



NOAA
FISHERIES

Southeast
Division NOAA
Office of Law
Enforcement

Enforcement Activity and Needs for Deepwater MPAs

(States and NOAA)

December 4, 2013

Objective

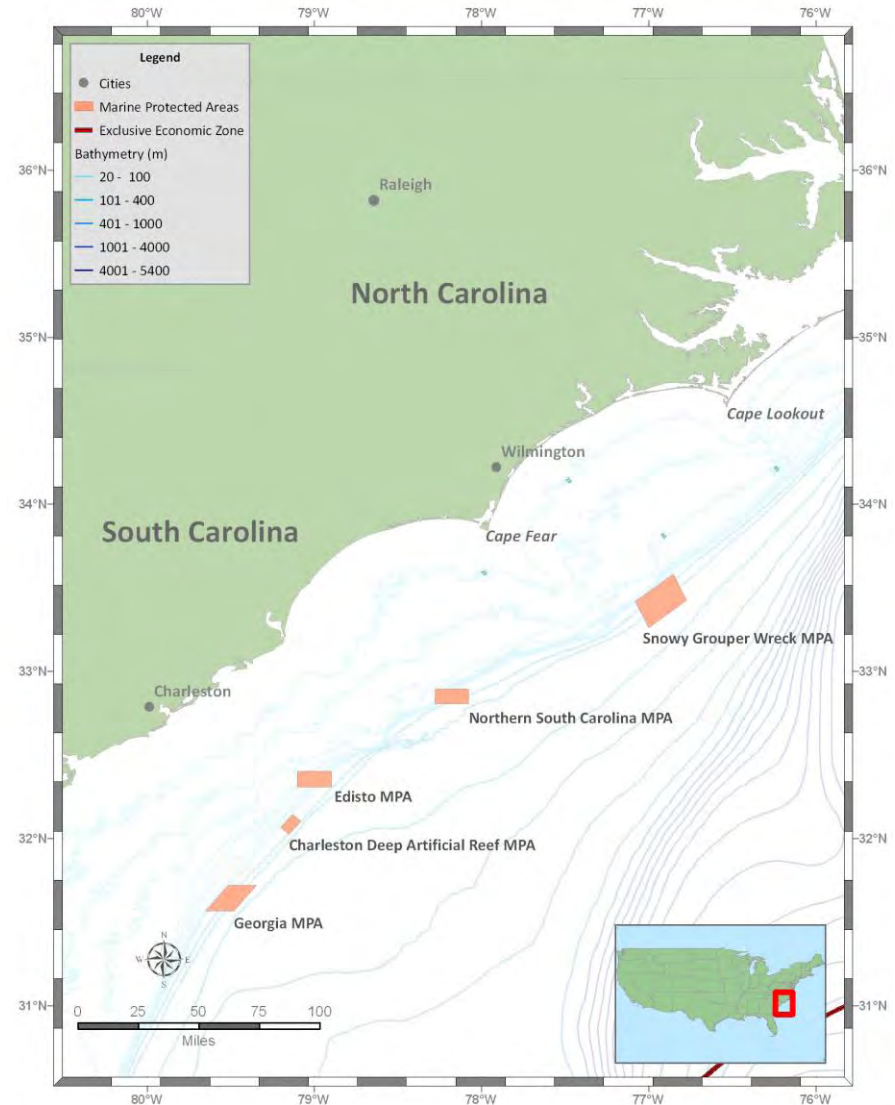
- Overview or Refresher of the Deepwater MPAs
- Compare 2007 Ratings with Today's Ratings
- Enforcement Efforts by Agency/State
- Enforcement Needs
- Conclusion
- Questions

MPA Types

- Type 1 - Permanent closure/no-take
- **Type 2** - Permanent closure/some take allowed
- Type 3 - Limited duration closure/no take
- Type 4 - Limited duration closure/some take allowed

