security and a Protection of Natural Resources strategic objective for the Coast Guard. Every EEZ incursion marks a breakdown in the integrity of our maritime borders and a potential threat to our nation's security. Each incursion also represents a threat to our Nation's fisheries resources and a theft from our economy. This is not a threat that the Fisheries Management Councils or NOAA can manage against, and the Coast Guard is the only federal agency with the capability, authorities and resources to thwart this threat. For these reasons, protection of the U.S. EEZ from encroachment by foreign fishermen is the Coast Guard's first fisheries law enforcement priority.

Standards

Standards for preventing illegal encroachment of the U.S. EEZ by foreign fishing vessels are:

- Respond to all known incidents of illegal encroachment in progress;
- Based on threat assessments, sufficiently surveil high threat areas to detect all vessels engaged in or suspected of illegal encroachment;
- Intercept 100% of known suspects; and
- Properly document every known violation discovered, and take appropriate action.

Strategies for achieving goal

The Coast Guard patrols the EEZ boundary areas to neutralize the threat of foreign poaching of U.S. fisheries resources. As worldwide fish stocks decline, incentive increases among foreign fishers to poach



relatively well-managed U.S. fish stocks. Although foreign encroachment can occur anywhere in the 3.36 million square mile EEZ, it is most likely to occur where high-value or high quantity fisheries are found. Consistently over the years, the following areas in priority order have met those criteria:

- Bering Sea along the U.S.-Russia Maritime Boundary Line;
- Central and Western Pacific around Hawaii and outlying U.S. territories;
- U.S./Mexico maritime border in the Gulf of Mexico; and
- U.S./Canadian maritime boundaries, especially in the following locations:
 - Straits of Juan de Fuca and Puget Sound
 - Dixon Entrance
 - Hague Line
 - Great Lakes

Effective and sufficient monitoring of high-threat EEZ areas to detect and deter encroachments is crucial to ensure protection of our maritime borders. Improved awareness of activity, legal and illegal, is of key importance and will be addressed with maritime domain awareness. Once detected, timely and irrefutable documentation of the infraction, and certain and severe sanctions must follow. Due to the location of these high threat areas, EEZ enforcement will be highly dependent on Coast Guard legacy and future Deepwater assets and the use of new technologies to provide cost-effective monitoring, detection and documentation of violations for protection of the U.S. EEZ. Furthermore, continued close bilateral and multilateral relationships will remain critical to effective enforcement in these areas. The highest number of EEZ encroachments occurs along the US/MX border in the Gulf of Mexico, therefore developing a comprehensive interagency and international strategy to deter this activity is a priority.

Goal 2: Effectively enforce federal regulations that provide stewardship of living marine resources and their environments

Purpose & importance

Effective enforcement of domestic fisheries regulations is a Coast Guard strategic objective under the Protection of Natural Resources strategic goal. The U.S. EEZ is a major source of renewable wealth - providing a livelihood for commercial fishermen, a vast supply of food, and recreation. Commercial and recreational fisheries contribute over \$50 billion annually to the U.S. economy⁵. Healthy domestic fisheries stocks and marine ecosystems are important to our Nation's continued vitality, and effective enforcement of domestic fisheries regulations is critical to maintaining the health of these stocks and marine ecosystems. Increased awareness of the importance of marine ecosystems will lead to further protection measures and a resultant increase in demand for Coast Guard enforcement.

Standards

Standards to effectively enforce federal regulations that provide stewardship of living marine resources and their environments are:

- Respond to all known significant violations⁶ in progress;
- Based on threat assessments, sufficiently surveil high threat areas of the EEZ to detect 80% of all significant violations, or

⁵ "Fisheries of the United States." Current Fishery Statistics No. 2002. National Marine Fisheries Service, September 2003.

⁶ A significant violation is a domestic or international living marine resource violation which results in one or more of the following conditions: (1) Significant damage/impact to the resource/fisheries management plan; (2) Significant monetary advantage to the violator over his/her competitor; and/or (3) High regional or national interest.



suspected significant violations, of domestic living marine resource laws and regulations;

- Based on threat assessments, sufficiently surveil low threat areas of the EEZ to detect 20% of all significant violations, or suspected significant violations, of domestic living marine resource laws and regulations;
- Intercept 100% of known suspects;
- Properly document every known significant violation of domestic living marine resource laws and regulations discovered, and take appropriate action;
- Annually board 20% of the U.S. fishing fleet operating in high threat areas to promote compliance with domestic living marine resource laws and regulations;
- Annually board 10% of the U.S. fishing fleet operating in low threat areas to promote compliance with domestic living marine resource laws and regulations; and
- Support all legitimate requests for Living Marine Resource (LMR) enforcement assistance by appropriate agencies.

Strategies for achieving goal

To provide effective enforcement, the Coast Guard will focus enforcement efforts on significant violations. Furthermore, the Coast Guard will partner closely with NOAA Office of General Counsel to ensure boarding officers are trained and provide sufficient documentation to ensure prosecution of fisheries violations. To improve the effectiveness of patrolling cutters and aircraft, the Coast Guard will employ new technologies for improved surveillance, detection and identification of fishing vessels; improved command and control capabilities and connectivity through a common operational picture; advocacy of expanding VMS to more fisheries to enable the Coast Guard to allocate enforcement resources more effectively; and increased intelligence sharing and patrol

coordination with NOAA and state enforcement partners.

Goal 3: Ensure compliance with international agreements for the management of living marine resources

Purpose & importance

According to the United Nations Food and Agriculture Organization, 75% of the world's major marine fish stocks are fully exploited, overexploited, or significantly depleted⁷. As the world population continues to grow and world food demand increases, fishing pressure on high seas, migratory and straddling fish stocks will intensify. To improve the health of these fisheries and maximize sustainable harvests, international management and enforcement is required. Although many international enforcement schemes already exist, they require enforcement and the demonstration of U.S. commitment as a leader in the protection of the marine environment and the conservation of fish and marine protected species. A summary of the international and regional fisheries management organizations the United States is party to, that are of enforcement interest to the Coast Guard, is provided in Appendix H.

Standards

Standards to ensure compliance with international agreements for the management of living marine resources are:

- Respond to all known violations in progress;
- Based on threat assessments, sufficiently surveil high threat areas to detect 80% of all vessels engaged in or suspected of violating international agreements;
- Intercept 100% of known suspects;
- Properly document and take appropriate law enforcement action, as authorized by the terms of the applicable international

⁷ "State of World Fisheries and Aquaculture 2002", FAO Fisheries Department, pg 23.



agreement and flag state, for each suspect intercepted; and

- Ensure the development of viable enforcement schemes designed to protect, conserve and manage living marine resources.

Strategies for achieving goal

The Coast Guard partners closely with NOAA Fisheries and the Department of State to develop enforceable international agreements, and provides valuable enforcement advice to international fisheries delegations. The Coast Guard will also partner with international fisheries enforcement agencies to share information and coordinate effective enforcement. Furthermore, detailed Coast Guard implementation strategies for the United Nations Fish Stocks Agreement and the Illegal, Unreported, and Unregulated International and National Plans of Actions have been developed and are available in Appendices F and G.

***Sound
Regulations***

***Effective
Presence***



***Productive
Partnerships***

***Application of
Technology***