

LETTER PROPOSED FOR ADVISORY COUNCIL CHAIRS SIGN-ON

[NEXT NOAA ADMINISTRATOR]

Under Secretary of Commerce for Oceans & Atmosphere
National Oceanic & Atmospheric Administration
14th & Constitution Avenue NW, Bldg. HCHB
Washington, DC 20230-0001

Dear _____:

As you start your first year leading NOAA, we would like to bring to your attention an important need and opportunity to enhance the protection of NOAA's National Marine Sanctuary System. We, the undersigned Chairpersons of the Office of National Marine Sanctuary's fourteen advisory councils, write to encourage NOAA to enhance enforcement services provided to the nation's treasured places in the ocean and Great Lakes—our national marine sanctuaries and marine national monuments. We believe that recently appointed leaders at NOAA's Office of Law Enforcement (OLE), Office of General Counsel, Enforcement Section (GCES), and Office of National Marine Sanctuaries (ONMS), backed by support from us, stand ready to work together to improve the effectiveness of enforcement services provided across our system. In order for that to happen, your leadership is needed to give this important issue the priority attention we believe it deserves.

We recognize that NOAA has statutory enforcement responsibilities for several environmental laws, including the Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, Marine Mammal Protection Act, Lacey Act, and National Marine Sanctuaries Act (NMSA). Although traditionally not the case, we feel strongly that the NMSA deserves and needs to receive a level of attention paid to its effective enforcement, including adequate human and financial resources, on par with the standing shown to other statutes that NOAA enforces.

In January 2016, we were encouraged when the new Director of NOAA's Office of Law Enforcement, Jim Landon, spent time talking to us and ONMS leadership at our annual summit regarding his vision for enforcement in the National Marine Sanctuary System. More recently, Mr. Landon spent an hour talking with an enforcement panel of council members from each of our four regions.¹ From these discussions, we have learned that admirable efforts have been

¹ In 2016, at the request of ONMS advisory council chairs, an enforcement discussion panel was assembled to evaluate the questions examined in this letter. The panel was composed of five council members with one representative from each of the National Marine Sanctuary System's four regions. Between September and October 2016, the panel convened on three separate occasions.

The members of the enforcement discussion panel are as follows: Dianne Black (Chair, Enforcement Discussion Panel and Chair, Channel Islands National Marine Sanctuary Advisory Council; West Coast Region); Richard Charter (Greater Farallones National Marine Sanctuary Advisory Council; West Coast Region); Rich Delaney (Vice Chair, Stellwagen Bank National Marine Sanctuary Advisory Council; Northeast and Great Lakes Region); Rick Gaffney (Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council and Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council; Pacific Islands Region); and Bruce Popham

made to restructure the staffing of that office to enhance the effectiveness of its enforcement efforts, and we are glad to know that the hiring of new enforcement officers is underway. We commend Mr. Landon for his leadership and the steps he is taking to build up OLE with available resources, though it is clear OLE's full needs cannot be met unless more hiring can occur. We also appreciate that he understands why, for many years, our communities have been dissatisfied with the level of enforcement resources provided by NOAA.

Mr. Landon also helped our enforcement panel appreciate that the staffing analyses OLE has used to form a new hiring plan is resulting in the dedicated assignment of enforcement officers at two sites: Florida Keys and Monterey Bay national marine sanctuaries. We support this approach and expect that the good results to follow will justify more site-specific enforcement officer assignments.

In addition to staffing within OLE, Joint Enforcement Agreements (JEAs) provide funding to coastal states and are a critical means by which NOAA's enforcement priorities can be addressed in the field by our state partners. However, in the past, these agreements have either excluded or minimized the specific enforcement needs of our national marine sanctuaries and marine national monuments. Although our enforcement panel has learned that some steps have already been taken to include site-specific priorities, as identified through the priority execution model, there is still a long way to go to assure that adequate representation and funding of system priorities is regularly supported through NOAA's JEAs. As annual JEAs are prepared, our advisory councils, sites, and regional offices are important sources of information of the priority enforcement needs at each site.

As future-year budgets are developed, we support the continued cross-collaboration between OLE, GCES, and ONMS to leverage available resources and bring much needed attention to the task of improving enforcement services across the system. We respectfully ask that the guiding expectations, themes, and processes for considering such proposals be oriented so that the system's enforcement needs are included within broader agency priorities. If NOAA can help to fairly and effectively protect our very publicly visible national marine sanctuaries and marine national monuments, the results will be tangible, measurable, significant, and positive for all of NOAA and its mission.