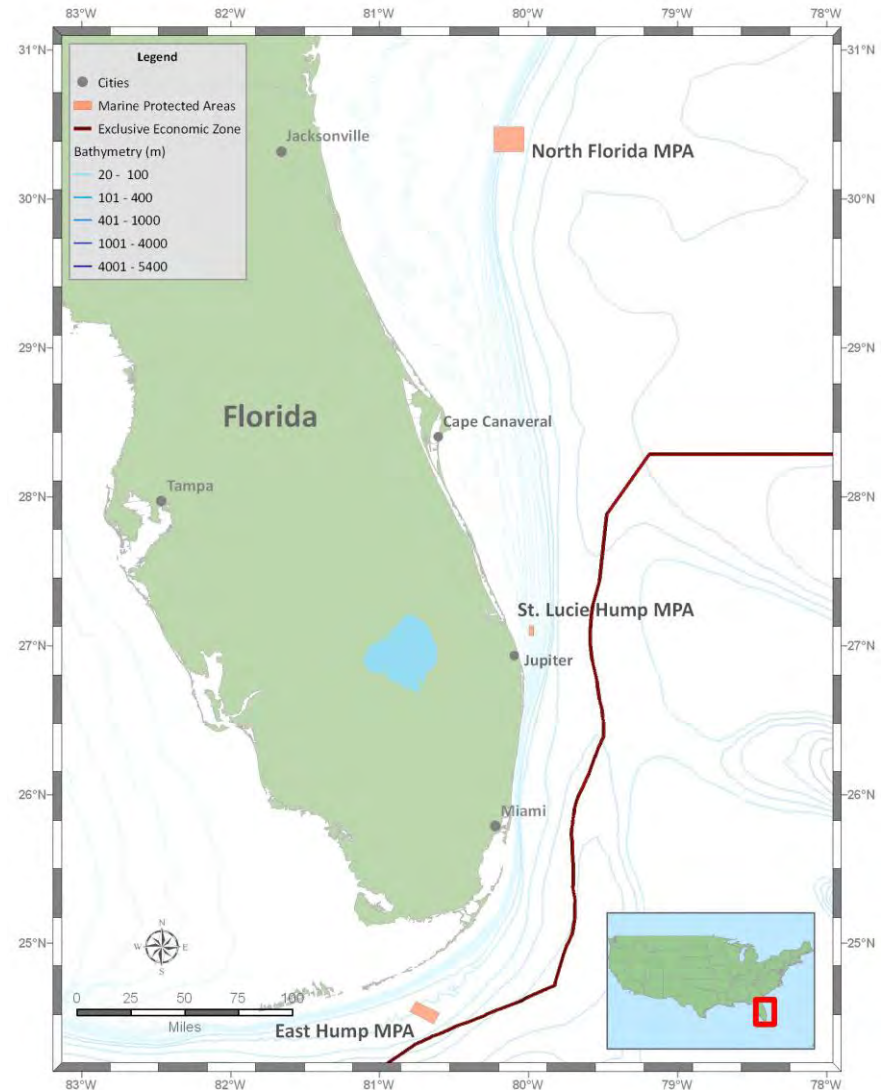
Overview of MPA Geographic Locations

- Northern MPA's
 - Average Distance offshore is over 50 nautical miles
 - Requires offshore capable patrol vessel or multi-engine aircraft



Overview of MPA Geographic Locations

- Florida MPA's
 - Northern MPA 60 nautical miles offshore
- Requires offshore capable patrol vessel or multi-engine aircraft
- Southern two MPAs considerably closer to shoreside assets



STATE MPA ENFORCEABILITY RATINGS

- In 2007 the Law Enforcement Advisory Panel assessed the then proposed MPAs to determine the state enforceability ratings based upon their ability to patrol each MPA as either HIGH, MODERATE or LOW.
 - HIGH rating indicated the area is easily accessible with assets and personnel already in place. Additional funding **may** be required to maintain adequate enforcement patrols.
 - MODERATE rating indicates that with some additional assets, or the relocation of assets, patrols could be conducted from time to time and during targeted details. Additional funding **will likely** be required to increase the ability rating.
 - LOW rating indicated that patrols of the area would only occur during an organized enforcement detail with Federal partners such as NMFS or USCG. States do not have the assets or personnel with the proper training to patrol the area. Additional funding **will be essential** to increase the ability rating.

STATE MPA ENFORCEABILITY RATINGS

2007 Original Rating

Florida

- 1) North Florida: Enforceability: **LOW**
- 2) Sea Bass Rocks: Enforceability: **MODERATE**
- 3) East Hump: Enforceability: **MODERATE**

Georgia

- 4) Georgia MPA: Enforceability: **LOW**

South Carolina

- 5) South Carolina A: Enforceability: **LOW**
- 6) South Carolina B: Enforceability: **LOW**
- 7) Deep Reef: Enforceability: **LOW**

North Carolina

- 8) Snowy Wreck: Enforceability: **LOW**

2013 Current Rating

Florida

- Enforceability: **MODERATE**
- Enforceability: **MODERATE**
- Enforceability: **MODERATE**

Georgia

- Enforceability: **LOW**

South Carolina

- Enforceability: **LOW**
- Enforceability: **LOW**
- Enforceability: **LOW**

North Carolina

- Enforceability: **LOW**

NOAA OLE Enforcement Efforts

- NOAA OLE does not possess offshore patrol assets. NOAA provides the federal authority for states and prosecutes violations that are not taken to state courts.
- There have been two NOAA resolved cases:
 - C1101352 North Florida MPA - FWCC initiated case.
 - Case adjudicated with the following results:
 - Feb 2013 - Judge Ordered \$10,750 fine imposed on Captain.
 - Owner settled separately for \$500.
 - C1200118 - Northern South Carolina MPA - USCG initiated case.
 - Case has been adjudicated with the following results:
 - Aug 2013 - OLE issued Written Warning

MPA Enforcement Effort and Need by State

- **Florida** (provided by FWCC and limited to Florida)
 - MPA patrols from 2007- 2013:
 - Florida dedicated 77 patrols for 3 MPA's which totaled over 291.85 vessel hours and 782.2 personnel hours.
 - Number of Citations for MPA violations:
 - Florida had a total of four state violations and 1 federal violation.
 - Assets needed for increased future enforcement efforts:
 - Hire, train, and equip additional law enforcement and administrative support personnel, fully equipped intermediate patrol vessel, recurring operational costs, fuel, maintenance and dockage.
 - One turbine powered aircraft for increased safety while flying extended fishery surveillance. Aircraft surveillance support, personnel costs, fuel and storage.
 - Future funding needs to equip and sustain enforcement efforts:
 - Florida would require \$450,000 for one intermediate vessel and 1.5 million for a turbine powered aircraft.

MPA Enforcement Effort and Need by State

- **Georgia** (provided by GDNR and limited to Georgia)
 - MPA patrols from 2007- 2013:
 - None – Georgia DPNR cannot patrol out to the MPA's due to current assets available for patrol.
 - Georgia only has a helicopter as part of their fleet. They would need a turbine powered aircraft to patrol the MPA.
 - Number of Citations for MPA violations:
 - No citations have been issued between July 2007 to October 2013.
 - Assets needed for increased future enforcement efforts:
 - Hire, train, and equip additional law enforcement and administrative support personnel, fully equipped intermediate patrol vessel, recurring operational costs, fuel, maintenance and dockage.
 - One turbine powered aircraft for increased safety while flying extended fishery surveillance. Aircraft surveillance support personnel costs, fuel and storage.
 - Future funding needs to equip and sustain enforcement efforts:
 - Georgia would require \$500,000 for one intermediate vessel and 1.2 million for a turbine powered aircraft.