Recognizing the inherent challenges to patrolling and surveilling the vast and remote ocean areas found at many of our sites, we urge NOAA to pursue new technologies that can enhance the collection of data needed to support effective enforcement. As our enforcement panel has learned, organizations like SkyTruth are pioneering new ways to use satellite imagery and remote sensing data to identify, map, and monitor environmental threats. We ask NOAA to prioritize the assessment, testing, and deployment of emerging technologies to boost enforcement efficiencies, lower costs, and increase the safety of enforcement officials.

As you consider our ideas and concerns, and as NOAA contemplates what can be done to continue improving enforcement capacities and effectiveness, please know that we want to be

(Florida Keys National Marine Sanctuary Advisory Council; Southeast Atlantic, Gulf of Mexico, and Caribbean Region).

part of the solution. Across our system, there are more than 400 individuals participating as members on our advisory councils, all with connections to others in the community who care about their sites. We have an informed and influential voice, we know and love our underwater treasures, and we are here to help NOAA succeed. We specifically suggest and offer that advisory councils can help by:

- Making recommendations to site superintendents on enforcement priorities;
- Providing comments to the Office of Law Enforcement on system priorities in the next five-year national and regional plan;
- Providing input on proposed, annual JEAs, ensuring that regional and local site enforcement priorities are incorporated into the agreements and that accountability for performance is included in the agreements from the outset;
- Talking directly, and regularly, with representatives from OLE and GCES at our advisory council meetings;
- Continuing to help raise public awareness about the importance of voluntary compliance with site regulations, knowing that an educational approach is critical to our success; and
- Standing ready to do more if NOAA has specific requests.

In summary, we request that NOAA act to improve enforcement across the National Marine Sanctuary System by:

- Giving this important issue greater priority through your leadership of NOAA, including supporting your Directors of the OLE, GCES, and ONMS;
- Raising the standing of the NMSA so that enforcement resources allocated are on par with the attention NOAA gives to other statutes;
- Evaluating OLE's current staffing plan, including the assignment of site-specific enforcement officers to national marine sanctuaries and marine national monuments;
- Promoting cross-collaboration across OLE, GCES, and ONMS to leverage finite human and financial resources to improve enforcement services throughout the system;
- Prioritizing the assessment, testing, and deployment of emerging technologies to enhance enforcement capabilities;
- Calling on your advisory councils to provide timely input on priority enforcement needs at our sites to help with OLE planning and annual JEA development, and to do more with education and outreach that promotes voluntary compliance; and
- Where it is not already taking place, assigning representatives from OLE and GCES to regularly talk with advisory councils within their region and attend council meetings.

We appreciate your attention to our suggestions, and look forward to hearing from you on how NOAA plans to address the improvement of enforcement services in the National Marine Sanctuary System. The effective protection of our fourteen sites affects the lives and livelihoods of Americans and the health of our marine environment, and is where NOAA's best work should come together. Additionally, as you travel the country on NOAA business, please know that we

would welcome the chance to greet you at each and every one of NOAA's beautiful national marine sanctuaries and marine national monuments.

Sincerely,

National Marine Sanctuary System Advisory Council Chairpersons

Dianne Black
Advisory Council Chair,
Channel Islands National Marine Sanctuary

Ken Nedimyer
Advisory Council Chair,
Florida Keys National Marine Sanctuary

Rick DeVictor
Advisory Council Chair,
Gray's Reef National Marine Sanctuary

Solomon Pili Kaho'ohalahala
Advisory Council Chair,
Hawaiian Islands Humpback National Marine
Sanctuary

Margaret "P.J." Webb
Advisory Council Chair,
Monterey Bay National Marine Sanctuary

Timothy E. Johns
Advisory Council Chair,
Northwestern Hawaiian Islands Coral Reef
Ecosystem Reserve

Heather Knowles
Advisory Council Chair,
Stellwagen Bank National Marine Sanctuary

George Clyde
Advisory Council Chair,
Cordell Bank National Marine Sanctuary



Clint Moore
Advisory Council Chair,
Flower Garden Banks National Marine Sanctuary

John Largier
Advisory Council Chair,
Greater Farallones National Marine Sanctuary

(To Be Determined)
Advisory Council Chair,
Monitor National Marine Sanctuary

Kelley Tagarino
Advisory Council Chair,
National Marine Sanctuary of American Samoa

Lee Whitford
Advisory Council Chair,
Olympic Coast National Marine Sanctuary

Carol Shafto
Advisory Council Chair,
Thunder Bay National Marine Sanctuary