MPA Enforcement Effort and Need by State

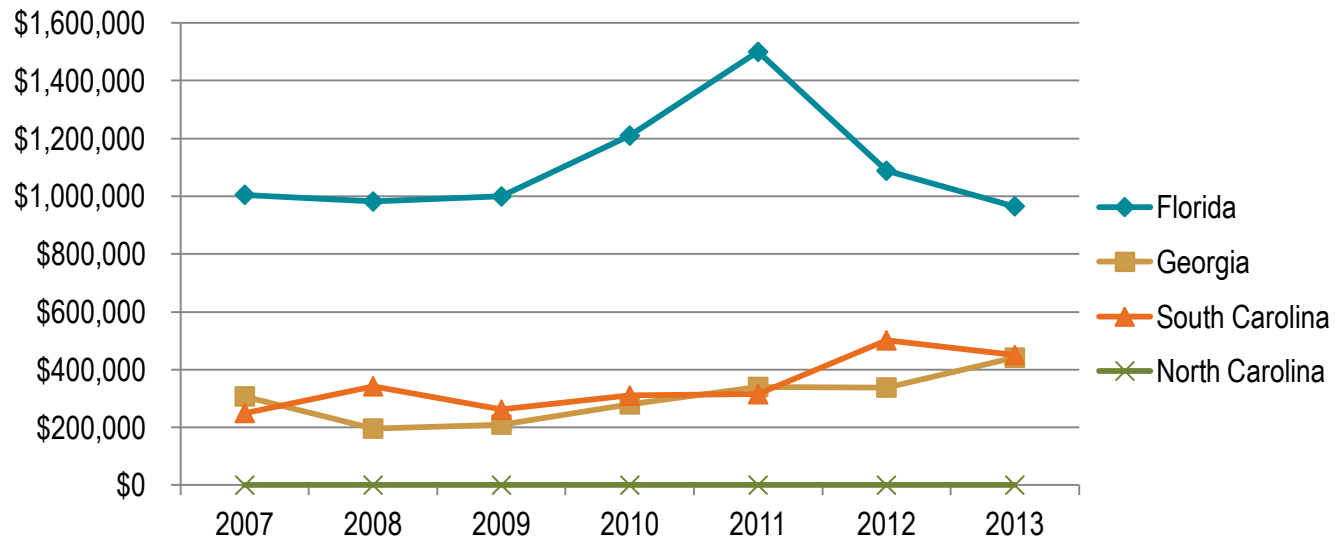
- **South Carolina** (provided by SCDNR and limited to SC)
 - MPA patrols from 2007- 2013:
 - South Carolina does not separate MPA patrol hours for reporting purpose. These patrols are done in conjunction with the current JEA patrol hours. Seasonal patrols are conducted when weather and operations permit.
 - Number of Citations for MPA violations:
 - None reported.
 - Assets needed for increased future enforcement efforts:
 - South Carolina has a 38 foot patrol vessel capable of patrolling MPA's during seasonal patrols which are limited in hours due to other priority work.
 - Future funding needs to equip and sustain enforcement efforts:
 - None. Additional funding would not increase the number of MPA patrols due to other work priorities.

MPA Enforcement Effort and Need by State

- North Carolina (provided by NCDENR and limited to NC)
 - MPA patrols from 2007- 2013:
 - None.
 - Number of Citations for MPA violations:
 - None reported.
 - Assets needed for increased future enforcement efforts:
 - Hire, train, and equip additional law enforcement and administrative support personnel, fully equipped intermediate patrol vessel, recurring operational costs, fuel, maintenance and dockage.
 - Aircraft surveillance support costs.
 - Future funding needs to equip and sustain enforcement efforts:
 - Funding from JEA, USCG, Marine Protection Resources along with other government marine conservation and protection services.

SOUTH ATLANTIC STATE PARTNERS JEA FUNDING

<u>JEA FUNDING SOUTH ATLANTIC STATES (2007 - 2013)</u>								
	2007	2008	2009	2010	2011	2012	2013	
Southeast Division JEA South Atlantic States								
Florida	\$ 1,005,224.00	\$ 981,858.00	\$ 999,386.00	\$ 1,210,052.00	\$ 1,500,055.00	\$ 1,088,424.00	\$ 965,347.00	\$ 7,750,346.00
Georgia	\$ 307,167.00	\$ 195,883.00	\$ 209,916.00	\$ 280,065.00	\$ 339,970.00	\$ 338,007.00	\$ 441,337.00	\$ 2,112,345.00
South Carolina	\$ 250,117.00	\$ 342,395.00	\$ 261,293.00	\$ 310,000.00	\$ 314,987.00	\$ 501,375.00	\$ 450,283.00	\$ 2,430,450.00
North Carolina	NO JEA AGREEMENT	NO JEA AGREEMENT	NO JEA AGREEMENT	NO JEA AGREEMENT	NO JEA AGREEMENT	NO JEA AGREEMENT	NO JEA AGREEMENT	NO JEA AGREEMENT
Total BY YEAR:	\$ 1,562,508.00	\$ 1,520,136.00	\$ 1,470,595.00	\$ 1,800,117.00	\$ 2,155,012.00	\$ 1,927,806.00	\$ 1,856,967.00	\$ 12,293,141.00



SOUTH ATLANTIC STATE PARTNERS JEA ASSETS

-	<u>Sworn Officers Dedicated To Marine Enforcement</u>	<u>Sworn Officers Needed Marine Enforcement</u>	Near Shore Vessels:	Near Shore Vessels Needed:	Mid-Range Vessels:	Mid-Range Vessels Needed:	Long Range Vessels:	Long Range Vessels Needed:	TOTAL Vessels:	TOTAL Vessels Needed:
FLORIDA:	557	0	290	0	163	1	5	0	458	1
GEORGIA:	20	3	19	0	8	1	0	0	27	1
SOUTH CAROLINA:	53	0	30	0	9	1	0	0	39	1
NORTH CAROLINA:	0	0	0	0	0	0	0	0	0	0



SED JEA MPA ENFORCEMENT EFFORTS

2007 - 2013 South Atlantic State Partners MPA Enforcement Efforts									
	ENFORCEMENT EFFORTS			ASSETS USED		STATE ASSETS NEEDED			
	Patrol Hours	Citations		Cases	Personnel	Equipment	Personnel	Aircraft	Equipment
North Carolina	State	Federal	State						
Snowy Wreck	UNK	0	0	0	UNK	UNK	0	0	0
	ENFORCEMENT EFFORTS			ASSETS USED		STATE ASSETS NEEDED			
	Patrol Hours	Citations		Cases	Personnel	Equipment	Personnel	Aircraft	Equipment
South Carolina	State	Federal	State						
S.C. A	UNK	0	0	0	UNK Hours	38' Vessel	0	0	0
S.C. B	UNK	0	0	0	UNK Hours	38' Vessel	0	0	0
Deep Reef	UNK	0	0	0	UNK Hours	38' Vessel	0	0	0
	ENFORCEMENT EFFORTS			ASSETS USED		STATE ASSETS NEEDED			
	Patrol Hours	Citations		Cases	Personnel	Equipment	Personnel	Aircraft	Equipment
Georgia	State	Federal	State						
Georgia MPA	0	0	0	0	0	0	3	1	1
	ENFORCEMENT EFFORTS			ASSETS USED		STATE ASSETS NEEDED			
	Patrol Hours	Citations		Cases	Personnel	Equipment	Personnel	Aircraft	Equipment
Florida	State	Federal	State						
East Hump MPA	168.8	0	1	0	508.3 Hours	2 Vessels	3	1	1
North Florida MPA	96.75	1	2	0	207.8 Hours	3 Vessels			
St Lucie Hump MPA	26.3	0	1	0	44.1 Hours	1 Vessel / 1 Aircraft			
	ENFORCEMENT EFFORTS			ASSETS USED		STATE ASSETS NEEDED			
	Patrol Hours	Citations		Cases	Personnel	Equipment	Personnel	Aircraft	Equipment
Totals:	State	Federal	State						
Totals:	291.85	1	4	0	782.2 Hours	7 Vessels / 1 Aircraft	6+	2	2



CONCLUSION

2007's Enforcement concerns/needs still exist today.

Why?

- No significant influx of resources towards improving fisheries enforcement by either the state or federal agencies
- No significant reduction in the demand for enforcement resources. I.e. competing priority FMPs as well as additional add-on Amendments
- No new tools or accommodations to aid or assist enforcement. Ex. change to Type 1 MPAs and/or Implement VMS



Questions

